



Surrey Heath Borough Council

Human Resources

Family Friendly Policies

Maternity

Paternity

Adoption

Parental leave

Shared Parental leave



Great Place • Great Community • Great Future

Family Friendly Policies

Contents

1.	INTRODUCTION	4
2.	SCOPE	4
3.	POLICY STATEMENT	4
4.	EQUALITY IMPACT ASSESSMENT	4
5.	PRINCIPLES AND AIMS	5

Maternity Policy

6.1	NOTIFICATION REQUIREMENTS	5
6.2	TIME OFF FOR ANTENATAL CARE	6
6.3	HEALTH AND SAFETY	<u>76</u>
6.4	SICKNESS ABSENCE	7
6.5	MATERNITY LEAVE	<u>87</u>
6.6	ORDINARY MATERNITY LEAVE (OML)	8
6.7	ADDITIONAL MATERNITY LEAVE (AML)	<u>98</u>
6.8	PROVISION FOR ADDITIONAL PATERNITY LEAVE	9
6.9	STATUTORY MATERNITY PAY (SMP)	<u>109</u>
6.10	CONTACT DURING MATERNITY LEAVE	10
6.11	KEEPING-IN-TOUCH DAYS	10
6.12	RETURNING TO WORK	<u>124</u>
6.13	RIGHTS ON AND AFTER RETURN TO WORK	<u>124</u>
6.14	MISCELLANEOUS PROVISIONS	<u>132</u>
6.15	OTHER EXCEPTIONAL CIRCUMSTANCES	<u>132</u>
	<i>MATERNITY PROCESS FLOWCHART</i>	<i>SEE APPENDIX I</i>

Paternity Policy

7.1	PATERNITY LEAVE	13
7.2	FOR PATERNITY AND ADDITIONAL PATERNITY LEAVE	<u>154</u>
7.3	CONTACT DURING PATERNITY LEAVE	<u>165</u>
7.4	KEEPING IN TOUCH DAYS	<u>165</u>
7.5	RETURNING TO WORK	<u>176</u> ⁵
7.6	RIGHTS ON AND AFTER RETURN TO WORK	<u>176</u>
7.7	MISCELLANEOUS PROVISIONS	<u>187</u> ⁶
7.8	OTHER EXCEPTIONAL CIRCUMSTANCES	<u>187</u>
	<i>PATERNITY PROCESS FLOWCHART</i>	<i>SEE APPENDIX 2</i>

Adoption Policy

8.1.	ELIGIBILITY	198
8.2	ADOPTION LEAVE ENTITLEMENT	198
8.3	STATUTORY ADOPTION PAY (SAP)	198
8.4	NOTIFICATION REQUIREMENTS	20198
8.5	RIGHTS DURING ORDINARY ADOPTION LEAVE (OAL) AND ADDITIONAL ADOPTION LEAVE (AAL)	21019
8.6	ORDINARY ADOPTION LEAVE (OAL):	21019
8.7	ADDITIONAL ADOPTION LEAVE (AAL):	220
8.8	CONTACT DURING ADOPTION LEAVE	22120
8.9	KEEPING-IN-TOUCH DAYS	22120
8.10	RETURNING TO WORK AFTER ADOPTION LEAVE	231
8.11	MISCELLANEOUS	2321
	<i>ADOPTION PROCESS FLOWCHART</i>	<i>SEE APPENDIX 3</i>

Parental Leave Policy

9.1	ELIGIBILITY	2432
9.2	RIGHTS DURING PARENTAL LEAVE	2432
9.3	CONDITIONS OF LEAVE	253
9.4	RETURN FROM LEAVE	26
9.5	MISCELLANEOUS	2654

Shared Parental Leave Policy

10.1	ELIGIBILITY	2756
10.2	BLOCKS OF LEAVE	286
10.3	SPLITTING BLOCKS	2876
10.4	STARTING SHARED PARENTAL LEAVE	2876
10.5	NOTICE PERIOD	287
10.6	CANCELLING	287
10.7	SHARED PARENTAL LEAVE IN TOUCH DAYS (SPLIT) DAYS	2987
10.8	SHARED PARENTAL PAY (ShPP)	298
10.9	HOW MUCH PAY YOU'LL GET	298
	<i>SHARED PARENTAL LEAVE PROCESS FLOWCHART</i>	<i>SEE APPENDIX 4</i>

Parental Bereavement Leave and Parental Bereavement Pay Policy

<u>11.1</u>	<u>PARENTAL BEREAVEMENT LEAVE</u>	<u>31</u>
<u>11.2</u>	<u>STATUTORY PARENTAL BEREAVEMENT PAY</u>	<u>32</u>

Family Friendly Policies

1 Introduction

The Council recognises that, from time to time, staff may have questions or concerns relating to their maternity, paternity and adoption rights. It is the Council's policy to encourage open discussion with staff to ensure that questions and problems can be resolved as quickly as possible.

As these provisions are complex, it is advisable that staff contact Human Resources in the first instance for clarification of the relevant procedures to ensure that they are followed correctly.

2 Scope

The Family Friendly Policies is a suite of policies which include:

- Maternity Policies and Procedures
- Adoption Policies and Procedures
- Paternity Policies and Procedures
- Parental Leave Policies and Procedures
- [Shared Parental Leave Policies and Procedures](#)
- [Parental Bereavement Leave and Parental Bereavement Pay Policy](#)

These policy and procedures will be applied where an eligible member of staff wishes to make an application.

3 Policy Statement

Surrey Heath Borough Council recognises the need to develop effective working practices in order to assist staff to maintain a good work-life balance whilst preventing detriment to the services delivered to the local community.

4 Equality Assessment

This Family Friendly Policies and Procedures and related guidelines has been Impact Assessed by the Equality Action Group

5 Principles and Aims

SHBC is committed to providing a family friendly working environment and recognises the importance of quality time spent together for a new family. Furthermore SHBC aims to ensure that female employees, adoptive parents and fathers/partners do not suffer any detrimental treatment as a result of being pregnant or adopting a child. With this in mind the family friendly policy has been created.

SHBC also ensures that our family friendly policies are in line with government legislation.

6 Maternity Policy

This Policy sets out the statutory rights and responsibilities of staff who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay. The Council recognises, that from time to time, staff may have questions or concerns relating to their maternity rights. It is the Councils policy to encourage open discussion with staff to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if any employee becomes pregnant clarification of the relevant procedures with Human Resources staff is advised, to ensure that they are followed correctly.

The following definitions are used in this policy:

Expected week of childbirth (EWC) means the week, starting on a Sunday, during which the doctor or midwife expects a member of staff to give birth.

Qualifying week means the 15th week before the expected week of childbirth.

6.1 Notification Requirements

- 6.1.1 On becoming pregnant, staff should notify their line manager and Human Resources as soon as possible. The line manager should notify the Surrey Heath Borough Council Health and Safety Officer, who will conduct a risk assessment. This is important as there are health and safety considerations for the Council.
- 6.1.2 By the end of the qualifying week, or as soon as reasonably practicable afterwards, staff are required to complete and submit to Human Resources a completed Maternity Rights form (<http://intranet/HR/PG/maternity.htm>) confirming:
 - the fact that they are pregnant;
 - their expected week of childbirth; and
 - the date on which they intend to start their maternity leave.

- 6.1.3 Staff must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must contain the doctor's name and address or the midwife's name and registration number. This is often issued approximately 20 weeks before the estimated due date.
- 6.1.4 Staff can bring forward their maternity leave start date, provided they advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.
- 6.1.5 Staff may also postpone their maternity leave start date, provided that they advise the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.
- 6.1.6 Human Resources will formally respond in writing to a member of staff's notification of their maternity leave plans (enclosing their MatB1) within 28 days, confirming the date on which they are expected to return to work if they take their full 52-weeks of entitlement to maternity leave.
- 6.1.7 If staff start their maternity leave without providing the required notifications, they will be regarded as being on unauthorised absence. In such an event referral be made to Surrey Heath Borough Council Disciplinary Policy and Procedure.

6.2. Time Off For Antenatal Care

- 6.2.1 Once a member of staff has advised the Council that they are pregnant, they will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by their doctor, registered midwife or registered health visitor.
- 6.2.2 In order to be entitled to take time off for antenatal care, expectant staff are required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that they are pregnant. Except in the case of the first appointment, staff should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.
- 6.2.3 The child's father or the pregnant woman's partner, are entitled to accompany the expectant mother to her antenatal appointment. This will be taken as unpaid leave for up to two appointments, up to a maximum of 6.5 hours each. No qualifying period of service is required. Whilst we will not ask for any evidence of the antenatal appointment such as an appointment card or letter as this is the property of the expectant mother we will ask for a written request stating the date and time of the appointment, the relationship to the expectant mother and the nature of the appointment.

- 6.2.4 Antenatal care may include relaxation classes that the doctor, midwife or health visitor has advised a member of staff to attend, in addition to medical examinations.
- 6.2.5 Staff should endeavour to give their line managers as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible. Staff may be asked to re-arrange an appointment where it is reasonable to do so.

6.3. Health and Safety

- 6.3.1 The Council has a duty of care for the health and safety of all staff. There is also a requirement to carry out a risk assessment to assess the workplace risks to staff who are pregnant, have recently given birth or are breastfeeding. The Council will provide the staff member with information as to any risks identified in the risk assessment. If the risk assessment reveals that staff would be exposed to health hazards in carrying out their normal job duties, the Council will take such steps as are reasonably necessary to avoid those risks, such as altering staff working conditions. In some cases, this may mean offering the relevant staff member suitable alternative work (if available) on terms and conditions that are not substantially less favourable.
- 6.3.2 If it is not possible for the Council to alter staff working conditions to remove the risks to their health and there is no suitable alternative work available to offer them on a temporary basis, the Council may suspend them from work on maternity grounds until such time as there are no longer any risks to their health. This may be for the remainder of their pregnancy and until the commencement of their maternity leave.
- 6.3.3 If staff are suspended in these circumstances, their employment will continue during the period of the suspension and it does not in any way affect their statutory or contractual employment and maternity rights. Staff will be entitled to their normal salary and contractual benefits during the period of their suspension, unless they have unreasonably refused an offer of suitable alternative employment.

6.4. Sickness Absence

- 6.4.1 If a member of staff is absent from work during pregnancy owing to sickness, they should inform their line manager and follow the Council's Absence Policy and Procedure in the normal way.
- 6.4.2 Such staff will receive normal statutory or contractual sick pay in the same manner as they would during any other sickness absence provided that they have not yet begun ordinary maternity leave.
- 6.4.3 If, however, a member of staff is absent from work due to a pregnancy-related illness after the beginning of the fourth week before their expected week of childbirth, their maternity leave will start automatically.

6.4.4 If a member of staff is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, they must notify the Council in writing of this as soon as reasonably practicable.

6.5. Maternity Leave

6.5.1 All pregnant staff are entitled to take up to 26 weeks Ordinary Maternity Leave (OML) and up to 26 weeks Additional Maternity Leave (AML), making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. AML begins on the day after ordinary maternity leave ends.

6.5.2 OML can start at any time after the beginning of the 11th week before the expected week of childbirth (unless the child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the chosen start date;
- the day after a member of staff gives birth; or
- the day after any day on which a member of staff is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

6.5.3 If staff give birth before their maternity leave was due to start, they must notify the Council in writing of the date of the birth as soon as reasonably practicable.

6.5.4 The law obliges all staff to take a minimum of two weeks' of maternity leave immediately after the birth of the child.

6.5.5 Whilst on Maternity Leave, staff are entitled to:

- benefit from the Council's implied obligation of trust and confidence;
- receive their contractual notice period if their employment is terminated;
- receive a redundancy payment in the event of redundancy if a suitable alternative, vacant, role has not been found;
- continued application of the terms and conditions in their contract of employment relating to disciplinary and grievance procedures.

6.5.6 Whilst on Maternity Leave, staff are obliged to:

- give the Council the notice provided for in their contract if they wish to terminate their employment;
- be bound by the terms in their contract relating to disclosure of confidential information, the acceptance of gifts or other benefits and the restrictions on participation in any other business.

6.6. Ordinary Maternity Leave (OML)

6.6.1 During the period of OML, a member of staff's contract of employment continues in force and they are entitled to receive ~~all their contractual benefits, except for salary. In particular, any~~ benefits in kind (such as private medical insurance, and ~~private use of a Council car or~~ car allowance) ~~will continue;~~

~~Annual leave entitlement will continue to accrue and pension contributions will continue to be made. Salary and any contractual allowances will cease.~~

6.6.2 Salary will be replaced by Statutory Maternity Pay (SMP), after the first 4 days, if staff are eligible to receive it (see Section 6.9).

~~56.6.3~~ Staff are encouraged to take any outstanding annual leave due to them before the commencement of OML.

6.7. Additional Maternity Leave (AML)

6.7.1 During the period of AML, a member of staff's contract of employment continues in force and they are entitled to receive ~~all their contractual benefits, except for salary. In particular,~~ any benefits in kind (such as private medical insurance, and ~~private use of a Council car or~~ car allowance) ~~will continue;~~ Annual leave entitlement will continue to accrue and pension contributions will continue to be made until any statutory maternity payments have expired or whilst any statutory maternity payments are due (see Section 6.9). Salary and any contractual allowances will cease.

6.7.2 During AML staff will continue to accrue annual leave under their contract of employment.

~~6.8 Provision for Additional Paternity Leave~~

~~*If the member of staff on Maternity Leave returns to work before using her full entitlement to statutory maternity leave, her spouse, civil partner or partner may be entitled to apply for additional paternity leave (APL). He/she must also have 26 weeks' continuous service by the week that falls 15 weeks before the week in which the child is expected.~~

~~*This only applies for babies born before 4th April 2015. Where their baby is due on or after 5 April 2015, eligible mothers will be able to volunteer to end their maternity leave and/or pay early to create leave and pay which they can share with the child's father or their partner as shared parental leave and pay. Please refer to section on Shared Parental Leave in this policy.~~

6.8.9 Statutory Maternity Pay (SMP)

~~6.8.9.1~~ SMP may be payable for up to 39 weeks during maternity leave (part of this may be paid to the father, spouse, civil partner or partner under additional paternity leave conditions. See Paternity Policy for full details). A member of staff is eligible for SMP if:

- they have been continuously employed by the Council for at least 26 weeks at the end of the qualifying week and they are still employed during that week;

- their average weekly earnings in the eight weeks up to and including the qualifying week are not less than the lower earnings limit for national insurance contributions;
- they are still pregnant 11 weeks before the start of the expected week of childbirth, or have already given birth;
- they provide a MAT B1 form stating their expected week of childbirth; and
- they give the Council proper notification of their pregnancy in accordance with the rules set out above.

6.89.2 For the first six weeks SMP is paid at the higher rate, which is equivalent to 90% of the member of staff's average weekly earnings calculated over the period of eight weeks up to and including the qualifying week. For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included.

6.89.3 The Council enhances the SMP payment by paying the first 4 days of maternity leave at full pay.

6.89.4 For the remaining 33 weeks, (or less if staff return to work sooner) the standard rate of SMP is paid. This is paid at a rate set by the Government for the relevant tax year, or 90% of their average weekly earnings calculated over the period of eight weeks up to and including the qualifying week if this is lower than the Government's set weekly rate.

6.98.5 If staff become eligible for a pay rise between the start of the original calculation period and the end of their maternity leave (whether OML or AML), the higher or standard rate of SMP will be recalculated to take account of their pay rise, regardless of whether SMP has already been paid. This means that their SMP will be recalculated and increased retrospectively, or that they may qualify for SMP if they did not previously. Staff will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay increase.

6.98.6 SMP is treated as earnings and is therefore subject to income tax and national insurance and pension deductions (if applicable).

6.89.7 Payment of SMP cannot start prior to the 11th week before the expected week of childbirth. SMP can start from any day of the week in accordance with the date staff start their maternity leave.

6.89.8 SMP is payable whether or not a member of staff intends to return to work after their maternity leave.

6.89.9 Any days worked during OML, prior to the birth, will be paid but will result in the loss of 1 week's SMP.

6.89.10 Staff who are not eligible for SMP may be entitled to receive maternity allowance payable by the Government and should contact Human Resources for further information.

6.910. Contact During Maternity Leave

6.940.1 Shortly before maternity leave starts, the Line Manager will discuss the arrangements for staff to keep in touch during their leave, should they wish to do so. This will include sending details of vacancies and Council information to keep staff informed as to Council activities during their maternity leave.

6.940.2 The Council reserves the right in any event to maintain reasonable contact with staff from time to time during their maternity leave. This may be to discuss plans for return to work, 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.

6.104. Keeping-In-Touch (KIT) Days

6.104.1 Except during the first two weeks after childbirth, staff can agree to work for the Council or to attend training for up to 10 days during either OML or AML without that work bringing the period of their maternity leave to an end and without loss of a week's SMP. These are known as KIT days. Staff will be paid for the hours (maximum 7.5) that they attend work on their KIT days in addition to any SMP payment due for that day (if applicable). A timesheet must be completed and signed by their Manager for each KIT day taken.

6.104.2 The Council has no right to require staff to carry out any work and staff have no right to undertake any work, during their maternity leave. Any work undertaken on KIT days is entirely a matter for agreement between the Council and the member of staff. Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, staff will lose a week's SMP for any week in which they agree to work for the Council.

6.112. Returning To Work

6.112.1 Staff will have been formally advised in writing by the Council of the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave. Staff are expected to return on this date, unless they notify the Council otherwise. If they are unable to attend work at the end of their maternity leave 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.

6.112.2 Whilst a member of staff is under no obligation to do so, it would assist the Council if they could confirm as soon as convenient during their maternity leave that they will be returning to work as expected.

6.121.3 If a member of staff wishes to return to work earlier than the expected return date, they must give the Council at least 8 weeks' written notification of their date of early return. If they fail to do so, the Council may postpone their return to such a date as will give the Council 8 weeks' notice, provided that this is not later than the expected return date. A minimum of 2 weeks maternity leave must be taken after giving birth.

6.112.4 If a member of staff decides not to return to work after maternity leave, they must give their notice of resignation as soon as possible and in

accordance with the terms of their contract of employment. If the notice period would expire after maternity leave has ended, the Council may require them to return to work for the remainder of the notice period.

6.123. Rights On And After Return To Work

- 6.123.1 On resuming work after OML, staff are entitled to return to the same job as they occupied before commencing maternity leave on the same terms and conditions of employment, as if they had not been absent.
- 6.123.2 On resuming work after AML, again staff are entitled to return to the same job they occupied before commencing maternity leave on the same terms and conditions of employment as if they had not been absent. However, if it is not reasonably practicable for the Council to allow staff to return to the same job, the Council may offer them suitable alternative work, on terms and conditions that are no less favourable than would have applied if they had not been absent.
- 6.123.3 A member of staff who worked full-time prior to maternity leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council's business.
- 6.123.4 If a member of staff would like changes to their working pattern to be considered, they should apply under the Council's Flexible Working Policy and Procedures, and write to their line manager, with a copy to Human Resources Manager, setting out their proposals as soon as possible in advance of their return date, in order to provide adequate time for full consideration of their request. Full details can be found via the Council's Flexible Working Policy and procedures or from HR. The written request should state the pattern of work the member of staff is seeking, i.e. number of hours/days they would propose to work and how any resulting operational issues could be addressed.

6.13.4 Miscellaneous Provisions

6.14.1 Provided Cars:

~~Those officers in receipt of a Council Provided Car will retain this use whilst they are on OML and AML. Whilst a member of staff retains the use of a provided car, staff contributions will need to be maintained.~~

6.13.14.12 Pension Contributions:

Staff are entitled to make up their pension contributions for any unpaid period of OML and AML if applicable, upon their return to work. Please contact Human Resources for more information if required.

6.13.23 Private Medical Benefit:

For those members of staff already in the private medical scheme this will continue during maternity leave. However, for those who first become eligible

or wish to join the scheme whilst on maternity leave, this benefit will be deferred until their return to work.

6.13.34 Other Allowances:

You will stop receiving any allowance(s) after your 4 days OMP ends apart from the car allowance should you be eligible for this.

6.14. Other Exceptional Circumstances

6.145.1 Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation) which would have occurred had a member of staff not been absent, necessitate a change in the job in which they were employed prior to their absence. The alternative work should be suitable and appropriate in the circumstances. The capacity and place in which the member of staff was employed and the terms and conditions of the alternative post must not be substantially less favourable to staff than if they had been able to return to the job in which they were originally employed.

6.145.2 Early births or you lose your baby.

You are still eligible to receive Statutory Maternity Leave and SMP if your baby:

- is born early
- is stillborn after the start of your 24th week of pregnancy
- dies after being born

This Policy does not apply where a baby dies or is stillborn before the start of your 24th week of pregnancy. In these situations the Council will give sympathetic consideration to the circumstances and where necessary grant special leave or sick leave, as appropriate, on the basis of the individual circumstances. The decision should be based on the needs of the member of staff and should be exercised by the Head of Human Resources.

7. Paternity Policy

This Paternity Policy sets out the rights of Council staff to Paternity Leave. The right to Paternity Leave is available to the biological father of a child or to a person who is married to, the civil partner or the cohabiting partner of, the child's mother. It is also available to the spouse, civil partner or partner of a child's adopter, or where a couple jointly adopt a child, to the individual who does not take adoption leave. To qualify, the member of staff must have or expect to have, responsibility for the child's upbringing.

7.1. Paternity Leave

7.1.1 A member of staff whose wife, civil partner or partner gives birth to a child is entitled to two weeks' paid paternity leave provided that he or she has 26

weeks' continuous service by the week that falls 15 weeks before the week in which the child is expected.

- 7.1.2 Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive ~~father or the adoptive mother~~parents may take paternity leave where the other adoptive parent has elected to take adoption leave. Further detail is available in respect of adoption leave in this Policy.
- 7.1.3 Paternity leave is granted in addition to normal annual holiday entitlement. Paternity leave must be taken in a single block of one or 2 weeks within 8 weeks of the birth or adoption of the child. Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption.
- 7.1.4 Pay during paternity leave will be at either the standard paternity rate per week, or at a rate equivalent to 90% of the employee's average weekly earnings, whichever is the least. However, staff whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay.
- 7.1.5 You may also accompany your partner to two antenatal appointments (refer to section 6.2 for further details).
- ~~7.1.6 Additional Paternity Leave (available until 4th April 2015, thereafter you may be eligible to Shared Parental Leave which is detailed in this Policy)~~
- ~~7.1.7 A member of staff whose wife, civil partner or partner gives birth to a child is entitled to additional paternity leave is granted, up to 26 weeks within the first year of the child's life if the mother returns to work before using her full entitlement to statutory maternity leave. The member of staff must also have 26 weeks' continuous service by the week that falls 15 weeks before the week in which the child is expected, to be eligible. In most circumstances additional paternity leave will be available during the second 26 weeks (six months) of the child's life. The first 26 weeks (six months) of the child's life will normally be preserved for the mother to take maternity leave. However, the earliest that additional paternity leave may commence will be 20 weeks after the child is born.~~
- ~~7.1.8 Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. If one recipient opts for statutory adoption leave/pay, the other may take paternity leave. The recipient of paternity leave is also entitled to additional paternity leave. The entitlement is identical as if the biological mother was receiving maternity leave/pay rather than adoption leave/pay.~~
- ~~7.1.9 If the mother returns to work after 26 weeks' maternity leave but before she has taken her full entitlement to 39 weeks' statutory maternity pay or maternity allowance, the additional paternity leave will be paid at the same rate as the standard rate of statutory maternity pay or 90% of the average earnings of the father/spouse/civil partner/partner, if this is less than the standard rate.~~

~~Therefore individuals will be able to take a maximum of 13 weeks' paid and 13 weeks' unpaid leave.~~

~~7.1.10 For the employee taking additional paternity leave he/she will be entitled to up to 10 keeping in touch days during the course of that leave without bringing it to an end. He/she will also, following a single period of additional paternity leave of 26 weeks or less, have the right to return to the same job that they were employed in before their absence.~~

7.2. For Paternity and Additional Paternity Leave

7.2.1 Where a member of staff (being spouse, father or partner) wishes to request paternity leave in respect of a birth child, they must give 15 weeks' written notice to their Line Manager, with a copy to Human Resources Manager. The written notice must include:

- the date on which their partner's baby is due;
- the length of paternity leave they wish to take;
- the date on which they wish the leave to commence; and
- a copy of the Mat B1.

~~7.2.2 Where a member of staff (being spouse, father or partner) wishes to request additional paternity leave (only available until 4th April 2015) this request must be submitted at least 8 weeks before the intended date. A written declaration from the mother must be given to the Council, setting out:~~

- ~~• confirmation that he is the father (or is the spouse — married or civil partner) and that apart from her (the mother) he will have or expects to have the main responsibility for bringing up the child;~~
- ~~• that to her knowledge he is the only person exercising the entitlement to additional paternity leave in respect of the child concerned.~~

~~7.2.3 In the case of an adopted child, staff must give written notice of their intention to take paternity or additional paternity leave no later than 7 days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date they intend to start paternity or additional paternity leave, the length of the intended paternity or additional paternity leave period and the date on which they were notified of having been matched with the child.~~

~~7.2.4 The additional paternity leave may be taken for a minimum of 2 weeks to a maximum of 26 weeks. The leave may only be taken in multiples of complete weeks and must be taken within a specified period (the period beginning 20 weeks and ending 12 months after the birth or placement for adoption).~~

7.2.25 If a member of staff subsequently wishes to change the timing of the paternity leave or additional paternity leave, they must give 28 days' written notice of the new dates, within 8 weeks of the birth or adoption. They must also, if so requested, complete and sign a self-certificate declaring that they are entitled

to paternity leave and/or additional paternity leave and statutory paternity pay ~~and/or additional paternity pay.~~

7.3. Contact During Paternity Leave

7.3.1 Shortly before paternity leave starts, the Line Manager will discuss the arrangements for staff to keep in touch during their leave, should they wish to do so. This will include sending details of vacancies and Council information to keep staff informed as to Council activities during their ~~pm~~maternity leave.

7.3.2 The Council reserves the right in any event to maintain reasonable contact with staff from time to time during their paternity leave. ~~This may be to discuss plans for return to work, 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.~~

7.4 ~~Keeping In Touch (KIT) Days~~

~~7.4.1 Staff can agree to work for the Council or to attend training for up to 10 days during paternity leave without that work bringing the period of their paternity leave to an end and without loss of a week's SMP. These are known as KIT days. Staff will be paid for the hours (maximum 7.5) that they attend work on their KIT days in addition to any SPP payment due for that day (if applicable). A timesheet must be completed and signed by their Manager for each KIT day taken.~~

~~7.4.2 The Council has no right to require staff to carry out any work and staff have no right to undertake any work, during their paternity leave. Any work undertaken on KIT days is entirely a matter for agreement between the Council and the member of staff. Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, staff will lose a week's SPP for any week in which they agree to work for the Council.~~

7.4.5 Returning To Work

~~7.4.5.1~~ 7.45.1 Staff will have been formally advised in writing by the Council of the date on which they are expected to return to work if they take their full entitlement to paternity leave. Staff are expected to return on this date, unless they notify the Council otherwise. If they are unable to attend work at the end of their paternity leave 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.

~~7.5.2 Whilst a member of staff is under no obligation to do so, it would assist the Council if they could confirm as soon as convenient during their paternity leave that they will be returning to work as expected.~~

~~7.5.3 If a member of staff wishes to return to work earlier than the expected return date, they must give the Council at least 8 weeks' written notification of their date of early return. If they fail to do so, the Council may postpone their return~~

~~to such a date as will give the Council 8 weeks' notice, provided that this is not later than the expected return date.~~

~~7.5.4 If a member of staff decides not to return to work after paternity leave, they must give their notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after maternity leave has ended, the Council may require them to return to work for the remainder of the notice period.~~

7.5.6 Rights On And After Return To Work

~~7.5.6.1~~ On resuming work after staff are entitled to return to the same job as they occupied before commencing paternity leave on the same terms and conditions of employment, as if they had not been absent.

~~7.6.2 A member of staff taking paternity leave will be bound by the implied obligation of good faith and any terms and conditions of employment relating to:~~

- ~~• notice of termination;~~
- ~~• disclosure of confidential information;~~
- ~~• the acceptance of gifts or other benefits; and~~
- ~~• participation in any other business.~~

~~7.6.5.23~~ A member of staff who worked full-time prior to paternity leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council's business, [please refer to the Flexible Working Policy](#).

~~7.6.4 If a member of staff would like changes to their working pattern to be considered, they should apply under the Council's Flexible Working Policy and Procedures, and write to their line manager, with a copy to Human Resources Manager, setting out their proposals as soon as possible in advance of their return date, in order to provide adequate time for full consideration of their request. Full details can be found via the Council's Flexible Working Policy and procedures or from HR. The written request should state the pattern of work the member of staff is seeking, i.e. number of hours/days they would propose to work and how any resulting operational issues could be addressed.~~

7.7.6. Miscellaneous Provisions

~~7.7.1 Provided Cars:~~

~~Those officers in receipt of a Council Provided Car will retain this use whilst they are on paternity leave. Whilst a member of staff retains the use of a provided car, staff contributions will need to be maintained.~~

~~7.6.7.12~~ Pension Contributions:

Staff are entitled to make up their pension contributions for any unpaid period, upon their return to work. Please contact Human Resources for more information if required.

7.6.27-3 Private Medical Benefit:

For those members of staff already in the private medical scheme this will continue during paternity leave. ~~However, for those who first become eligible or wish to join the scheme whilst on paternity leave, this benefit will be deferred until their return to work.~~

7.6.37-4 Other Allowances:

You will stop receiving any allowance(s) during your paternity leave apart from the car allowance should you be eligible for this

Formatted

7.7.8 Other Exceptional Circumstances

~~7.8.1 Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation) which would have occurred had a member of staff not been absent, necessitate a change in the job in which they were employed prior to their absence. The alternative work should be suitable and appropriate in the circumstances. The capacity and place in which the member of staff was employed and the terms and conditions of the alternative post must not be substantially less favourable to staff than if they had been able to return to the job in which they were originally employed.~~

7.7.18-2 Early births or you lose your baby.

You are still eligible to receive Statutory Paternity Leave and SPP if your baby:

- is born early
- is stillborn after the start of your 24th week of pregnancy
- dies after being born

This Policy does not apply where a baby dies or is stillborn before the start of your 24th week of pregnancy. In these situations the Council will give sympathetic consideration to the circumstances and where necessary grant special leave or sick leave, as appropriate, on the basis of the individual circumstances. The decision should be based on the needs of the member of staff and should be exercised by the Head of Human Resources.

8. Adoption Policy

This Adoption Policy sets out the rights of Council staff to statutory adoption leave and pay, for adoption within the UK and where a child is expected to be placed for adoption. In conjunction with this Adoption Policy staff may also refer to Paternity Policy and Shared Parental Leave Policy.

8.1. Eligibility

A member of staff who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave provided that they have at least 26 weeks' continuous service calculated as at the week in which notification of matching is given by the adoption agency.

8.2. Adoption Leave Entitlement

8.2.1 Staff are encouraged to take any outstanding holiday due to them before the commencement of adoption leave.

8.2.2 The entitlement for a qualifying member of staff is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. Hence the staff's maximum entitlement is to take up to 52 weeks' adoption leave.

8.2.3 Adoption leave can start on the day the child is ~~placed for adoption~~placed for adoption, or up to 14 days earlier. It can also start the day the child's born or the day after (if you've used a surrogate to have a child)

8.2.4 All staff who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave providing 8 weeks written notice is given.

8.2.5 Once you have been matched with a child you are able to take paid time off work to attend 5 adoption appointments

8.2.6 Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption.

8.3. Statutory Adoption Pay (SAP)

Staff who qualify for adoption leave will also qualify for SAP provided that their average weekly earnings are not less than the lower earnings limit for national insurance contributions. ~~SAP is payable for up to 39 weeks at a rate set by the Government for the relevant tax year, or at 90% of the member of staff's average weekly earnings, if this figure is lower than the Government's set weekly rate. (If the full 52 weeks Adoption Leave is taken, the remaining 13 weeks are unpaid.)~~

- 8.3.1 —For the first six weeks SAP is paid at the higher rate, which is equivalent to 90% of the member of staff’s average weekly earnings calculated over the period of eight weeks up to and including the qualifying week. For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included.
- 8.3.2 The Council enhances the SAP payment by paying the first 4 days of adoption leave at full pay.
- 8.3.3 For the remaining 33 weeks, (or less if staff return to work sooner) the standard rate of SAP is paid. This is paid at a rate set by the Government for the relevant tax year, or 90% of their average weekly earnings calculated over the period of eight weeks up to and including the qualifying week if this is lower than the Government's set weekly rate.
- 8.3.4 If staff become eligible for a pay rise between the start of the original calculation period and the end of their adoption leave (whether OAL or AAL), the higher or standard rate of SAP will be recalculated to take account of their pay rise, regardless of whether SAP has already been paid. This means that their SAP will be recalculated and increased retrospectively, or that they may qualify for SAP if they did not previously. Staff will be paid a lump sum to make up any difference between SAP already paid and the amount payable as a result of the pay increase
- 8.3.5 SAP is treated as earnings and is therefore subject to income tax and national insurance and pension deductions (if applicable).
- 8.3.6 SAP is payable whether or not a member of staff intends to return to work after their adoption leave
- ~~8.3.1—SAP is treated as earnings and is therefore subject to income tax and national insurance deductions.~~

Formatted

8.4. Notification requirements

- 8.4.1 In order to make administration as easy as possible, staff should discuss the timing of their adoption leave with their immediate line- manager as early as possible.
- 8.4.2 In order to be entitled to take adoption leave and receive SAP, staff are required to give the Council written notification of their intention to take adoption leave no later than 7 days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which must be in writing, must specify the date the child is expected to be placed with the member of staff for adoption and the date the member of staff intends their adoption leave to start.
- 8.4.3 Staff are permitted to bring forward their adoption leave start date, provided that they advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. Staff may also postpone their adoption leave start date, provided that they advise the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

- 8.4.4 Staff must also provide evidence of entitlement to adoption leave and pay by producing a 'matching certificate' from the adoption agency.
- 8.4.5 Any failure to give proper notice of an intention to start adoption leave will be regarded as a disciplinary offence, leading potentially to disciplinary sanctions for misconduct if appropriate.
- 8.4.6 Within 28 days of receiving notice of intention to take adoption leave, the Council will write to the member of staff confirming the latest date on which they must return to work after adoption leave.
- 8.4.7 If staff start their adoption leave without providing the required notifications, they will be regarded as being on unauthorised absence.

8.5. Rights During Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL)

- 8.5.1 Whilst on Adoption Leave, staff are entitled to:
- benefit from the Council's implied obligation of trust and confidence;
 - receive their contractual notice period if their employment is terminated;
 - receive a redundancy payment in the event of redundancy if a suitable alternative, vacant, role has not been found;
 - continued application of the terms and conditions in their contract of employment relating to disciplinary and grievance procedures.
- 8.5.2 Whilst on Adoption Leave, staff are obliged to:
- give the Council the notice provided for in their contract if they wish to terminate their employment;
 - be bound by the terms in their contract relating to disclosure of confidential information, the acceptance of gifts or other benefits and the restrictions on participation in any other business.

8.6 Ordinary Adoption Leave (OAL) & Additional Adoption Leave (AAL)

- 8.6.1 During the period of OAL & AAL a member of staff's contract of employment continues in force and they are entitled to receive ~~all their contractual benefits, except for salary. In particular,~~ any benefits in kind (such as private medical insurance, and ~~private use of a Council Provided Car or~~ car allowance) ~~will continue;~~ Annual leave entitlement will continue to accrue and pension contributions will continue to be made. Salary and any contractual allowances will cease.
- 8.6.2 Salary will be replaced by Statutory Adoption Pay (SAP), after the first 4 days, if staff are eligible to receive it.
- 8.6.3 Staff are encouraged to take any outstanding annual leave due to them before the commencement of OAL.

8.7 ~~Additional Adoption Leave (AAL)~~

~~8.7.1 During the period of AAL a member of staff's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as private medical insurance, and private use of a Council Provided Car) will continue; annual leave entitlement will continue to accrue and pension contributions will continue to be made.~~

~~8.7.2 During AAL staff will continue to accrue annual leave under their contract of employment.~~

8.78 Paternity Leave during Adoption Leave

8.78.1 In the case of an adopted child, staff must give written notice of their intention to take paternity leave no later than 7 days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date they intend to start paternity or additional paternity leave, the length of the intended paternity or additional paternity leave period and the date on which they were notified of having been matched with the child.

Formatte

8.8 Contact During Adoption Leave

8.8.1 Shortly before adoption leave starts, the Council will discuss the arrangements for staff to keep in touch during their leave, should they wish to do so. This will include sending them details of vacancies and Council information to keep them informed as to Council activities during their adoption leave.

8.8.2 The Council reserves the right in any event to maintain reasonable contact with staff from time to time during their adoption leave. This may be to discuss plans for return to work, 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.

8.9 Keeping-In-Touch Days

8.9.1 Staff can agree to work for the Council or to attend training for up to 10 days during either OAL or AAL without that work bringing the period of their adoption leave to an end and without loss of a week's SAP. These are known as 'keeping-in-touch' days. Staff will be paid for the hours (maximum 7.5) that they attend work on their KIT days in addition to any SAP payment due for that day (if applicable). A timesheet must be completed and signed by their Manager for each KIT day taken.

8.9.2 The Council has no right to require staff to carry out any work and staff have no right to undertake any work, during their adoption leave. Any work undertaken on keeping-in-touch days is entirely a matter for agreement between the Council and the member of staff. Any keeping-in-touch days

worked do not extend the period of adoption leave. Once the keeping-in-touch days have been used up, staff will lose a week's SAP for any week in which they agree to work for the Council.

8.10. Returning To Work After Adoption Leave

- 8.10.1 Staff may return to work at any time during OAL or AAL, provided that they give the appropriate notification. If staff wish to return before the full period of adoption leave has elapsed, they must give at least 8 weeks' notice in writing to the Council of the date on which they intend to return.
- 8.10.2 Alternatively, staff may take their full period of adoption leave entitlement and return to work at the end of this period.
- 8.10.3 Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the member of staff is sick and produces a current medical certificate, following the Council's Absence Policy and Procedures, before the end of the adoption leave period.
- 8.10.4 If a member of staff decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to the Council as soon as possible and in accordance with the terms of their contract of employment.

8.11 Miscellaneous

8.11.1 Provided Cars:

~~Those officers in receipt of a Council Provided Car will retain this use whilst they are on OAL and AAL. Whilst a member of staff retains the use of a provided car, contributions will need to be maintained.~~

8.11.12 Pension Contributions:

Staff are entitled to make up their pension contributions for their period of OAL and AAL, upon their return to work. Please contact Human Resources for more information if required.

8.11.23 Other Exceptional Circumstances:

Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation) which would have occurred had a member of staff not been absent, necessitate a change in the job in which they were employed prior to their absence. The alternative work should be suitable and appropriate in the circumstances. The capacity and place in which the member of staff was employed and the terms and conditions of the alternative post must not be substantially less favourable to staff than if they had been able to return to the job in which they were originally employed.

8.11.3 Other Allowances:

You will stop receiving any allowance(s) after your 4 days OAML P ends apart from the car allowance should you be eligible for this.

Formatted

9. Parental Leave Policy

Surrey Heath Council has adopted the default scheme for the taking of parental leave. This policy sets out the rights of Council staff to statutory parental leave to take time off work to look after a child or make arrangements for the child's welfare.

9.1. Eligibility

To qualify for parental leave, a member of staff must have completed at least one year's continuous service with the Council.

~~Up until a child's fifth birthday, S~~ staff are entitled to up to 18 weeks' unpaid parental leave in total, per child, if they meet one of the following conditions:

- ~~• They are named on the child's birth or adoption certificate or they have or expect to have parental responsibility~~
- ~~• They are not a foster parent (unless they've secured parental responsibility through the courts)~~
- ~~• The child is under 18~~
- ~~• *They are the parent of a child who is under 5 years of age.~~
- ~~• *They have adopted a child under the age of 18 (the right to parental leave lasts for a period of 5 years from the date of adoption or until the child's 18th birthday, whichever is the sooner).~~
- ~~• *They have acquired formal parental responsibility for a child who is under 5 years of age.~~

~~However, a member of staff who is the parent or adoptive parent of a child who has been awarded Disability Living Allowance is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.~~

9.2. Rights During Parental Leave

During parental leave the member of staff will remain employed, although pay will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place.

During parental leave staff will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- notice of termination;
- redundancy compensation; and
- disciplinary or grievance procedures.

A member of staff taking parental leave will be bound by the implied obligation of good faith and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and participation in any other business.

9.3. Conditions of Leave

- 9.3.1 A member of staff may not exercise any entitlement to parental leave unless they have complied with any request made by the Council to produce evidence as to their entitlement (eg parental responsibility or expected responsibility for the child in question; the child's date of birth or date on which placement for adoption began; where the member of staff is exercising a right in relation to a disabled child, details of the child's entitlement to Disability Living Allowance).
- 9.3.2 A member of staff must give proper notice of the period of leave that they propose to take. This notice must be given to the Council at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.
- 9.3.3 ******Where the member of staff is the father of the child in respect of whom the leave is to be taken and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The member of staff must give this notice at least 21 days before the expected week of childbirth.
- 9.3.4 ******Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the member of staff's notice must be given to the Council at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.
- 9.3.5 The Council may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the Council considers that its business would be unduly disrupted if the member of staff were to take leave during the period requested. In such a case, the Council will allow the member of staff to take an equivalent period of parental leave beginning no later than 6 months after the commencement of the period originally requested. The Council will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the member of staff to take parental leave.

Such notice will be given no more than 7 days after the member of staff's notice was given to the Council.

- 9.3.6 A member of staff may not take parental leave in blocks of less than 1 week (except in relation to a child who is disabled).
- 9.3.7 A member of staff may not take more than 4 weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the member of staff first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

9.4 Return from leave

- 9.4.1 At the end of parental leave, the member of staff will be entitled to return to the same job provided that the leave was for a period of 4 weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave).
- 9.4.2 If the period of parental leave was longer than 4 weeks (or followed on immediately from a period of additional maternity or adoption leave), then the member of staff will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

9.5 Miscellaneous

The Council reserves the right to reasonably request evidence to confirm a member of staff is the parent or the person who is legally responsible for the child. Evidence might take the form of information contained in the child's birth certificate, papers confirming a child's adoption or the date of placement in adoption cases, or in the case of a disabled child, the award of disability living allowance for the child.

~~*Increasing to 18 years after 4th April 2015~~

~~**Shared Parental Leave will replace 32.2 and 32.3 for babies that are expected to be born after 4th April 2015.~~

10. Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) Policy

- 10.0.1 This Shared Parental Leave Policy sets out the rights of Council staff to share leave for parents of children expected to be born or placed for ~~adoption~~[adoption, n on or after 5th April 2015](#). **As these provisions are complex, it is advisable that staff contact Human Resources in the first instance for clarification of the relevant procedures to ensure that they are followed correctly.**

- 10.0.2 ~~Where their baby is due on or after 5 April 2015,~~ Eligible mothers will be able to volunteer to end their maternity leave and/or pay early to create leave and pay which they can share with the child's father or their partner as shared parental leave and pay.
- 10.0.3 The intention is to allow families more choice over how they look after their children in the first year. Existing rules on maternity and ordinary paternity leave and pay remain the same. Additional paternity leave and pay will be abolished. The arrangements for recovering statutory payments via HMRC for statutory maternity pay and ordinary statutory paternity pay will apply in the same way in respect of statutory shared parental pay.
- 10.0.4 Shared parental leave means that eligible fathers and partners will be able to request more leave from work in the first year following their child's birth. Because it is shareable, there will also be cases where eligible mothers will return to work early because the child's father or their partner is taking leave in their place. Shared parental leave can be taken in discontinuous blocks. This means that eligible parents will also be able to request to mix work with leave in the first year of their child's life and return to work between periods of leave if they wish.
- 10.0.5 Under the shared parental leave system, mothers will have the option of sharing up to 50 of their 52 weeks' maternity leave and 37 of their 39 weeks' statutory pay with their partner. In order to do so they must end their statutory maternity leave. Similar provisions apply in respect of adoption leave.
- 10.0.6 SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).

Example

A mother could end her maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for SPL. If both the mother and her partner are eligible, they can share the 40 weeks. They can take the leave at the same time or separately.

10.1 Eligibility

- 10.1.1 If an employee is eligible and they or their partner end maternity or adoption leave and pay (or Maternity Allowance) early, then they can:
- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
 - take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)
- 10.1.2 A mother must take a minimum of 2 weeks' maternity leave following the birth.
- 10.1.3 Sometimes only one parent in a couple will be eligible to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). This means that they can't share the leave.
- 10.1.4 If your employee is eligible then they can use SPL to book their leave in separate blocks.

10.1.5 To qualify for SPL, the child's mother (or adoptive parent) must be eligible for either:

- maternity leave or pay
- Maternity Allowance
- adoption leave or pay

You must also:

- have worked continuously for at least 26 weeks by the end of the 15th week before the due date (or date they are matched with their adopted child)
- still be employed by Surrey Heath Borough Council whilst taking SPL
- give the correct notice including a declaration that their partner meets the employment and income requirements which allow an employee to get SPL.

10.2 Blocks of leave

10.2.1 A Surrey Heath Borough Council employee taking SPL can split their leave into up to 3 separate blocks instead of taking it all in one go, even if they aren't sharing the leave with their partner.

10.2.2 If both parents are taking SPL then they can take their leave at the same time as each other or at different times.

10.2.3 At least 8 weeks' written notice must be given to your Line Manager and a copy to Human Resources before a block of leave begins.

10.3 Splitting Blocks of leave

Surrey Heath Borough Council Policy allows you to split a block of leave into shorter periods of a minimum of a week, for example they could work every other week during a 12-week block, using a total of 6 weeks of their SPL. However, this is to be reviewed for each individual request and the final decision will be made in agreement with Head of Human Resources.

10.4 Starting Shared Parental leave

10.4.1 For Shared Parental Leave (SPL) to start, the mother or adopter must do one of the following:

- end their maternity or adoption leave by returning to work
- give Surrey Heath Borough Council 'binding notice' (a decision that can't normally be changed) of the date when they'll end their maternity or adoption leave
- end maternity pay or Maternity Allowance (if they're not entitled to maternity leave, eg they're an agency worker or self-employed)

Example

A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives you notice.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

10.4.2 A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth.

10.4.3 The mother must give us at least 8 weeks written notice to end her maternity pay, or Jobcentre Plus to end her Maternity Allowance. Adopters must give you notice to end adoption pay.

10.4.4 SPL can start for the partner while the mother or adopter is still on maternity or adoption leave if she's given binding notice to end her leave (or pay if she's not entitled to leave).

10.4.5 Surrey Heath Borough Council must receive written notice of the employees' entitlement to SPL and ShPP (Shared Parental Pay), including:

- their partner's name
- maternity leave start and end dates
- the total amount of SPL and ShPP available and how much they and their partner intend to take
- that they're sharing childcare responsibility with their partner

It must also include a signed declaration from the partner stating:

- their name, address and National Insurance number
- that they satisfy the qualifying requirements for your employee to take SPL and ShPP
- that they agree to your employee taking SPL and ShPP

10.4.6 Within 14 days of receiving this notice, we can ask an employee to provide within the following 14 days:

- a copy of the child's birth certificate
- the name and address of their partner's employer

10.5 Notice period

An employee must give at least 8 weeks' written notice of any leave they wish to take. If the child is born more than 8 weeks early, this notice period can be shorter.

10.6 Cancelling the decision to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- the planned end date hasn't passed
- they haven't already returned to work

However, in addition to the above two conditions one of the following must also apply:

- it's discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP
- the employee's partner has died

- it's less than 6 weeks after the birth (and the mother gave notice before the birth)

10.7 Shared Parental leave in touch (SPLIT) days

A Surrey Heath employee can work up to 20 days during SPL without bringing it to an end. These are called 'shared parental leave in touch' (or SPLIT) days. These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.

Keeping in touch days are optional - both Surrey Heath Borough Council and the employee must agree to them.

10.8 Shared Parental Pay (ShPP)

10.8.1 An employee may also qualify for ShPP if one of the following applies:

- you qualify for Statutory Maternity Pay
- you qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay

10.8.2 If you're eligible and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

10.8.3 The mother must take a minimum of 2 weeks' maternity leave following the birth.

10.9 How much pay you'll get

ShPP is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

11. Parental Bereavement Leave and Parental Bereavement Pay Policy

11.0.1 We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face. This policy sets out the rights of Council staff and provides employees with information and options for taking leave for those who have suffered the loss of a child

11.0.2 This policy applies to employees who have suffered the loss of a child under the age of 18, on or after 6 April 2020. The policy also applies to parents who suffer a stillbirth after 24 weeks of pregnancy.

11.0.3 It is the responsibility of employee to communicate to their line manager or the HR team no later than when they are due to start work, or, if that is not feasible, as soon as is reasonably practicable.

11.0.4 It is the responsibility of the line manager to communicate with the HR team if an employee suffers the loss of a child.

11.1 Parental Bereavement Leave

To qualify for Parental Bereavement Leave, you must meet the criteria as both a parent (including if you had day-to-day responsibility) and an employee;

11.1.1 You must be classed as an employee – it does not matter how long you have worked for the council

11.1.2 You may be eligible for parental bereavement leave if you are one of the following:

- The parent of a child who has passed away,
- The partner of the child's parent, where you live with the child who has passed away and their parent,
- You have had “day-to-day responsibility” of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child (but you have not been paid to look after the child)
- You or your partner had a baby with the help of a surrogate parent
- You are the adoptive parent

11.1.3 You have 56 weeks to take Parental Bereavement Leave. This starts from the date of the child's death.

You can take 2 weeks leave in one block or as 2 separate blocks of one week.

The 56 weeks are split into 2 periods:

- from the date of the child's death or stillbirth to 8 weeks after
- 9 to 56 weeks after the date of the child's death or stillbirth

11.1.4 You must give notice before you take Parental Bereavement Leave by informing your line manager and the HR. How much notice depends on when you're taking the leave;

0 to 8 weeks after the child's death or stillbirth

You must inform your line manager and HR [in](#) before you would normally start work on the first day of the week or weeks you want to take off work.

9 to 56 weeks after the child's death or stillbirth

You must inform your line manager and HR one week before the start of the week or weeks you want to take off work.

You must inform your line manager and HR with the following information

- The date of the child's death or stillbirth
- when you want your parental bereavement leave to begin
- how much leave you are taking - either 1 or 2 weeks

11.1.5 You do not need to give proof of the death or stillbirth

11.2 Statutory Parental Bereavement Pay

To qualify for Statutory Parental Bereavement Pay, you must meet the criteria as both a parent (including if you had day-to-day responsibility) and an employee;

11.2.1 You must have been continuously employed by the council for at least 26 weeks up to the end of the week (ending with a Saturday) immediately before the week of the death or stillbirth.

11.2.2 You must continue to be employed up to the day the child dies or is stillborn

11.2.3 You must earn on average £120 a week before tax over an 8-week period

11.2.4 You must give the council correct notice for Statutory Parental Bereavement Pay (please see 11.1.4)

11.2.5 You may be eligible for Statutory Parental Bereavement Leave if you are one of the following:

- The parent of a child who has passed away
- The partner of the child's parent, where you live with the child who has passed away and their parent
- You have had "day-to-day responsibility" of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child (but you have not been paid to look after the child)
- You or your partner had a baby with the help of a surrogate parent
- You are the adoptive parent

11.2.6 You must ask for Statutory Parental Bereavement Pay within 28 days, starting from the first day of the week you're claiming the payment for

11.2.7 Each time you claim you must provide HR with the following information in writing:

- The dates of the period you want to claim Statutory Parental Bereavement Pay
- The date of the child's death or stillbirth

Please complete the online declaration form to confirm you are eligible because of your relationship to the child or baby and return to HR <https://www.tax.service.gov.uk/submissions/new-form/claim-statutory-parental-bereavement-pay/one-per-user>

11.2.8 If you are eligible you will receive the

11.3 Cancelling your Parental Bereavement Leave or Parental Bereavement Pay

11.3.1 You can cancel your Parental Bereavement Leave or Statutory Parental Bereavement Pay if you have given the council more than the required notice for either taking leave or claiming pay.

11.3.2 To cancel your Parental Bereavement Leave or Statutory Parental Bereavement Pay, you will need to notify HR.

11.3.4 Cancelling Parental Bereavement Leave

If your leave is due to start within 8 weeks of the death or stillbirth, you must notify HR of the cancellation no later than the time you would normally start work on the first day of planned leave.

If your leave is due to start within 9 weeks or later after the death or stillbirth, you must notify HR of the cancellation no later than one week before the start of the planned leave.

11.3.5 Cancelling Parental Bereavement Pay

If your pay was due to start within 8 weeks of the child's death or stillbirth, you must notify HR on the first day of the week you want to cancel.

If your pay was due to start 9 weeks or later after the child's death or stillbirth, you must notify HR you want to cancel one week before your pay was due to start.

11.4 Taking Parental Bereavement Leave with other categories of Statutory Leave

11.4.1. If you're taking another type of statutory leave (for example, maternity leave or paternity leave) when the child dies or stillbirth happens, your Parental Bereavement Leave must start after the other leave has ended but does not have to be taken immediately after. This includes if the statutory leave is for another child.

11.4.2 If your Parental Bereavement Leave is interrupted by the start of another type of statutory leave, you can take your remaining entitlement to Parental Bereavement Leave after that other leave has ended.

11.4.3. You can take Parental Bereavement Leave between blocks of shared parental leave that you had booked before the child died or stillbirth. This includes if the shared parental leave is for another child.

11.4.4 Any remaining Parental Bereavement Leave must still be taken within 56 weeks of the date of the child's death or stillbirth.

**Equality Impact Assessment Date
Author**

**November 2014
Human Resources**

