



FAMILY FRIENDLY POLICIES

MATERNITY, PATERNITY, ADOPTION,



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PARENTAL LEAVE, SHARED PARENTAL LEAVE



Contents

Introduction

Scope

Policy Statement

Equality Impact Assessment

Principles and Aims

Maternity Policy

Notification Requirements

Antenatal Care (Time Off)

Health and Safety

Sickness Absence

Maternity Leave

Ordinary Maternity Leave

Additional Maternity Leave (OML)

Additional Maternity Leave (AML)

Provision for Additional Maternity leave

Statutory Maternity Pay (SMP)

Occupational Maternity Pay (OMP)

Contact During Maternity Leave

Keeping in Touch Days



Returning to Work

Rights On and After Return to Work

Miscellaneous Provisions

Other Exceptional Circumstances

Maternity Process Flowchart

Paternity Policy

Paternity Leave

Paternity and Additional Paternity Leave

Occupational Paternity Pay

Contact During Paternity Leave

Keeping in Touch Days

Returning to Work

Rights On and After Return to Work

Miscellaneous Provisions

Other Exceptional Circumstances

Paternity Process Flowchart

Adoption Policy

Eligibility

Adoption Leave Entitlement

Statutory Adoption Pay (SAP)

Notification Requirements



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

Additional Adoption Leave (AAL)

Ordinary Adoption Leave (OAL)

Contact During Adoption Leave

Keeping in Touch Days

Returning to Work After Adoption Leave

Miscellaneous

Adoption Process Flowchart

Parental Leave

Eligibility

Rights During Parental Leave

Conditions of Leave

Return from Leave

Miscellaneous

Shared Parental Leave

Eligibility

Blocks of Leave

Splitting Blocks

Starting Shared Parental Leave

Notice Period

Cancelling



Shared Parental Leave Keeping in Touch Days (Split) Days

Shared Parental Pay (ShPP)

Shared Parental Leave Process Flowchart

Parental Bereavement Leave and Parental Bereavement Pay

Parental Bereavement Leave

Statutory Parental Bereavement Pay

Cancelling

Parental Bereavement Leave and Other Categories of Statutory Leave



Introduction

Supporting employees to enjoy their family life and taking the appropriate leave during additions to that family is an essential part of the benefits that we offer to employees and is protected in law.

It can however be a difficult and sensitive time and as an employer we appreciate that. The Council recognises that, Ffrom time to time, staffemployees may have questions or concerns relating to their maternity, paternity and adoption rights and they may wish to keep these confidential. It is the Council's policy toWe encourage open discussion with staffemployees to ensure that questions and problems can be resolved as quickly as possible.

As these provisions are complex, it is advisable that the staffemployee contact Human Resources in the first instance for clarification of the relevant procedures to ensure that they are followed correctlyhave the advice, guidance and support that they need.

Scope

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

1.3

- 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

1.4

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

1.6

Policy Statement



1.7 Surrey Heath Borough Council recognises the need to support our employees through the development of effective working practices in order to help people assist staff to maintain a good work-life balance whilst continuing to deliver high quality preventing detriment to the services delivered to the local community.

1.8

Equality Assessment

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

1.10

1.11

Principles and Aims

1.12 SHBC is committed to providing a family friendly working environment and recognises the importance of quality time spent together for a new family.

1.13 Furthermore SHBC aims to ensure that people who give birth, their partners and 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.

1.14

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

1.16

2. Maternity Policy

2.2 This Policy sets out the statutory rights and responsibilities of employeesstaff 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.

~~2.3 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.~~

~~2.42.3~~

~~2.52.4~~ The following definitions are used in this policy:

~~2.62.5~~ Expected week of childbirth (EWC) means the week, starting on a Sunday, during which the doctor or midwife expects a person member of staff/employee to give birth.

~~2.72.6~~ Qualifying week means the 15th week before the expected week of childbirth.

~~2.82.7~~

1.1 Notification Requirements

~~2.92.8~~ 1.1.1 On becoming pregnant, the employee/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.

~~2.102.9~~

2.10 1.1.2 By the end of the qualifying week, or as soon as reasonably practicable afterwards, staff/employees are required to complete and submit to Human Resources a completed Notification of Maternity form confirming:

2.11

- the fact that they are pregnant;



- their expected week of childbirth; and
- the date on which they intend to start their maternity leave.

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2.13 ~~1.1.3 The employee~~Staff must also provide a MAT BI 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.

2.14

2.15 ~~1.1.4 Staff must also provide a~~The MAT BI form ~~must also be provided~~, 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.

2.16 ~~1.1.5 The employee~~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.

2.17 ~~1.1.6 The Staff~~Employee ~~may also postpone their~~ maternity leave start date ~~may be postponed~~, provided ~~that they advise~~ the Council ~~is advised~~ in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

2.18 ~~1.1.7~~ Human Resources will formally respond in writing to ~~a a member of staff~~employee's notification of ~~their~~ maternity leave plans (enclosing their MatBI) within 28 days, confirming the date on which the ~~employee is y~~ ~~are~~ expected to return to work if they take their full 52-weeks of entitlement to maternity leave.



2.19 1.1.8 If ~~staff~~employees start their maternity leave without providing the required notifications, they will be regarded as being on unauthorised absence unless there are exceptional circumstances (for example the person did not realise that they were pregnant). In the event of unauthorised absence, the matter may be such an event referral be referred ~~made~~ to Surrey Heath Borough Council Disciplinary Policy and Procedure.

2.20

2.21 1.2 Time Off For Antenatal Care

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2.23 1.2.1 Once an ~~member of staff~~employee 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.

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2.25 1.2.2 In order to be entitled to take time off for antenatal care, expectant ~~staff~~employees 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, ~~the staff~~employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

2.26 1.2.3 ~~If you are a partner of someone who is pregnant, you~~ ~~The child's father or the pregnant woman's partner, is~~ ~~are~~ ~~are~~ entitled to accompany the expectant mother to her antenatal and postnatal appointments (further information detailed in the Paternity Policy) ~~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.~~

2.27 [1.2.4](#) Antenatal care may include relaxation classes that the doctor, midwife or health visitor has advised an ~~an~~ ~~member of staff~~ ~~employee~~ to attend, in addition to medical examinations.

2.28 [1.2.5](#) ~~Employees~~ ~~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. ~~Employees~~ ~~Staff~~ may be asked to re-arrange an appointment where it is reasonable to do so.

2.29 [1.3](#) Health and Safety

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2.31 [1.3.1](#) The Council has a duty of care for the health and safety of all ~~staff~~ ~~employees~~. There is also a requirement to carry out a risk assessment to assess the workplace risks to ~~employees~~ ~~staff~~ who are pregnant, have recently given birth or are breastfeeding. The Council will provide the ~~employee~~ ~~staff member~~ with information as to any risks identified in the risk assessment. If the risk assessment reveals that ~~the~~ ~~employee~~ ~~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~~ ~~employee~~ working conditions. In some cases, this may mean offering the ~~relevant staff member~~ ~~employee~~ suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

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2.33 [1.3.2](#) If it is not possible for the Council to alter ~~staff~~ ~~employee~~ 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.

2.34 [1.3.3](#) If ~~staffan employee~~ [is 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. [1.3.4](#) ~~Staff~~[Employees](#) 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.

2.35 [1.4](#) Sickness Absence

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2.37 [1.4.1](#) If ~~an member of staff~~[employee](#) is absent from work during pregnancy owing to sickness, they should inform their line manager and follow the Council's ~~Attendance~~[sence](#) Policy and Procedure in the normal way.

2.38

2.39 [1.4.2](#) Such ~~staff~~[employees](#) –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.

2.40 [1.4.3](#) If, however, ~~an member of staff~~[employee](#) 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.



2.41 [1.4.4](#) If an ~~an member of staff~~ [employee](#) 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.

2.42 [1.5](#) Maternity Leave

2.43

2.44 [1.5.1](#) All pregnant ~~staff~~ [employees](#) 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.

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2.46 [1.5.2](#) 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 an ~~an member of staff~~ [employee](#) gives birth; or
- the day after any day on which an ~~an member of staff~~ [employee](#) is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

2.47

2.48 [1.5.3](#) If an ~~employee gives 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.

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2.50 [1.5.4](#) The law obliges all ~~employees~~ [staff who have given birth](#) to take a minimum of two weeks' of maternity leave immediately after the birth of the child.



2.51

2.52 [1.5.5](#) Whilst on Maternity Leave, ~~employees~~ 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.

2.53

2.54 [1.5.6](#) Whilst on Maternity Leave, ~~employees~~ 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.

2.55

2.56 [1.6](#) Ordinary Maternity Leave (OML)

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2.58 [1.6.1](#) During the period of OML, an ~~employee's member of staff's~~ contract of employment ~~remains continues in place in force~~ and they are entitled to receive any benefits in kind (such as private medical insurance, and car allowance) Annual leave entitlement will continue to accrue and pension contributions will continue to be made. Salary and any contractual allowances will cease.

2.59

~~2.60 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).~~

~~2.6+2.60~~ [1.6.2](#) ~~Employees~~ Staff are encouraged to take any outstanding annual leave due to them before the commencement of OML.



~~2.622.61~~ [1.7](#) Additional Maternity Leave (AML)

~~2.632.62~~

~~2.642.63~~ [1.7.1](#) During the period of AML, an employee's ~~member of staff's~~ contract of employment remains in place ~~continues in force~~ and they are entitled to receive any benefits in kind (such as private medical insurance, and car allowance) 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.

~~2.652.64~~

~~2.662.65~~ [1.7.2](#) During AML ~~staff~~employees will continue to accrue annual leave under their contract of employment.

1.8 Maternity Pay

1.8.1eeMaternity Allowance (MA)

If you have less than 26 weeks continuous service with Surrey Heath Borough Council, at the end of the 15th week before the week in which your child is due, you will not be eligible for any payment from Surrey Heath Borough Council during your maternity leave. However, you may be entitled to claim MA from Jobcentre Plus. You will be given an SMPI form by Payroll, which you will need to complete and give to Jobcentre Plus

~~2.672.66~~ [1.8.2](#) Statutory Maternity Pay (SMP)

~~2.682.67~~



~~2.69~~2.68 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).

An ~~employee member of staff~~ is eligible for SMP if:

~~2.70~~2.69

- 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 BI 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.

~~2.71~~2.70

~~2.72~~2.71 For the first six weeks SMP is paid at the higher rate, which is equivalent to 90% of the member of ~~staff~~employee'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.

~~2.73~~2.72

~~2.74~~ The Council enhances the SMP payment by paying the first 4 days of maternity leave at full pay.

~~2.75~~ 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.~~

~~2.76~~2.73 If ~~an employee~~staff becomes 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~~Employees 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.

~~2.77~~2.74 SMP is treated as earnings and is therefore subject to income tax and national insurance and pension deductions (if applicable).

~~2.78~~2.75 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 ~~an staff~~employee start their maternity leave.

~~2.79~~2.76 SMP is payable whether or not ~~an member of staff~~employee intends to return to work after their maternity leave.

~~2.80~~2.77 Any days worked during OML, prior to the birth, will be paid but will result in the loss of 1 week's SMP.

~~2.81~~ ~~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.~~

~~2.78~~



2.79 1.8.3 Contractual (Surrey Heath Borough Council) Maternity Pay

2.80

Entitlement

Employees with at least one year's local government continuous service at the 11th week before the week, in which your child is due, are also entitled to:

- i. six weeks' pay at 9/10ths of your normal (contractual) full pay.
- ii. An additional 12 weeks contractual maternity pay at half your normal rate of pay, if you return to work after your maternity leave for a period of at least three months.

Note: (i) If you are entitled to SMP, this payment will, in effect, be the first six weeks SMP that Surrey Heath is required to pay to you. If you are not entitled to SMP, but you are eligible to claim Maternity Allowance (MA) from Jobcentre Plus, the amount of that allowance will be deducted from this element of your Surrey Heath maternity pay whether or not you claim your entitlement to MA. If you are not entitled to SMP or MA, your six weeks' pay at 9/10ths of your normal pay will be subject only to the normal salary deductions.

Note: (ii) If the SMP payment together with the additional 12 weeks contractual maternity pay gives a total weekly payment which is more than your normal weekly pay, the 12 weeks contractual maternity pay will spread over a longer period such that the payment is not more than your normal weekly pay. The Payroll and Human Resources Team will discuss this with you if it is relevant.

Payment of contractual maternity pay:

a) Monthly instalments

The additional 12 weeks at half pay contractual maternity pay can be paid in monthly instalments immediately after the first six weeks of maternity pay if you make a specific declaration that you intend to return to work for, at least,



the three month period. This means that, if you are eligible for SMP, you will normally receive your SMP and your contractual maternity pay at the same time. (N.B this is not case where the payment of SMP and contractual maternity pay equals more than your average weekly earnings).

Note: If you elect to receive the half pay before returning to work, this will be paid to you as a loan, which will be repayable in full, if you do not return to work for at least three months*. In that event, you will not be required to repay the SMP paid to you during the 12 week half pay period as this is a statutory right.

b) Lump sum:

The additional 12 weeks at half pay contractual maternity pay can be withheld and paid to you as a lump sum after you have returned to work for three months. This would happen if you are uncertain about whether you are going to return to work or if you specifically request a deferred payment.

If you are not entitled to SMP, but are entitled to MA from Jobcentre Plus, no deduction of this allowance will be made from your contractual half pay for maternity leave.

*The exception to this is if the reason that you do not return to work for at least 3 months is due to redundancy.

2.822.81 1.9 Contact during Maternity Leave

2.832.82

2.842.83 1.9.1 Shortly before maternity leave starts, the Line Manager will discuss the arrangements for employees-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 ~~employees~~staff informed as to Council activities during their maternity leave.

~~2.85~~2.84

~~2.86~~2.85 1.9.2 The Council reserves the right in any event to maintain reasonable contact with ~~employees~~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.

~~2.87~~2.86 1.10 Keeping in Touch (KIT) Days

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~~2.89~~2.88 1.10.1 Except during the first two weeks after childbirth, ~~staff~~employees ~~may~~ 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~~Employees 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.

~~2.90~~2.89

2.90 1.10.2 The Council has no right to require ~~an~~ ~~staff~~employee to carry out any work and ~~staff~~employees 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~~employee. Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, ~~staff~~employees will lose a week's SMP for any week in which they agree to work for the Council.

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~~2.91~~2.92 Please be aware that attending work social events cannot be included in KIT day hours.

~~2.92~~2.93 1.11 Returning to work

~~2.93~~2.94

~~2.94~~2.95 1.11.1 The ~~employee~~ 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. Employees~~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.

~~2.95~~2.96

~~2.97~~ 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.

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~~2.96~~2.99 1.11.2 Employees are required to work for a three-month period following their return from maternity leave if they wish to avoid repaying the loan of the contractual maternity pay. If they do not return to work for the three-month period, they will be obliged to return this element of their maternity pay. The three month period may include annual leave and their notice period.

~~2.97~~ 1.11.3 If an ~~employee~~ 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.~~

2.100 1.11.4 If an ~~member of staff~~employee 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. Please however be aware that if an employee resigns during their maternity leave, they will need to return their contractual maternity pay as to qualify for this, the employee must return to work at the end of their maternity leave for a three-month period.

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~~2.982.102~~

~~2.992.103~~ 1.12 Rights On and After Returning to Work

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~~2.1012.105~~ 1.12.1 On resuming work after OML, staffemployees 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.

~~2.1022.106~~

~~2.1032.107~~ 1.12.2 On resuming work after AML, again staffemployees 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 staffemployees 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.



2.1042.108 1.12.3 An ~~member of staff~~employee 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.

2.1052.109 1.12.4 If an ~~member of staff~~employee 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~~employee is seeking, i.e. number of hours/days they would propose to work and how any resulting operational issues could be addressed.

2.1062.110 1.13 Miscellaneous Provisions

2.1072.111

2.1082.112 Pension Contributions

2.1092.113 ~~Staff~~Employees 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.

2.1102.114

2.1112.115 Private Medical Benefit

2.1122.116 For those ~~members of staff~~employees 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.

~~2.113~~2.117

~~2.114~~ Other Allowances

~~2.118~~ You will stop receiving any allowance(s) after your 4 days OMP ends apart from the car allowance should you be eligible for this

2.119 Other Allowances

~~2.115~~ You will stop receiving any allowance(s) after your 12 weeks OMP ends with the exception of a car allowance should you be eligible for this

~~2.116~~2.120

~~2.117~~2.121 1.14 Other Exceptional Circumstances

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~~2.119~~2.123 1.14.1 Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation) which would have occurred had an ~~member of staff~~employee 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~~employee was employed and the terms and conditions of the alternative post must not be substantially less favourable to ~~staff~~employees than if they had been able to return to the job in which they were originally employed.

~~2.120~~2.124

~~2.121~~2.125 1.14.2 You are still eligible to receive Statutory Maternity Leave and ~~SMP~~any pay provision if your baby:

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

~~2.122~~2.126

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.

[2.127](#) Paternity Policy

[2.123](#)[2.128](#)

[2.124](#)[2.129](#) This Paternity Policy sets out the rights of Council ~~staff~~[employees](#) 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~~ [staffemployee](#) must have or expect to have, responsibility for the child's upbringing.

[2.125](#)[2.130](#)

[2.126](#)[2.131](#)

[2.127](#)[2.132](#) [2.1](#) Paternity Leave [and Paternity Pay](#)

[2.128](#)[2.133](#)

[2.129](#)[2.134](#) [2.1.1](#) An ~~member of~~ [staffemployee](#) whose wife, civil partner or partner gives birth to a child is entitled to two weeks' ~~paid~~ paternity leave [on full pay](#) 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.

[2.130](#)[2.135](#)

[2.131](#)[2.136](#) [2.1.2](#) Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive 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.



~~2.132-2.1.3~~ 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.

~~2.133~~ 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.

~~2.137~~ You may also accompany your partner to two antenatal appointments (refer to section 6.2 for further details).

~~2.138~~

~~2.139~~ Time off for appointments

~~2.140~~

~~2.134~~ The partner of the person giving birth who is entitled to Paternity Leave and Pay as identified above child's father or the pregnant woman's partner, is entitled to accompany the expectant mother to her antenatal and postnatal appointments. This can be taken as paid leave for up to 4 appointments which can either be antenatal or postnatal appointment. No qualifying period of service is required. Whilst we will not ask for any evidence of the 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.

~~2.135~~ 2.141 2.3 PP Paternity and Additional Paternity Leave



2.1362.142

2.1372.143 2.3.1 Where an ~~an member of staff~~ employee (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:

2.1382.144

- 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 B I

2.1392.145

2.1402.146 2.3.2 If an ~~an member of staff~~ employee subsequently wishes to change the timing of the 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. We appreciate that on occasion (for example an unexpectedly early birth) this may not always be possible and will take into account extenuating circumstances when authorising leave.

2.1412.147

2.1422.148 2.4 Contact During Paternity Leave

2.1432.149

2.1442.150 Shortly before paternity leave starts, the Line Manager will discuss the arrangements for staff employees 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 employees informed as to Council activities during their paternity leave.

2.1452.151

2.1462.152 The Council reserves the right in any event to maintain reasonable contact with ~~staff~~ the employee from time to time during their paternity leave.



[2.1472.153](#) [2.5](#) Returning to Work

[2.1482.154](#)

[2.1492.155](#) [StaffEmployee](#) s 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. [StaffEmployees](#) 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.

[2.1502.156](#)

[2.1512.157](#) [2.6](#) Rights On and After Return to Work

[2.1522.158](#)

[2.1532.159](#) [2.6.1](#) On resuming work [after staffemployees](#) 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.

[2.1542.160](#)

[2.1552.161](#) [2.6.2](#) ~~An member of staffemployee~~ 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.

[2.1562.162](#) [2.7](#) Miscellaneous Provisions

[2.1572.163](#)

[2.1582.164](#) Pension Contributions



~~2.159~~2.165 ~~Staff~~Employees 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.

~~2.160~~2.166

~~2.161~~2.167 Private Medical Benefit

~~2.162~~2.168 For those ~~members of~~ staffemployees already in the private medical scheme this will continue during paternity leave.

~~2.163~~2.169

~~2.164~~ Other Allowances

~~2.165~~ You will stop receiving any allowance(s) during your paternity leave apart from the car allowance should you be eligible for this.

~~2.166~~2.170

~~2.171~~ 2.8 Other Exceptional Circumstances

~~2.167~~2.172

~~2.168~~2.173 You are still eligible to receive Statutory Paternity Leave and SPP Paternity pPay as detailed in 2.1.1 provision if your baby:

~~2.169~~2.174

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

~~2.170~~2.175

~~2.171~~2.176 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 staffemployee~~ and ~~should be exercised~~will be made by the Line Manager in consultation with ~~by the Head of Human Resources~~ the HR Manager and the relevant Head of Service/Director.

~~2.172~~2.177

~~2.173~~2.178 Adoption Policy



This Adoption Policy sets out the rights of Council [staffemployees](#) 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 [staffemployees](#) may also refer to Paternity Policy and Shared Parental Leave Policy.

[2.1742.179](#) [3.1](#) Eligibility

[2.1752.180](#)

An ~~member of~~ [staffemployee](#) 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.

[2.1762.181](#) [3.2](#) Adoption Leave Entitlement

[2.1772.182](#)

~~Staff~~ [3.2.1](#) [Employees](#) are encouraged to take any outstanding holiday due to them before the commencement of adoption leave.

[3.2.2](#) The entitlement for a qualifying ~~member of~~ [staffemployee](#) is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. Hence the [staffemployee](#)'s maximum entitlement is to take up to 52 weeks' adoption leave.

[3.2.3](#) Adoption leave can start on the day the child is 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)



3.2.4 All [staffemployees](#) 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.

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

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

3.3 Statutory Adoption Pay (SAP)

Staff3.3.1 [Employees](#) 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.

3.3.2 For the first six weeks SAP is paid at the higher rate, which is equivalent to 90% of the member of [staffemployee](#)'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.

~~The Council enhances the SAP payment by paying the first 4 days of adoption leave at full pay.~~

~~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.~~



[3.3.3](#) If [staffemployees](#) 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. [StaffEmployees](#) 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

[3.3.4](#) SAP is treated as earnings and is therefore subject to income tax and national insurance and pension deductions (if applicable).

[3.3.5](#) SAP is payable whether or not an [member of staffemployee](#) intends to return to work after their adoption leave

[3.4 Contractual \(Surrey Heath Borough Council\) Adoption Pay](#)

[Entitlement](#)

[Employees with at least one year's local government continuous service at the 11th week before the week, in which your child is due, are also entitled to:](#)

- [iii. six weeks' pay at 9/10ths of your normal \(contractual\) full pay.](#)
- [iv. An additional 12 weeks contractual adoption pay at half your normal rate of pay, if you return to work after your adoption leave for a period of at least three months.](#)

[Note: \(i\) If you are entitled to SAP, this payment will, in effect, be the first six weeks SAP that Surrey Heath is required to pay to you. If you are not entitled to SAP or MA, your six weeks' pay at 9/10ths of your normal pay will be subject only to the normal salary deductions.](#)



Note: (ii) If the SAP payment together with the additional 12 weeks contractual maternity pay gives a total weekly payment which is more than your normal weekly pay, the 12 weeks contractual maternity pay will spread over a longer period such that the payment is not more than your normal weekly pay. The Payroll and Human Resources Team will discuss this with you if it is relevant.

Payment of contractual maternity pay:

b) Monthly instalments

The additional 12 weeks at half pay contractual adoption pay can be paid in monthly instalments immediately after the first six weeks of adoption pay if you make a specific declaration that you intend to return to work for, at least, the three month period. This means that, if you are eligible for SAP, you will normally receive your SAP and your contractual adoption pay at the same time. (N.B this is not case where the payment of SAP and contractual adoption pay equals more than your average weekly earnings).

Note: If you elect to receive the half pay before returning to work, this will be paid to you as a loan, which will be repayable in full, if you do not return to work for at least three months*. In that event, you will not be required to repay the SAP paid to you during the 12 week half pay period as this is a statutory right.

b) Lump sum:

The additional 12 weeks at half pay contractual adoption pay can be withheld and paid to you as a lump sum after you have returned to work for three months. This would happen if you are uncertain about whether you are going to return to work or if you specifically request a deferred payment.

*The exception to this is if the reason that you do not return to work for at least 3 months is due to redundancy.



3.5 Notification Requirements

3.5.1 In order to make administration as easy as possible, [staffemployees](#) should discuss the timing of their adoption leave with their immediate line- manager as early as possible.

3.5.2 In order to be entitled to take adoption leave and receive SAP, [staffemployees](#) 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 staffemployee](#) for adoption and the date the [member of staffemployee](#) intends their adoption leave to start.

3.5.3 [StaffEmployees](#) 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. [StaffEmployees](#) 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.

3.5.4 [StaffEmployees](#) must also provide evidence of entitlement to adoption leave and pay by producing a 'matching certificate' from the adoption agency.

3.5.5 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.



3.5.6 Within 28 days of receiving notice of intention to take adoption leave, the Council will write to the ~~member of staff~~employee confirming the latest date on which they must return to work after adoption leave.

3.5.7 If an staff employee starts their adoption leave without providing the required notifications, they will be regarded as being on unauthorised absence unless there are exceptional circumstances and this may be referred to the Surrey Heath Council Disciplinary Policy.

3.6 Rights During Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL)

Staff Employees must also provide Whilst on Adoption Leave, staff employees 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.

Whilst on Adoption Leave, staff employees 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.

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



3.7.1 During the period of OAL & AAL an ~~member of staff~~ employee's contract of employment continues in force and they are entitled to receive any benefits in kind (such as private medical insurance, and car allowance) Annual leave entitlement will continue to accrue and pension contributions will continue to be made. Salary and any contractual allowances will cease.

~~Salary will be replaced by Statutory Adoption Pay (SAP), after the first 4 days, if staff are eligible to receive it.~~

3.7.2 ~~staff~~ Employees are encouraged to take any outstanding annual leave due to them before the commencement of OAL.

3.8 Paternity Leave during Adoption Leave

In the case of an adopted child, staff employees 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.

3.9 Contact During Adoption Leave

3.9.1 Shortly before adoption leave starts, the Council will discuss the arrangements for the staff employee 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.



[3.9.2](#) The Council reserves the right in any event to maintain reasonable contact with [the staffemployee](#) 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.

[3.10](#) Keeping in Touch Days

[3.10.1](#) [StaffEmployees](#) 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. [StaffEmployee](#) 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.

[3.10.2](#) The Council has no right to require [staffemployees](#) to carry out any work and [an staffemployee](#) 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 staffemployee](#). Any keeping-in-touch days worked do not extend the period of adoption leave. Once the keeping-in-touch days have been used up, [staffemployees](#) will lose a week's SAP for any week in which they agree to work for the Council.

[KIT day hours may not be claimed to attend a work social event.](#)

[3.11](#) Returning To Work After Adoption Leave

[3.11.1](#) [StaffEmployees](#) may return to work at any time during OAL or AAL, provided that they give the appropriate notification. If [anstaffemployee](#) 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.

3.11.2 Alternatively, staffemployees may take their full period of adoption leave entitlement and return to work at the end of this period.

3.11.3 Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the member of staffemployee is sick and produces a current medical certificate, following the Council's Absence Policy and Procedures, before the end of the adoption leave period.

2.183 3.11.4 If an member of staffemployee 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. S

2.184

2.185 3.11.5 Please note that employees are required to work for a three-month period following their return from adoption leave if they wish to avoid repaying the loan of the contractual adoption pay. If they do not return to work for the three-month period, they will be obliged to return this element of their adoption pay. The three-month period may include annual leave and their notice period.

3.12 Miscellaneous

Pension Contributions

StaffEmployees 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.



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 an [member of staff/employee](#) 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/employee](#) was employed and the terms and conditions of the alternative post must not be substantially less favourable to [the staff/employee](#) than if they had been able to return to the job in which they were originally employed.

Other Allowances

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

—— You will stop receiving any allowance(s) after your 12 weeks OMP ends with the exception of a car allowance should you be eligible for this

3. 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/employees](#) to statutory parental leave to take time off work to look after a child or make arrangements for the child's welfare.

~~2.1783.2~~ [4.1](#) Eligibility

~~2.1793.3~~

~~2.1803.4~~ To qualify for parental leave, an [member of staff/employee](#) must have completed at least one year's continuous service with the Council.

~~2.1813.5~~

~~2.1823.6~~ [Staff/Employees](#) are entitled to up to 18 weeks' unpaid parental leave in total, per child, if they meet one of the following conditions:



2.1833.7

- 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

2.1843.8

2.1853.9 [4.2](#) Rights During Parental Leave

2.1863.10

2.1873.11 During parental leave the ~~member of staff~~employee will remain employed, although pay will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place.

2.1883.12

2.1893.13 During parental leave ~~staff~~employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

2.1903.14

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

2.1913.15

2.1923.16 An ~~member of staff~~employee taking parental leave will be bound by the implied obligation of good faith and any terms and conditions of employment relating to:

2.1933.17

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

2.1943.18

2.1953.19 [4.3](#) Conditions of Leave



2.1963.20

4.3.1 An ~~member of staff~~employee 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~~employee is exercising a right in relation to a disabled child, details of the child's entitlement to Disability Living Allowance).

4.3.2 An ~~member of staff~~employee 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.

4.3.3 Where the ~~member of staff~~employee 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~~employee must give this notice at least 21 days before the expected week of childbirth.

4.3.4 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~~employee'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.

4.3.5 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~~employee were to take leave during the period requested. In such a case, the Council will allow the ~~member of staff~~employee 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~~employee to take parental leave. Such notice will be given no more than 7 days after the ~~member of staff~~employee's notice was given to the Council.

4.3.6 An ~~member of staff~~employee may not take parental leave in blocks of less than 1 week (except in relation to a child who is disabled).

4.3.7 An ~~member of staff~~employee 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~~employee 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.

4.4 Return From Leave

4.4.1 At the end of parental leave, the ~~member of staff~~employee 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).

4.4.2 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~~employee 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.

4.5 Miscellaneous



The Council reserves the right to reasonably request evidence to confirm an [member of staff/employee](#) 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.

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

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

5.1 Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)

5.1.1 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.

5.1.2 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.

5.1.3 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.

5.1.4 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.

5.1.5 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.

5.2 Eligibility

5.2.1 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)

5.2.2 A mother must take a minimum of 2 weeks' maternity leave following the birth.

5.2.3 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.

5.2.4 If your employee is eligible then they can use SPL to book their leave in separate blocks.

5.2.5 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.



5.3 Blocks of leave

5.3.1 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.

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

5.3.3 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.

5.4 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.

5.5 Starting Shared Parental leave

5.5.1 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).

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

5.5.3 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.

5.5.4 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).

5.5.5 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



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

5.6 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.

5.7 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

5.8 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.

5.9 Shared Parental Pay (ShPP)

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

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)

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

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).

5. Parental Bereavement Leave and Parental Bereavement Pay Policy



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 [staffemployees](#) and provides employees with information and options for taking leave for those who have suffered the loss of a child

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.

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.

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

6.1 Parental Bereavement Leave

6.1.1 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;

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

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

[6.1.2](#) You have 56 weeks to take Parental Bereavement Leave. This starts from the date of the child's death.

[6.1.3](#) 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

[6.1.4](#) 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 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.

[6.1.5](#) 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



You do not need to give proof of the death or stillbirth and it is recognised the initial point of contact may not be with the member of staff but with a close relative or partner.

6.2 Statutory Parental Bereavement Pay

6.2.1 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;

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.

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

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

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

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

6.2.2 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.

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>

6.3 Cancelling your Parental Bereavement Leave or Parental Bereavement Pay

6.3.1 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.

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

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.

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.

6.4 Taking Parental Bereavement Leave with other categories of Statutory Leave

6.4.1 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.

6.4.2 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.

6.4.3 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.

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

6. Kinship and Foster Care



The Council recognises that there are people who sometimes act as parents formally and informally sometimes without having full or sole parental responsibilities.

Foster parents are people who take a child into their family for a period of time, without becoming the child's legal parents. The child is referred to as their foster child.

Family Rights groups define kinship care as: when a child lives full-time or most of the time with a relative or friend who isn't their parent, usually because their parents aren't able to care for them.

The Council accept employees may need to act as parents even without parental responsibilities and that when an employee is involved in kinship or foster care, this may impact on their working lives. We would encourage employees to discuss their caring responsibilities with their line managers and HR as they may be able to consider flexible working, agile working or special leave as needed.

Equality Impact Assessment Date	
Author	Human Resources

