

# FAMILY LEAVE POLICY

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## Family Leave Policy

### POLICY SCOPE

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Welcome to our policy and guidance about family and parenting leave at Monmouthshire County Council (MCC). It sets out everything you need to know about pregnancy, maternity, paternity, adoption, parental and shared parental leave, detailing more information on each of these types of leave. You will see there are some elements between each type of family leave that differ, mainly in terms of entitlement and pay. However, there is much common ground across this suite of family leave policies. For example, your communication with your line manager/head teacher, time off to attend antenatal or adoptive appointments either for yourself or your partner, your rights whilst on leave, contact during the leave period and keeping in touch days, what happens if you are unwell whilst on the leave and lastly planning your welcomed return from family leave. Some sections may go into more detail, however, for ease of reading, and to avoid duplication, you will see that some areas have been consolidated, as they are applicable to all the family leave policies.

By bringing together the family leave policies in this way, we seek to maintain a supportive, inclusive and diverse workforce, whilst encouraging you to find a work/life balance, which suits you in the important role that you undertake for us in MCC. As part of our organisational values of openness, fairness, flexibility and teamwork, we aim to support and encourage all colleagues to thrive in their roles. Family friendly workplace policies help families to have the best opportunity to be happy, healthy and to flourish, which is important to MCC as it helps our workforce to be productive and best serve the residents within our communities. We recognise that changes in family life may bring many questions and we

encourage you to start having conversations with your line manager/head teacher as soon as possible. We fully anticipate that such conversations will start when there are going to be changes to your family life. These will continue throughout the period running up to your family leave, the actual period of family leave that you take and also in the planning of your return to work as you seek to undertake a new blend of work and personal life which works well for you.

In its application, this policy seeks to ensure that there is no discrimination against colleagues either directly or indirectly on grounds prohibited by the Equality Act 2010 which covers age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. MCC recognises that there are a diverse range of family formations and this policy looks to use inclusive language to reflect this diversity. The language of 'maternity' and 'paternity' leave reflects government policy and MCC recognises that parents may not identify with these terms. This policy is inclusive of partners of the opposite or same sex.

This policy/guidance applies to all MCC colleagues, including those based in our schools. We understand the importance of family life and the need to achieve balance in our everyday lives. Therefore, aligned to FAMILY LEAVE, there are additional MCC policies which you may wish to access for information, such as: Agile Working Policy, Carers Policy, Hours and Leave Policy (inclusive of special leave), Attendance Management Policy, Purchase of Additional Annual Leave Scheme.

## Maternity Leave

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Congratulations! You may be having a baby for the first time or you may be welcoming a new addition to your family. MCC is committed to supporting and enabling you during this time and there will be no changes to your current terms and conditions other than your pay during maternity leave.

The more information you have to hand and the earlier you tell your line manager/head teacher the better. This will enable you to be more informed, thereby also helping you in terms of your overall wellbeing at this exciting time. Similarly, this will also enable your line manager/head teacher to be able to ensure that you are supported at the earliest possible opportunity, whilst also allowing you to feed in to the operational planning steps that are taken with your leave period in mind.

You will have a lot to think about and discuss with your line manager/head teacher, and you will have the time to shape and plan what your maternity leave will look like. Within this context, we recognise that there is not a 'one size fits all' and your maternity leave plan will depend on your wider set of individual circumstances.

## Maternity leave entitlement

Regardless of your length of service or full time/part-time status, you have the right to take up to 26 weeks' ordinary maternity leave (OML) and following on from this, up to a further 26 weeks' additional maternity leave (AML) and resume work afterwards. The entitlement is therefore a total period of 52 weeks' maternity leave.

Maternity leave cannot start earlier than **11 weeks** before the week that the baby is due. However, a mother will be required to take two weeks compulsory maternity leave following the birth of the child. If the baby is born before the maternity leave is due to start, please let your line manager/head teacher know and your maternity leave will commence the following day.

## Notification of your maternity leave

You are required to have told your line manager/head teacher by the end of the qualifying week (no later than the **15<sup>th</sup> week** before the baby is due), by completing the pregnancy notification form in which you will confirm:

- The expected week of childbirth
- Provide the original certificate of confinement (MATB1)
- The date you intend to commence maternity leave (no earlier than **11 weeks** before your expected week of childbirth (EWC)).

The MATB1 must have either the doctor's name and address or the midwife's name and registration number on it.

For practical purposes, we ask that you provide at least 28 days' notice of your maternity leave/pay start date. If things change and you want to finish work early or if the baby arrives early, please discuss this with your line manager/head teacher, providing as much notice as you are able to. Upon receipt of the pregnancy notification form, the People Services will write to you confirming the last expected date of your return to work from maternity leave. This will be 52 weeks from the start of your maternity leave.

## Maternity Pay

### Less than 26 weeks' continuous local government service (with the same employer)

If you who have less than 26 weeks service at the **15<sup>th</sup> week** before the EWC, you will not be eligible for statutory maternity pay (SMP), but may qualify for maternity allowance (MA) from the department for work and pensions or SMP from your previous employer.

### Less than one year continuous local government service (with the same employer)

If you have more than 26 weeks service but less than one year of continuous service at the beginning of the **15<sup>th</sup> week** before the EWC, you may be entitled to receive SMP, subject to meeting statutory requirements. Average earnings in the eight weeks before the **15<sup>th</sup> week** before EWC must be at least equal to the lower earnings limit. Where applicable SMP payments will be:

Maternity Leave	Local Government Colleagues	Teachers
Weeks 1 – 6	SMP based on 90% of an average week's pay	SMP based on 90% of an average week's pay
Weeks 7 – 39	SMP at the standard rate or 90% of an average week's pay if this is less	SMP at the standard rate or 90% of an average week's pay if this is less
Weeks 40 – 52	Unpaid	Unpaid

### More than one year continuous local government service (with the same employer)

If you who have more than one year of continuous local government service at the 15<sup>th</sup> week (11<sup>th</sup> week for teachers) before the EWC, you are eligible for SMP and organisational maternity pay (OMP) as outlined in the tables below, subject to meeting the required criteria:

Maternity Leave	Local Government Colleagues
Weeks 1 – 6	SMP based on 90% of an average week's pay
Weeks 7 – 18	Half pay OMP plus SMP at the standard rate or 90% of an average week's pay if this is less ( <b>subject to normal full pay not being exceeded</b> )
Weeks 19 - 39	Standard rate SMP or average week's pay if this is less
Weeks 40 – 52	Unpaid

Maternity Leave	Teachers
Weeks 1 – 4	100% full pay
Weeks 5 & 6	90% of a week's pay (inclusive of SMP or MA)

Weeks 7 - 18	Half pay OMP plus SMP at the standard rate or 90% of an average week's pay if this is less <b>(subject to normal full pay not being exceeded)</b>
Weeks 19 - 39	Standard rate SMP or average week's pay if this is less
Weeks 40 – 52	Unpaid

If you are not entitled to SMP, you will be provided with a SMP1 form to enable you to claim maternity allowance (MA) from the department for work and pensions.

If you are not intending to return to work following your period of maternity leave, you will not be entitled to OMP payments during weeks 7-18. If you decide not to return to work or returns for less than a period of 3 months following your period of maternity leave will be required to refund the OMP paid to you in full (for teachers the return is 13 weeks (including periods of school closure).

### Premature birth

If your baby is born early, your eligibility for maternity pay is not affected and we ask that you inform your line manager/head teacher as soon as possible. If you are yet to forward MATB1 form at the time that your baby is born, you will need to forward a copy of the child's birth certificate or a document signed by a doctor or midwife, which confirms the date of birth. The receipt of this information will trigger the start of your maternity leave and pay, the day after the birth of your baby. Where maternity leave has already commenced, and the baby is born early, maternity pay would continue in the normal way.

### Loss of a baby through miscarriage, stillbirth or neonatal death

If a baby dies before 24 weeks have been completed it is called a miscarriage. A stillbirth is when a baby dies before or during delivery after 24 weeks' of pregnancy. Neonatal death is a baby born during pregnancy who lives, even briefly but dies within four weeks of being born. It can be devastating when a baby dies. You will receive medical support during this time and specialist provision is available through the NHS and charities. Your line manager/head teacher will also be able to signpost you to other wellbeing support and we can offer you access to counselling.

You can take maternity leave if the baby is stillborn or continue your maternity leave if the baby dies. You are also eligible for \*parental bereavement support leave and pay. Your health needs following a miscarriage are supported through the Attendance Management Policy.



\*Parental Bereavement (Leave and Pay) Act 2018 provides a right to time away from work for those colleagues who have lost a child under the age of 18 or who suffer a stillbirth from the 24th week of pregnancy with up to 2 weeks with pay per annum.

## **Fertility Treatment**

You will be entitled to take reasonable time off from work if you and/or your partner is undergoing fertility treatment and we recommend that you have early and open discussions with your line manager/head teacher to assist you in your planning needs around this.

If you become pregnant through IVF, you have all the same pregnancy and maternity rights as non-IVF pregnancies. There is no legal right for paid time off work for IVF treatment and will need to talk with your line manager/head teacher about any time off you need during your IVF treatment. We will treat your IVF appointments and any sickness the same as any other medical appointment or sickness. There may also be options around:

- flexible working
- unpaid time off, annual leave or (school) holiday period

## **Sickness during pregnancy and paid maternity period**

If you are unwell and absent from work during pregnancy owing to non-pregnancy related illnesses, this will be recorded and managed in line with the Attendance Management policy. If the absence is due to a pregnancy-related illness, this will be recorded separately. However, your line manager/head teacher will continue to monitor such absences with your ongoing health, wellbeing and support needs in mind. A referral to Occupational Health may be needed to help identify your support needs, along with a review and/or update to your new and expectant mother's risk assessment.

If you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your EWC, you must inform your line manager/head teacher who in turn will inform People Services, as your maternity leave will start automatically the day after reporting sick.

If you become sick after the birth of your baby but during the SMP pay period, SMP will continue to be paid as normal. If you return to work within the 39 week paid maternity period and are then absent due to ill health during that period, SMP is payable instead of sick pay/statutory sick pay.

In the circumstances where you are not entitled to SMP or MA, you may be considered for entitlement to sick pay/statutory sick pay. Your line manager/head teacher will liaise with People Services to make any changes to pay or make enquiries about pay entitlements.

## **Understanding your role and its risks**

We recommend that you tell your line manager/head teacher that you are pregnant, as early as you feel comfortable as there may be safety implications that you or they need to flag.

This will allow your line manager/head teacher to engage with you and to support you in the completion of the new and expectant mother's risk assessment.

The new and expectant mothers risk assessment will assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding. This is especially important where the work is of a kind that could involve a risk of harm or danger to your health and safety or health and safety of your baby and the risk arises from either processes, working conditions or physical chemical or biological agents in the workplace.

If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal job duties, MCC, in discussion with you, will take such steps as are reasonably necessary to avoid those risks, which may involve temporarily altering your working conditions. In some cases, this may mean offering you alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for MCC to alter your working conditions to remove the risks to your health and there is no suitable alternative work available to offer on a temporary basis, MCC may suspend you from work on maternity grounds until such times, as there are no longer risks to your health. This may be for the remainder of your pregnancy until the commencement of your maternity leave; however, this decision would be kept under regular review. If you are suspended in these circumstances, your employment will continue during the period of suspension and it does not in any way affect your statutory or contractual employment and maternity rights. You will be entitled to your normal salary and contractual benefits during the period of suspension, unless you have refused a reasonable offer of suitable alternative employment.

## **Breastfeeding**

MCC recognises the benefits of breastfeeding for mother and baby and is committed to supporting new mothers to continue breastfeeding their babies, should they choose to, on their return to work after maternity leave. New mothers returning from maternity leave, have the right to request:

- to breastfeed their babies in person
- private facilities for expressing and storage of breast milk
- suitable facilities to rest.

If you are intending to continue breastfeeding on your return to work, you should let your line manager/head teacher know in writing at least 28 days before your return to work. You should also let your line manager/head teacher know of any recommendations that your doctor has made in relation to your health and wellbeing during pregnancy or during the period following the birth of the baby. Your line manager/head teacher along with your input should then carry out a new and expectant mother's risk assessment.

Your line manager/head teacher will ensure (while also taking the needs of the service delivery into account) that pregnant colleagues and new mothers are allowed reasonable flexibility in their working hours and to take. If you wish to request flexibility to, for example, go home to feed your baby (if they live close to the workplace), you should speak to your line manager/head teacher. While we cannot guarantee that we will be able to agree to every request for flexibility, we will give favourable consideration to requests and endeavour, within reason, to accommodate your wishes. We are committed to providing all reasonable support to colleagues who are pregnant or new mothers. Other workplace colleagues should be sensitive to this issue and should also adopt a supportive attitude towards their colleagues. Every colleague has the right to be treated with dignity at work and this requirement is particularly relevant and important to colleagues who are pregnant or who have recently given birth. It is a requirement of this policy that all colleagues of MCC respect this principle.

## Adoption Leave

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### Adoption leave entitlement

Congratulations on the upcoming/new arrival to your family! You will be able to apply for adoptive leave and pay if you have worked continuously for at least **26 weeks** when you receive your official notification of matching from the adoption agency ('matching week'). If you are jointly adopting as a couple, only one may apply for adoption leave, however, your partner may also be eligible to apply for paternity leave.

Adoption leave allows you to take up to 52 weeks leave from work to adopt a child. This will be up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. Your maximum entitlement is therefore to take up to 52 weeks' adoption leave.

The point at which adoption leave can commence will depend on whether the adoption is UK based or overseas. (Adoption leave can start on any day of the week.)

**For UK adoptions:** you can start your adoption leave from 14 days prior to the child's placement up to and including the date of the child's placement.

**For overseas adoptions:** you can start your adoption leave from the date the child enters the UK up to 28 days after the child enters the UK.

If you are adopting two children at the same then you will be eligible for only one period of adoption leave.

## Adoption leave eligibility

Some eligibility criteria will depend on whether the adoption is UK based or overseas.

**For UK adoptions:** you will be matched with a child by an approved UK adoption agency and have notified the agency of your agreement to the placement and to the proposed date of the placement.

**For overseas adoptions:** you will receive written notification issued by or on behalf of the relevant domestic authority stating that the authority either is prepared to issue a certificate to the overseas authority dealing with the adoption of the child, or has issued a certificate and sent it to that authority. In either case, the certificate confirms that you as the adopter, have been approved by them as being a suitable adoptive parent to adopt a child from overseas.

If you and/or your partner are becoming the legal parents of a child under a surrogacy arrangement, you are entitled to take statutory adoption leave. Local authority foster parents who are the prospective adopters ("foster to adopt") are also entitled to take statutory adoption leave.

The definition of placement is when the child arrives to live permanently with the adopter. If however, unfortunately the placement ends during your adoption leave, you will be able to continue your adoption leave for up to 8 weeks after the end of the placement. If a placement does not happen and you have already started your adoption leave, you will be able to continue adoption leave for up to 8 weeks following notification that the placement will not go ahead.

## Notification of your adoption leave

To ensure that your adoption leave and pay can be arranged as smoothly as possible, you are encouraged to discuss the timing of your adoption leave and the leave you would like to take with your line manager/head teacher as early as possible. However, under statutory requirements, you are required to notify your line manager/head teacher of your intention to take adoption leave **by the end of the matching week** via the completion of the application for adoption leave form.

This form will capture the specific date that the child is expected to be placed with you for adoption and also the date that you intend your adoption leave to start. You may be requested to provide a "matching certificate" from the adoption agency. People Services will write to you confirming the latest date on which you must return to work after adoption leave. This will be 52 weeks from the start of your adoption leave.

If you wish to change the start date of your adoption leave, your request must be given in writing to your manager at least 28 days prior to the new start date. If your adopted child is

placed earlier than your agreed adoption leave start date, your adoption leave will commence from the day after the child's placement.

## Adoption pay

Your entitlement to adoption pay will depend on how much continuous service you have.

### Less than one year continuous local government service (with the same employer)

If you have more than 26 weeks service but less than one year of continuous service leading in to the week in which notification of matching was given by the adoption agency you may be eligible for statutory adoption pay. You must be the person with whom a child is, or is expected to be placed with for adoption. Average earnings in the eight weeks before the receipt of the notification of the matching by the adoption agency must be at least equal to the lower earnings limit. Where applicable statutory adoption payments (SAP) will be:

Adoption Leave	Local Government Employees	Teachers
Weeks 1 – 6	SAP based on 90% of an average week's pay	SAP based on 90% of an average week's pay
Weeks 7 – 39	SAP at the standard rate or 90% of an average week's pay if this is less	SAP at the standard rate or 90% of an average week's pay if this is less
Weeks 40 – 52	Unpaid	Unpaid

\*Surrogacy and foster to adopt are entitled to SAP

### More than one year continuous local government service (with the same employer)

If you have more than one year of continuous local government service leading in to the week in which notification of matching was given by the adoption agency are eligible for SAP and OAP, subject to them meeting the required criteria:

Adoption Leave	Local Government Employees
Weeks 1 – 6	SAP based on 90% of an average week's pay
Weeks 7 – 18	Half pay OAP plus SAP at the standard rate or 90% of an average week's pay if this is less <b>(subject to normal full pay not being exceeded)</b>
Weeks 18 - 39	Standard rate SAP or average week's pay if this is less
Weeks 40 – 52	Unpaid

Adoption Leave	Teachers
Weeks 1 – 4	100% full pay
Weeks 5 & 6	90% of a week's pay (inclusive of SAP)
Weeks 7 – 18	Half pay OAP plus SAP at the standard rate or 90% of an average week's pay if this is less <b>(subject to normal full pay not being exceeded)</b>
Weeks 18 - 39	Standard rate SAP or average week's pay if this is less
Weeks 40 – 52	Unpaid

Those not intending to return to work following their period of adoption leave will not be entitled to OAP payments during weeks 7-18. If you decide not return to work or return for less than a period of 3 months following your period of adoption leave or for teachers 13 weeks (including periods of school closure), you will be required to refund the OAP paid to you in full.

## Paternity Leave

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### Paternal leave entitlement

Congratulations on the new addition/upcoming new addition to your family. Depending on your length of service, you are able to apply to take up to two weeks paid paternity leave.

The two weeks paid leave should be taken in a single block, i.e., as one or two consecutive calendar weeks and not divided into individual days.

If you are adopting a child, you will be eligible for paternity leave and pay if you are not claiming adoption leave and pay. If you are a couple that is jointly adopting a child, one of you may claim adoption leave and pay, and the other paternity leave and pay, which will be a choice made by yourselves.

Paternal leave must be taken within eight weeks of the expected date of childbirth or date that the child is placed for adoption and cannot start until the birth of the baby or adoption placement has commenced. You may be able to take annual leave before the actual birth if you have planned your leave around this, thus paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

Only one period of paternity leave is available to you irrespective of whether more than one child is born or adopted as a result of the same pregnancy or matching process.

## Paternity leave eligibility

You may be eligible to apply for paternity leave if:

- you are the biological father
- your partner is having a baby, adopting a child or having a child through surrogacy

If you are a same-sex partner, it is still called paternity leave. One partner can take paternity leave, maternity leave or adoption leave.

The first week of paternity leave within MCC is known as occupational maternity support leave and applies to **all** eligible colleagues (as identified above) regardless of length of service as a benefit, which provides 5 working days at full pay.

The second week of paternity leave is paid at the current statutory paternity leave rate and applies to eligible colleague (as identified above) who also meet the following eligibility criteria:

- you have 26 weeks' continuous service prior to the 15<sup>th</sup> week in which the child is due
- you have 26 weeks' continuous service prior to the matching week in the case of adoption:
  - end of the week you are matched with the child (UK adoptions)
  - the date the child enters the UK or when you want your pay to start (Overseas adoptions).

## Notification of your paternity leave

If you wish to request paternity leave for the birth of your child, you should discuss with your line manager/head teacher as soon as you are able. You should provide your intention to take paternity leave via the completion of an application for paternity leave form at least **15 weeks'** in advance of the date on which your partner's baby is due, detailing the length of paternity leave you wish to take and the date on which you wish the leave to commence.

In the case of adopting a child, you should discuss with your line manager and head teacher and provide your intention to take paternity leave no later than **seven days** after the date on which notification of the match with the child was given by the adoption agency. You must specify the date on which you were notified of having been matched with a child, the date the child is expected to be placed for adoption, the date you intend to start your paternity leave and the length of the intended paternity leave period.

## Paternity leave pay

Week	Pay
Week 1	<b>Occupational Maternity Support Leave</b> – this is a MCC benefit, which provides 5 working days with full pay.
Week 2	<b>Statutory Paternity Pay</b> – this will be at a rate set by the Government for the relevant tax year, or at 90% of the colleague's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, colleagues whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Occupational and statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

### Premature birth

If your partner's baby is born prematurely, you will be entitled to the same amount of paternity leave and pay as if the baby had been born at full term. Therefore, if your partner's baby is born before the **15th week** of the EWC, your entitlement to paternity leave and/or paternity pay will not be affected.

### Loss of a baby through miscarriage or stillbirth

In the extremely sad circumstances, that your partner has a miscarriage or stillbirth, you will be supported by your line manager/head teacher who will also be able to signpost you to other wellbeing support at this difficult time including the offer of counselling.

There is no eligibility for paternity leave for miscarriage however, paternity leave and pay can apply where the loss is through a stillbirth and you are eligible for \*parental bereavement leave. Your health and wellbeing needs during any time off will be supported through the Attendance Management Policy.

\*Parental Bereavement (Leave and Pay) Act 2018 provides a right to time away from work for those colleagues who have lost a child under the age of 18 or who suffer a stillbirth from the 24th week of pregnancy of up to 2 weeks with pay per annum.



## Shared Parental Leave

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The Shared Parental Leave Regulations (2014), provide an opportunity for parents to take advantage of additional flexibility in the way they choose to care for a new arrival to the family.

Shared parental leave (SPL) allows eligible mothers, fathers, partners and adopters to choose to share time off work after their child is born or placed for adoption.

### Shared parental leave entitlement

The amount of leave available is calculated using the mother's entitlement of 52 weeks maternity or adoptive leave. A mother must take at least two weeks compulsory maternity leave following the birth of the child. However, the parents are then able to choose how to split up the remaining 50 weeks of leave between them. Each parent can take SPL separately, or at the same time. Therefore, the amount of shared parental leave you are entitled to, will depend on how you have chosen to share the remaining maternity/adoptive leave with your partner.

SPL should not be confused with ordinary parental leave, which is unaffected by shared parental leave.

You and/or your partner may wish to also consider your eligibility for paternity leave initially, as this may be lost if you take up SPL first.

You will be required to take your SPL in continuous blocks of at least one week. You can request to take SPL in one continuous block (in which case we are required to accept the request as long as you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case this would be considered in line with service delivery).

SPL must be taken between the baby's birth and first birthday, or within 1 year of adoption (for adoption overseas, SPL must be taken at any time from the date on which the child enters the UK). Where more than one child is placed for adoption through a single placement, the date of placement of the first child (for adoption from overseas, at any time from the date which the first child enters the UK).

Each parent (birth or adoptive) can normally make a maximum of three requests for leave per pregnancy or adoptive placement (regardless of the number of children who are born or placed as part of that placement).

## Shared parental leave eligibility

### To qualify for SPL:

- You will have worked for MCC for 26 weeks prior to the **15<sup>th</sup> week** before the child's due date or matching date in cases of adoption.

### To qualify for SPL a mother must:

- Have a partner
- Be entitled to either maternity/adoption or to statutory maternity and adoption pay or maternity allowance
- Already have returned to work, or given notice to reduce their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave). The notice is binding so cannot be withdrawn except in certain circumstances.

### A parent intending to take SPL must:

- Be an employee
- Share primary responsibility for the child with the other parent at the time or placement for adoption
- Have notified their line manager/head teacher of their entitlement and provided the necessary declarations i.e., 8 weeks' notice prior to birth and evidence of birth certificate.

## Notification of your shared parental leave

You are encouraged to discuss your intention to take SPL with your line manager/head teacher as soon as you feel able to and notify them by completing the application for shared parental leave form providing evidence of the MATB1 form, copy of birth certificate or confirmation of adoption matching certificate.

The notices that you and/or your partner must give to your relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a "maternity/adoption leave curtailment notice" from the mother/adopter setting out when they propose to end their maternity/adoption leave (unless the adopter has already returned to work from adoption leave);
- a "notice of entitlement and intention" from the colleague giving an initial, non-binding indication of each period of shared parental leave that they are requesting; and
- a "period of leave notice" from the colleague setting out the start and end dates of each period of shared parental leave that they are requesting.

This policy applies to you as a colleague of MCC. Your partner will need to submit any notifications to take shared parental leave set out in this policy to their own employer, which

may have its own shared parental leave policy in place, if they want to take a period of shared parental leave.

Each partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

## Parental Leave (Unpaid)

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### Parental leave entitlement

We understand the importance of achieving a work life blend that works for you and your family. Parental leave provides you with an opportunity to add flexibility to the way in which you care for your child. For example, you may want to spend more time with your children, perhaps look at new schools, settle your children into new childcare arrangements or spend more time with your family, such as visiting grandparents.

You are entitled to up to 18 weeks' unpaid parental leave for each child and adoptive child, up to their 18<sup>th</sup> birthday. Any pattern requested must be discussed and agreed with your manager/head teacher.

### Parental leave eligibility

In order to qualify for parental leave, you must be employed by MCC and have at least 12 months continuous service.

You must also have a child under the age of 18 and:

- be named on the child's birth certificate
- be named on the child's adoption certificate
- have legal parental responsibility for the child.

Unpaid parental leave may also be taken by foster parents; adoptive parents prior to placement; those with a significant parenting role due to family circumstances such as grandparents and kinship carers and stepparents.

### Notification of Parental Leave

We recommend that you discuss your intention to take parental leave with your line manager/head teacher as soon as you feel able to. This is to ensure that the planning and arrangements for cover whilst you are on parental leave can be put in place. You are also required to provide at least 21 days' notice to your line manager/head teacher before the date on which you wish your parental leave to start by completing the application of parental leave form.

## Parental leave pay

Parental leave is unpaid.

## Right to postpone parental leave

Your request for parental leave can be postponed (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where it is considered that MCC services or business would be unduly impacted if you were to take leave during the period requested. However, we are obliged to honour the request of the equivalent parental leave no later than six months after the commencement of the period originally requested. Your line manager/head teacher will provide this postponement to you in writing stating the reason for it and specifying suggested dates for you to take parental leave. Such notice will be given no more than seven days after your notice was submitted.

Where a period of parental leave has been postponed, we will ensure that the requested period of leave is completed before the child's 18th birthday, even if this is less than six months away from the date of the original request.

## Fostering/Connected Person/Kinship/Guardianship Leave

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There is no statutory right to paid time off for colleagues who foster a child, except in a "foster to adopt" situation. However, MCC recognises that taking on the responsibility of being a long-term foster parent (including where arrangements are taking place with a local authority for connected person/kinship assessment or guardianship for child/children) can be life changing therefore as a supportive measure reasonable time off with pay if offered.

## Leave eligibility

In order to qualify for this type of leave, you must be employed by MCC for 12 months in the week in which you are notified of being matched with a child for fostering/connected person/kinship assessment or guardianship and your placement must be a formal arrangement with Local Authority Social Services (as opposed to informal/ad-hoc arrangements).

## Leave with pay

If the child/children are below school age:

You are entitled to 10 days paid leave [basic pay] pro rata per long-term placement [more than 4 weeks] counting the week in which placement or guardianship occurs.

If the child/children are school age:

You are entitled to 5 days paid leave [basic pay] pro rata per long-term placement [more than 4 weeks] counting the week in which placement or guardianship occurs.

Only one period of leave is available, irrespective of whether more than one child is being placed for fostering/guardianship as part of the same arrangement. Only one paid period of fostering/guardianship leave will be awarded in any one year. This leave may be granted to either you or your partner, not both, if you are employees of MCC. If the placement fails then you must notify your line manager as soon as possible and return to work.

## Antenatal Care

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You will be supported to have time off to attend antenatal care/adoptive appointments according to the particular eligibility of the family leave type. Undoubtedly, these appointments will be in accordance with your doctor, midwife or adoptive agency. We recommend that you discuss your antenatal care/adoptive appointment needs with your line manager/head teacher as soon as possible to ensure that the arrangements to support your attendance can be put in place. You may be requested to show a certificate or appointment card.

### Maternity

You will be supported throughout your pregnancy and will be able to take paid time off work to attend antenatal appointments as advised by your doctor, registered midwife or registered health visitor.

### Adoption appointments

You will be supported to take time off to attend adoption appointments. Where you are a part of a couple jointly adopting a child, can decide to elect for one of you to take paid time off work to attend adoption appointments. The other can decide to take unpaid time off to attend adoption appointments.

### Paternity

You will be supported to take unpaid time off to accompany your partner to attend antenatal appointments. You could be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman or be the biological father of the expected child.

## Contact during Family Leave

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Taking family leave can be an immensely exciting time and we understand how important this is for you in achieving your work life blend. Talking to your line manager/head teacher

as soon as you are able about the arrangements for your family leave will help you to create a plan.

You will also want to talk to your line manager/head teacher about how you want people to keep in touch whilst you are away. We would like to keep you informed of any workplace developments and events in a way that is comfortable for you, which we hope will also support you in your return to work following your family leave.

We recommend that this plan is created prior to you starting your period of family leave, helping to ensure that your weeks in work leading up to you leave are enjoyable.

### **Keep-in-touch day (KIT days)**

You may take up to 10 days paid work commonly known as "KIT days" without bringing your family leave (maternity, adoption, paternity) to an end. KIT days are optional and any days worked will not extend your family leave period.

For new mothers, you may not work during the two weeks of compulsory maternity leave immediately after the birth of your baby.

KIT days may be consecutive or not, and can include training or other activities which will enable you to keep in touch with your workplace and colleagues. You are encouraged to discuss with your line manager/head teacher if you wish to take up the option of working KIT days prior to you starting your family leave, with arrangements for such days mutually agreed by both you and your line manager/head teacher.

If you are a new mother who is breastfeeding, you will be required to complete a new and expectant mothers risk assessment and the appropriate facilities provided.

You will be paid at your basic rate (less maternity, adoption, paternity pay) for the hours worked on your KIT days. Working for part of the day will count as one KIT day and you will be paid for your hours worked only. Your line manager/head teacher will complete a payroll amendment form to ensure that your payment for KIT days is processed accordingly.

During SPL, both partners may take 20 SPLIT days each and these work in the same way as KIT days.

## **Your Rights during Family Leave**

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During your periods of family leave, whether it be pregnancy, maternity/adoptive or shared parental leave, there are no changes to your terms and conditions of employment other than

to your pay (see relevant family leave section for more information). Thus, your annual leave entitlements, increments and pension contributions will stay the same.

You will continue to accrue annual leave in the same way during your periods of family leave. It would be helpful to talk to your line manager/head teacher prior to the start of your family leave to create a plan for the use of your annual leave. You may decide that you would like to add annual leave to the beginning or end of your family leave to extend the time that you are at home (this is not applicable to schools based employees).

You will also receive a substitute day of paid leave for any bank holidays that fall during the entire period of family leave, which your line manager/head teacher will confirm, in advance of your family leave.

## **Pension contributions**

Whilst receiving family leave pay, you will continue to pay into your pension and make superannuation (pension) contributions throughout the whole period of leave, based on actual amount of pay received. Any period of unpaid additional maternity or adoption leave or any unpaid leave will not count for pension purposes unless you elect to pay Additional Pension Contribution to purchase the amount of pension lost during that period. You should contact The Greater Gwent Pension Fund ([pensions@torfaen.gov.uk](mailto:pensions@torfaen.gov.uk)) 01495 766265 for further information on arrangements during unpaid leave, parental leave for example. For teachers, you are advised to contact Teachers Pensions regarding the payment of AVC's, past added years or combined contributions during the unpaid part of your maternity leave. Contact Teachers Pensions: 0845 606 6166, 11B Lingfield Point, Darlington, DL1 1AX.

## **Returning after Family Leave**

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### **Maternity/adoptive**

For new mothers, you may not work during the two weeks of compulsory maternity leave immediately after the birth of your baby.

Following this, for maternity leave or adoptive leave, you may return to work at any time during your maternity or adoptive leave further to discussion with your line manager/head teacher.

You may wish to take the full period of maternity/adoptive leave and return to work at the end of this period. You may decide to return to work before the end of your full period of maternity/adoptive leave.

You have the right to resume working in the same job if you are returning to work from ordinary maternity leave (OML) or ordinary adoptive leave (OAL).

If you return to work after a period of additional maternity leave (AML), or additional adoptive leave (AAL), you are entitled to return to the same job, or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable. This will also apply in the following situations:

- A second consecutive period of maternity leave resulting in an absence of up to 18 months
- Because of redundancy/restructure, which would have occurred if you had not been absent.

There will be an assumption, unless indicated otherwise, that you will be returning to work at the end of the full entitlement to maternity/adoptive leave (the first working day after). If there are any changes to this scenario, providing as much notice as possible to your line manager/head teacher would be helpful and certainly at least 8 weeks' notice. If you do not give this notice it may result in your return being postponed for 8 weeks for local government staff (28 days for teachers) and not beyond the latest return to work date.

If you do not return to work or provide notice of your intended return to work, this may be treated as an unauthorised absence. However, if you are unable to attend work due to ill health, the normal sickness reporting procedures will apply in line with the attendance management policy

## Parental leave

When returning to work after a period of parental leave, you have the right to return to the same job in which you were employed prior to the commencement of your parental leave. This is also the case if the parental leave was the last of two or more consecutive periods of leave that did not include:

- any period of statutory leave that, when added to any other period of statutory leave (excluding parental leave) taken in relation to the same child, means that the total amount of statutory leave taken in relation to that child totals more than 26 weeks.

If you return to work after a period of parental leave which does not fall into the above description, you are entitled to return to the job in which you were employed prior to the family leave, or, if that is not reasonably practicable, to another job that is both suitable and appropriate in the circumstances. An example of this would be if your parental leave followed ordinary and additional maternity leave lasting more than 26 weeks.

## Deciding not to return

You may decide that you will not be returning to work after your period of family leave. If this is the case, we will not assume the ending of your contract, and request that you submit your resignation in writing to your line manager/head teacher. We will aim to support you and we may waive the right to notice in such circumstances if mutually agreeable to both



you and your line manager/head teacher. Any accrued and untaken annual leave will be paid to you in your final salary. If you received OMP/OAP and then decide not to return to work, or leave employment within 3 months of returning to work or for teachers 13 weeks (including periods of school closure), you will be expected to refund the OMP/OAP paid element.

## **Working for another employer during family leave**

If you start to work for another employer whilst on family leave, or return to work for an employer other than Monmouthshire County Council after your period of family leave, you are required to inform your line manager/head teacher in writing. This applies to those colleagues who also work part time and may affect our liability in terms of statutory family leave pay.

## **Blending Family Life**

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We promote family friendly flexible working practices, which offer a range of options in order to support you to achieve a work and family life balance.

### **Flexible working patterns**

You may wish to consider how flexible working patterns can support you to achieve your desired work life balance. If you have worked continuously for MCC for 26 weeks, you can apply to request flexible working patterns. You will be required to submit your request in writing to your line manager/head teacher. Every colleague who meets the eligibility criteria to apply for flexible working has the right to request this; however, it will be subject to approval by your line manager/head teacher, who will consider any request in line with the needs of the service/School. Any reason for declining a request for flexible working will be fully explained to you. Further information can be found in the Right to Request Flexible Working policy.

### **Time off for family and dependants**

We understand that there are times where unexpected emergencies can happen which involves someone who is dependent on you. A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care. Where an unexpected emergency occurs, you are able to take a reasonable amount of unpaid time off work. There is no set time amount, as this will depend on the individual circumstances.

For example, if your child falls ill, you could take time off to go to the doctor and make care arrangements. Your line manager/head teacher may then discuss with you the use of annual leave or parental leave if you want to look after your child for longer. It would not be possible to have time off if you knew about the situation beforehand, such as a planned hospital appointment.

However, there is no limit to how many times you take time off for family and dependants, although, your line manager/head teacher may want to discuss with you any impact that this may have on your work.

At MCC, within our Hours and Leave Policy, special leave is also available which enables paid time off from work (up to 10 days in a year-pro rata to your hours), for a colleague to deal with unexpected or sudden emergencies, which is inclusive of all types of compassionate and bereavement leave.

You are encouraged to let your line manager/head teacher know as soon as possible to if you require time off to deal with an emergency or unexpected situation so that they are able to arrange the appropriate leave type for you.

## APPENDIX 1

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**EDC** – Expect date of childbirth, is the date on which the baby is expected to be born

**EWC** – Expected week of childbirth, is the week in which the baby is expected to be born commencing on the Sunday before the EDC

**EWA** – Expected week of adoption, is the week in which the adopted child is expected to be placed with the adoptive parent(s)

**SMP** – Statutory maternity pay

**SPP** – Statutory paternity Pay

**SPL** - Shared parental leave

**SAP** – Statutory adoption pay

**OMP** – Occupational maternity pay

**OPP** – Occupational paternity pay

**OAP** – Occupational adoption pay

**SPP** – Shared parental pay

**Notification week** – Notification of intention to take SMP needs to be given by 15<sup>th</sup> week before EWC

**Qualifying week** – the 15<sup>th</sup> week before EWC is when employers take a measure of the average weekly earnings that is used to determine rate of SMP

**MATB1** – Maternity certificate issued by the doctor or midwife which states the date on which the baby is expected to be born

**Maternity Allowance** – A benefit to support employees who are not eligible for SMP

**OML** – Ordinary maternity leave – the first 26 statutory maternity leave

**AML** – Additional maternity leave – the final 26 weeks of statutory of maternity leave

**OPL** – Ordinary paternity leave – the 2 weeks of statutory paternity leave

**OAL** – Ordinary adoption leave – the first 26 of weeks of statutory Adoption Leave

**AAL** – the final 26 weeks of statutory adoption leave

**SPL** - Shared parental leave

**Nominated carer** – the person nominated by the mother as their primary provider of support. The nominated carer could therefore be a relative or someone with a caring relationship with mother and/or child

**KIT days** – Keep in Touch dates are intended to help you keep in touch with your workplace and allow you to do some work during your maternity pay period without affecting your SMP.

## Version Control

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<b>Title</b>	FAMILY LEAVE POLICY
<b>Owner</b>	People Services HR
<b>Approved by</b>	
<b>Date</b>	January 2021
<b>Version Number</b>	1
<b>Status</b>	DRAFT
<b>Next review date</b>	3 – 5 years
<b>Consultation</b>	SLT, People Services, Trades Unions

DRAFT