

Family Friendly Leave Policy and Procedure



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Policy Version History:

Version	Date	Description of Changes / Summary of Amendments	Author / Editor	Approved By	Approval / Review Date	Next Review Date
1.0	01 July 2025	Initial policy to replace Waverley's and Guildford's Maternity, Adoption, Shared Parental, Paternity and Parental Leave Policies and Procedures	HR Consultant	Council	June 2025	June 2027
1.1	10 Nov 2025	Minor changes to version control display	Head of People Operations	N/A	10 Nov 2025	June 2027

If you require this document in another format or language, or any other support in accessing the guidance, please contact the People & OD team at either hr@waverley.gov.uk or HRAdmin@guildford.gov.uk depending which site you are located at.

Supporting statement:

Guildford and Waverley Borough Council recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the protected characteristics of age, disability, sex, race, religion, and belief (or lack thereof), sexual orientation, gender reassignment, pregnancy and maternity, and marital and civic partnership status. The Equality act also requires regard to socio-economic factors.

The Council is committed to promoting and advancing equality and removing and reducing discrimination and harassment and fostering good relations between people that hold a protected characteristic and those that do not, both in the provision of services, and in our role as a major employer. The Council believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Guildford and Waverley Borough Council also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Family Friendly Policy

1. Introduction and purpose

- 1.1 We are committed to supporting our employees in balancing work and family life, as we understand this can lead to increased job satisfaction, reduced stress and subsequently better productivity and outcomes for our customers. We therefore aim to create an inclusive and supportive working environment through this policy for employees.
- 1.2 The policy outlines how employees can expect to be treated when requesting, taking time off and returning from leave under this policy and the procedures that will apply.
- 1.3 The aim of the policy is to clearly outline the legal framework in relation to the types of leave covered by this policy, including eligibility, entitlements, notification requirements, pay, health, safety and wellbeing and employment rights, so that employees are clear on what they are entitled to and managers understand their responsibilities when managing these types of leave.

2. Scope

- 2.1 This policy and procedure applies to all directly employed employees.
- 2.2 The application of this policy does not apply to those not employed by the Council, for example, contractors and agency workers, as separate arrangements exist for the management of contractors and agency workers. However, where a contractor is managing directly employed employees, they should use this policy and procedure when managing leave covered by this policy.
- 2.3 The Council reserves the right to change this policy from time to time in consultation with its recognised Trade Union Partner.

3. Policy principles

- 3.1 This policy aims to ensure all employees are supported and treated fairly when requesting any family related leave, which is why the Council believes it is important that employees are fully aware of their rights in relation to any leave under this policy.
- 3.2 All employees have the right to not be unfairly dismissed for requesting or taking time off for leave covered by this policy.
- 3.3 All eligible employees also have the right to take time off under this policy, without being discriminated against and/or suffering any detriment as a result. Examples of detriment could be:
 - Having their hours reduced without consent.
 - Experiencing bullying and/or harassment that is connected to the leave they are

taking.

- Being overlooked for promotions or development opportunities because of the time off they have taken under this policy.

- 3.4 Employees who take time off for Maternity Leave, Adoption Leave, Neonatal Care Leave and Shared Parental Leave will have extended redundancy protection rights in accordance with conditions as set out in this policy.
- 3.5 Where employees are returning to work from taking leave under this policy and their role and/or manager has changed, these changes will be communicated to the employee by their current manager before they return and in accordance with any organisational change process, as applicable (please see the Organisational Change Policy and Procedure for more information).
- 3.6 Any statutory leave taken in accordance with this policy is not taken into account when calculating any days lost under the Sickness Absence Management Policy. It shall also be regarded as service for the purposes of the Council's Sick Pay Rules.
- 3.7 To promote a positive working environment that supports employees in the workplace, we encourage open communication between managers and employees about family related matters. Managers should seek to use a pragmatic and compassionate approach when applying this policy, with the aim of supporting the employee with their request to take time off.
- 3.8 We are committed to supporting families in the workplace by ensuring that requests for flexible working linked to this policy are always considered seriously and wherever possible accommodated.
- 3.9 All information related to the procedures outlined in the policy will be treated confidentially, in as far as reasonably practicable, and in accordance with the General Data Protection Regulations.
- 3.10 To avoid any breaches of confidentiality, managers should seek to agree communication plans with employees taking leave under this policy in advance, including what information should be kept confidential and what information can be shared with co-workers and third parties.
- 3.11 The Council's scheme of delegation should be adhered to throughout the procedures outlined in this policy and where a senior manager delegates authority to a manager within their team, they should send their authorisation in email to the delegated manager.

4. Support and monitoring the application of the Family Friendly Leave Policy and Procedure

- 4.1. The Council has conducted an Equality Impact Assessment on this policy and is satisfied that its application should not result in a differential and negative impact on any groups of employees identified under Equality Act 2010 (please see [gov.uk protected characteristics](https://www.gov.uk/protected-characteristics) for more information).
- 4.2. For employees who either have a disability or are neurodivergent, should you require any reasonable adjustments to the processes described in this policy, we would

encourage you to speak directly with your manager in the first instance, or HR Business Partner, or Trade Union representative (if you are a member). They will discuss this with you and seek to find ways to support you. This could include for example, additional support at meetings or additional time to prepare for meetings, but this list is not exhaustive. Depending on the nature of the request they may need to obtain medical guidance from Occupational Health or other medical professionals.

Family Friendly Procedure

1. Maternity Leave

Glossary

Abbreviation	Abbreviation meaning
EWC	Expected Week of Childbirth (beginning on a Sunday this is the seven day period which includes the EDC)
EDC	Expected Date of Childbirth
Qualifying Week	This is the 15th week before the EWC.
Average Weekly Earnings	For Maternity Pay purposes this is assessed as the gross weekly earnings (liable for National Insurance contributions) in the eight week period immediately before the qualifying week and includes payments made during this time, for example, overtime payments.
SMP	Statutory Maternity Pay
OMP	Occupational Maternity Pay
MPP	Maternity Pay Period (under the terms of SMP this is a period of 39 weeks during which SMP is payable)
MA	Maternity Allowance
OML	Ordinary Maternity Leave
AML	Additional Maternity Leave

Maternity Leave - Summary of your rights

This section outlines a summary of your rights both during and on return from Maternity Leave. Maternity Leave and Pay entitlements will also apply to an employee who gives birth to a child as a surrogate or through In Vitro Fertilisation (IVF). For a more detailed description of all your rights relating to Maternity Leave, these can be found on the www.gov.uk pages.

- 1.1. If you are pregnant you must notify the Council, in writing, of your intention to take Maternity Leave on or before the 15th week before the week in which the child is due, known as the Expected Week of Childbirth (EWC).
- 1.2. Ordinary Maternity Leave (OML) lasts for 26 weeks. You are entitled to OML regardless of how long you have worked for the Council ([see section 1](#)).
- 1.3. OML is paid leave, and you will receive either Statutory Maternity Pay (SMP) or Maternity Allowance (MA) ([see section 1](#))
- 1.4. Statutory Maternity Pay (SMP) is paid for 6 weeks at 90% of your average weekly earnings (before tax), followed by 33 weeks at either the current SMP rate, or 90% of

your average weekly earnings (before tax), whichever is lower.

- 1.5. To qualify for SMP you must have been continuously employed by the Council for 26 weeks continuing into the qualifying week, i.e. 15th week before the EWC.
- 1.6. Additional Maternity Leave (AML) lasts for a further 26 weeks and begins immediately after OML. You are entitled to AML regardless of how long you have worked for the Council.
- 1.7. Absence from work, due to pregnancy related illness, within 4 weeks of the EWC will trigger the start of OML.
- 1.8. If you have at least 1 year's continuous local government service at the 11th week before the EWC you will be entitled to an additional 12 weeks' Occupational Maternity Pay (OMP) at half your normal rate of pay if you return to work after Maternity Leave, for at least 3 months.
- 1.9. You may also be eligible for Shared Parental Leave and Pay ([see section 5](#)).
- 1.10. Where agreed with your manager, you can attend up to 10 "keeping in touch" (KIT) days during your statutory Maternity Leave, without bringing your Maternity Leave to an end.
- 1.11. You are entitled to time off for antenatal care.
- 1.12. Provided you meet all the required conditions, you have the right to return to the job* in which you were employed prior to taking Maternity Leave, or a suitable alternative job if your original job is no longer available:-
 - on terms and conditions not less favourable than those which would have been applicable to you, had you not been absent from work on Maternity Leave
 - with your seniority, pension rights and similar rights as they would have been had you not been absent from work on Maternity Leave

*Job for this purpose means the nature of the work which you are employed to do and the capacity and place in which you are employed, but not necessarily precisely the same duties.
- 1.13. You also have extended protection from being made redundant whilst pregnant and on Maternity Leave. The redundancy protected period during pregnancy and maternity:
 - starts when you tell us you are pregnant
 - ends 18 months from the exact date your baby is born.
- 1.14. In the unthinkable event that you suffer a miscarriage before 24 weeks of pregnancy, you will have redundancy protection for a two week period following your miscarriage.
- 1.15. During the redundancy protected period you also have priority rights over any offer of suitable alternative jobs.
- 1.16. You also have the right to apply to work flexibly on your return and have the request considered seriously in accordance with the procedure outlined in the Council's Flexible Working Policy.

IVF rights

This section outlines specific rights in relation to IVF treatment.

- 1.17. There is no legal entitlement to time off specifically for IVF treatment itself or for related sickness. However, the Council will seek to support employees undergoing IVF by treating their medical appointments and any related sickness the same as any other medical appointment or sickness absence. The Council's Sickness Absence Management Policy should be referred to in this instance.
- 1.18. Once a fertilised egg (embryo) is transferred to the uterus, you are considered pregnant for legal purposes and are entitled to the same protections as any other pregnant employee. This includes rights to Maternity Leave and Pay, and protection from discrimination.
- 1.19. In the unfortunate event the embryo transfer is unsuccessful, you are protected against unfair treatment (including redundancy) for two weeks following the unsuccessful transfer or negative pregnancy test.

Notification requirements

- 1.20. You should inform your manager in writing by the 15th week before the week in which your baby is due, known as the Expected Week of Childbirth (EWC) or, if that is not possible, as soon as is reasonably possible that:
 - you are pregnant
 - the date on which you will be starting your Maternity Leave
 - the week in which your baby is due.
- 1.21. Your manager will appreciate as much notice as possible, not only to make arrangements to cover your post during your maternity absence, but also to satisfy the provisions placed on employers relating to pregnant people under The Management of Health and Safety at Work Regulations 1999. Please also provide the People & OD team with a copy of the written notification.
- 1.22. Once you have informed your manager and the People & OD team in writing, this information will be placed on your file. If you inform your manager verbally, prior to putting it in writing and would like this information kept confidential i.e. until later in the pregnancy, please inform your manager. Should you or your manager need to convey any changes to your working arrangements to any other employee, for example, as a result of a new risk assessment, please ensure your wish for confidentiality is also respected.
- 1.23. Once you have submitted your notification as described above, the People & OD team will write to you within 28 days of receipt of the notification to confirm the following:
 - your intended start date for Maternity Leave
 - the expected date of returning to work after full Maternity Leave entitlement (this will be up to 52 weeks from starting date), unless you give at least 8 weeks' notice, in writing, of an early return.
- 1.24. If you later decide to start your Maternity Leave at a different date than originally planned, you should notify your manager, the People & OD team at least 28 days before the revised date or the original date, whichever is sooner. If this is not possible, for example, where your baby arrives early, you should notify your manager

and the People & OD team as soon as reasonably practicable.

- 1.25. You are also required to send your original MATB1 certificate to the People & OD team, along with your written notification (or to follow as soon as possible if you have not yet received this). The MATB1 is a certificate issued at approximately 21 weeks by the Doctor or Midwife which confirms the EWC. If you do not qualify for SMP, the original MATB1 will be returned to you and a copy will be retained by People & OD team. Please note: we cannot accept a MAT B1 form issued more than 20 weeks before the baby is expected. The date of issue is the date that the Doctor or Midwife signs the form.
- 1.26. If you are not eligible to be paid SMP you may be eligible to claim a MA from Jobcentre Plus, in which case you will have the MAT B1 form returned to you to give to Jobcentre Plus. The Council will retain a photocopy.
- 1.27. You should notify your manager of the date the baby was born for planning purposes as soon as reasonably practicable following the birth.

Time off for antenatal care

- 1.28. You are entitled to take paid time off during your normal working hours to receive antenatal care. This includes relaxation classes, parentcraft and antenatal classes (on the advice of a healthcare professional), as well as medical examinations related to the pregnancy. The entitlement to paid time off for antenatal appointments applies regardless of your length of service.
- 1.29. You should advise your manager as far in advance of your appointment as possible, that you will be absent. You may be asked to produce your appointment card or other evidence of the appointment.
- 1.30. There will be no deduction of salary for attendance at authorised antenatal appointments.
- 1.31. Your partner is also entitled to take time off to attend antenatal appointments with you. Please see section 9.5 of the Paternity Leave scheme for more information on partners and antenatal appointments.

Health and safety

- 1.32. Your manager should undertake a maternity risk assessment for new or expectant mothers as soon as possible, once you have notified them of your pregnancy. They should continue to review and update the risk assessment periodically throughout your pregnancy as things change and once you have given birth and if you are breast feeding. They will be given guidance on how to do this. Your manager should look at all aspects of your work and working environment to identify whether there are any hazards to you. If a risk is identified, your manager should agree with you how that risk will be minimised. The maternity risk assessment template for new or expectant mothers can be found in [Appendix 1](#). If a maternity risk assessment is not done immediately, your manager must ensure that the standard risk assessments relating to you are in place.
- 1.33. You will also be required to carry out a new workstation assessment on your return to work.

1.34. These health and safety obligations will continue to apply to all employees in the workplace who have recently given birth or are breastfeeding.

Maternity Leave entitlement

1.35. You are entitled to take 52 weeks Maternity Leave irrespective of your length of service or number of hours you work each week. This is made up of 26 weeks' Ordinary Maternity Leave, followed by 26 weeks Additional Maternity Leave.

1.36. You must take a minimum of two weeks' compulsory Maternity Leave following the birth of your baby, during which time you will not be allowed to work. After this point, you may return to work at any time.

1.37. Only one period of Maternity Leave will be available to you, irrespective of whether more than one baby is born as a result of the same pregnancy.

1.38. You can start your Maternity Leave at any time and on any day of the week, from the 11th week before the week in which your baby is due.

1.39. Maternity Leave and Pay ([section 1](#)) will automatically start on the 1st day of absence in the following cases:

- You are suffering from a pregnancy related illness on or after the beginning of the 4th week before the EWC and this is before the expected start of Maternity Leave; or,
- The baby is born before the intended start date of leave or,
- The baby is born more than 15 weeks before the due date.

Sickness absence when pregnant

1.40. Sickness absence should be reported in line with the procedures outlined in the Council's Sickness Absence Management Policy and Procedure. Absence due to illness before the beginning of the 4th week before your EWC will be treated as normal sickness absence. You will receive your normal sick pay until your Maternity Pay commences.

1.41. If you are still at work but become ill because of your pregnancy after the beginning of the 4th week before your EWC, Maternity Leave and Pay will automatically commence on the day you first became absent.

1.42. Any pregnancy related sickness absence will not count towards the calculation of days lost under the Sickness Absence Management Policy.

Maternity Pay

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

1.44. To qualify for SMP you must:

- have at least 26 weeks service with the Council by the end of the 15th week before the week in which your baby is due
- have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions applying in the 15th week before your baby is due
- still be pregnant at the 11th week before your EWC (or have given birth by that time)
- have commenced your Maternity Leave
- not be taken into legal custody. If this should occur, the Council's obligation to pay SMP will end with the last complete week in the MPP before you are taken into legal custody. It is your responsibility to inform the Council if you are taken into legal custody.

1.45. If you satisfy the above qualifying conditions, SMP will be payable even if your contract of employment ends at the start of your Maternity Leave or while SMP is being paid.

1.46. There is no distinction between part-time and full-time employees for SMP purposes.

1.47. SMP is payable for up to 39 weeks and will commence as soon as you start your Maternity Leave. It will be paid in accordance with the following:

- For the first six weeks, higher rate SMP is paid at 90% of your average weekly earnings.
- For the remaining 33 weeks, the lower rate SMP is paid, unless your average weekly pay is less than the lower rate SMP, in which case you will be paid at 90% of average weekly earnings.

1.48. Your SMP will be paid into your bank account on the same date that your salary would normally be paid and will be subject to deductions for tax and National Insurance. If you are a member of the pension scheme, pension contributions will also be deducted in the usual way.

1.49. SMP rates are reviewed in April each year and are available on the www.gov.uk pages.

1.50. The People & OD team will provide you with details of your individual Maternity Pay entitlement.

1.51. You are entitled to Occupational Maternity Pay (otherwise known as Contractual Maternity Pay) if:

- You have one year's continuous local government service at 11 weeks prior to your EWC and
- You are intending to return to work following your Maternity Leave.

OMP is paid as follows:

1.52. For weeks 7-18 of your Maternity Leave, you will be paid half your normal contractual rate of pay if you return to work after your Maternity Leave for a period of at least three months.

- 1.53. If you leave local authority employment within three months of the date you return to work, or do not return to local authority employment following Maternity Leave, then you will be required to repay any Occupational Maternity Pay received. The only exception to this is where the reason for you not returning is because you have been made redundant. If you are uncertain whether you will be returning to work, you can request the payment be deferred and paid to you as a lump sum on your return to work.
- 1.54. OMP is paid to you in addition to any entitlement to SMP paid during these weeks. The total payment however cannot exceed your usual full weekly contractual pay. If the SMP payment together with the additional 12 weeks OMP gives a total weekly payment which is more than your normal weekly pay, the 12 weeks OMP will be spread over a longer period, such that the payment is not more than your normal weekly pay. If you need further clarification on this you can speak to the Payroll team.
- 1.55. If you are not entitled to SMP, but you are eligible to claim Maternity Allowance (MA), the amount of that allowance will be deducted from your OMP, whether or not you claim your entitlement to MA. If you are not entitled to SMP or MA, your six weeks' pay at 90% of your normal pay will be subject only to the normal salary deductions.
- 1.56. Any cost of living pay award or pay increment that becomes effective at any point during your Maternity Pay Period will be reflected in any SMP, and if applicable, OMP received, which will be recalculated, retrospectively if necessary.

Contact during Maternity Leave

- 1.57. During Maternity Leave your manager may make reasonable contact with you to discuss plans for returning to work and advise you of any developments or changes at work. Should you wish to receive current job vacancies during Maternity Leave you should notify the People & OD team.
- 1.58. Your manager should consult with you regarding contact arrangements before your Maternity Leave commences. Managers should agree a level and method of contact that is agreeable to both parties.
- 1.59. During Maternity Leave you can attend work for up to 10 days by mutual agreement with your manager, known as keeping-in-touch (KIT) days. There is no obligation for employees on Maternity Leave to take part in KIT days or for the Council to offer them, but they are a good way to enable you to keep in touch with the workplace. The days can be used for any activity which would ordinarily be deemed as work under the employment contract. This could include training courses, team meetings or any activity aimed at keeping in touch. Your manager should discuss opportunities to work KIT days with you before you begin Maternity Leave, identifying any key dates for activities.
- 1.60. If you attend work for any amount of time, even if for just one hour, then this will be counted as using one of your 10 KIT days. You will receive pay for the time spent at work at your usual salary or you can take time off in lieu at a later date.
- 1.61. KIT days must not take place within two weeks following the birth of the child.

1.62. Any KIT days worked will not extend the period of Maternity Leave.

1.63. If you are on Maternity Leave when your performance appraisal is due, your manager should invite you to attend work for an appraisal or alternatively offer an appraisal via telephone or online meeting. Absence due to Maternity Leave should not affect the assessment made of your performance level.

Returning to work following Maternity Leave

1.64. We will assume that you will return to work on the first working day following the 26 weeks OML period and 26 weeks AML period; i.e. one year after the start of your Maternity Leave. No confirmation will be required from you.

1.65. If you wish to return to work before the end of the full 52 weeks' Maternity Leave however, you must give your manager 8 weeks' written notice of your early return date. If you do not give the required notice, we can postpone your return until a date, 8 weeks from the date at which intention to return early was notified.

1.66. If you are unable to return to work at the end of your Maternity Leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply.

1.67. If you are considering a request to change your working pattern on your return to work from Maternity Leave, you should discuss this with your manager at the earliest opportunity (ideally at least 12 weeks before you wish the changes to take effect). This may include part-time hours, condensed working weeks, term-time contracts or job share options. Every effort will be made to accommodate a request within the needs of the Service. Such requests should be submitted and considered in accordance with the Council's Flexible Working Policy.

1.68. If you choose to resign from your job and therefore decide not to return to work following Maternity Leave, you are required to provide your manager with the appropriate written notice, as set out in your employment contract. You can serve your notice period whilst on Maternity Leave. If you do not return from Maternity Leave however, you will be required to return any OMP paid in accordance with this policy.

Stillbirth, miscarriage, or live birth

1.69. We recognise that pregnancy loss, including miscarriage and stillbirth, is a deeply personal and often traumatic experience. We are committed to supporting our employees through such difficult times with compassion, flexibility, and respect. We encourage you to be open with your manager if you have experienced a miscarriage or stillbirth so that they can work with you to support you in the best way possible, whether that is with taking a leave of absence, or supporting you with any time off needed for future appointments related to the loss. There are a number of additional support options available to you outlined in this policy.

1.70. If your baby dies while you are on Maternity Leave, you will continue to be entitled to receive, in full, any Maternity Leave and Pay provision subject to the information below. Any entitlement to further leave will be considered sympathetically on compassionate grounds and on an individual basis under the Council's Special Leave

Policy.

- 1.71. If you have a stillbirth on or after the 24th week of your pregnancy you will still be eligible for Maternity Leave, SMP and OMP (if applicable) in the normal way.
- 1.72. If you have a stillbirth earlier than the 24th week of pregnancy, this is classified as a miscarriage and therefore you will not qualify for SMP and any time off will be counted as sick leave.
- 1.73. If, at any point in your pregnancy, you give birth to a live baby, that later dies, you will be entitled to the full 52 weeks Maternity Leave, SMP and OMP (if applicable). In the case of births it should be noted that if the child survives for only an instant, it is considered a live birth, not a stillbirth.

Premature birth

- 1.74. If you give birth before the 37th week of pregnancy you will be entitled to additional leave equal to the number of weeks before the Expected Date of Childbirth (EDC) that the actual birth took place. This extended leave would be classed as Compassionate Leave and would be on full pay.
- 1.75. For **Guildford employees** only, if your spouse/partner also works for the Council, they will also be entitled to leave on full pay equal to the number of weeks the birth took place before the EDC.
- 1.76. If your baby requires neonatal care, please refer to the Neonatal Care Leave in section 6 of this policy to understand your entitlements and how to apply for Neonatal Care Leave.

Contractual rights and benefits during Maternity Leave

- 1.77. Your period of Maternity Leave counts as continuous service. During Maternity Leave, you are entitled to retain all your usual terms and conditions of employment, with the exception of pay. You will continue to accrue statutory and contractual annual leave during Maternity Leave.
- 1.78. Where a period of Maternity Leave crosses into a new leave year, all accrued annual leave and bank holiday leave may be carried over. However, the amount of leave taken in any leave year should not fall below the statutory minimum of 5.6 weeks (including bank holidays).
- 1.79. You should discuss with your manager your plans for taking outstanding annual leave. With your manager's agreement you may add a period of accrued annual leave on to the beginning or end of Maternity Leave. If holiday is taken during the three month period following Maternity Leave, the days taken as holiday will count towards the calculation of the three month period.
- 1.80. If you are a member of the Local Government Pension Scheme (LGPS), employer pension contributions will continue to be made, and you will continue to pay employee pension contributions during any period of paid Maternity Leave (up to 39 weeks). Employee pension contributions will be calculated based on Maternity Pay received. If you are not entitled to receive any pay during Maternity Leave, employer pension

contributions will be made during the first 26 weeks of Maternity Leave.

- 1.81. The period of Additional Maternity Leave (AML) that is unpaid (weeks 40 – 52) does not count towards membership of the LGPS although this does not count as a break in service. If you are an active member of the LGPS, you can elect to buy the pension 'lost' during this period of unpaid AML. Where an election to buy 'lost' pension is made within 30 days of returning to work from Maternity Leave, we will meet 2/3rds of the cost. Where an election to buy 'lost' pension is made after 30 days of returning to work, it is at full cost to you. If you choose not to buy 'lost' pension, that period of service will not count as pensionable service.
- 1.82. If you decide not to return to work at the end of your Maternity Leave, any election and payment to cover 'lost' pension would need to take place prior to leaving the Council's employment. Further information on the LGPS is available from the People & OD team.
- 1.83. For **Guildford employees** only, if you are a member of the Council's private medical insurance scheme, we will continue to pay contributions for cover during Maternity Leave so that your level of cover is maintained.
- 1.84. For **Guildford employees** only, if you receive an essential user car allowance, this will continue to be paid during your period of Maternity Leave. If you have a car loan, the Payroll team will discuss and agree with you the method for continuing your repayment of the car loan.
- 1.85. If you have a lease car, you will retain the car during your Maternity Leave. If you are paying an additional contribution towards the cost of the car, this must continue during your Maternity Leave.
- 1.86. If you receive childcare vouchers, the childcare vouchers will continue to be paid during the period of Maternity Leave.
- 1.87. For **Waverley employees** only, if you are paying your Council Tax via your salary, the Payroll team will discuss and agree with you the method for continuing to pay your Council Tax.
- 1.88. If you are a member of our Trade Union Partner, you will continue to be a member and during any period of unpaid Maternity Leave will not be required to pay union subscriptions.
- 1.89. For **Guildford employees** only, pregnant employees are entitled to parking facilities at Millmead House if still working at 8 weeks prior to their EWC. The manager should contact the People & OD team to arrange for the employee's security card to be activated for parking purposes.

2. Other related leave

2.1 Maternity Support Leave

- **For Guildford employees only**, up to 5 days' paid leave may be granted to an employee where they are the nominated carer of an expectant person at or around the time of birth. Paid leave is for the purpose of providing the primary support to someone who is pregnant or has given birth, where that person does not have support

from a partner taking Paternity, Parental or Adoption Leave.

- The nominated carer may also take unpaid leave to accompany the pregnant person to antenatal appointments.

2.2 Paternity Leave

- Your partner may also be entitled to up to two weeks paid Paternity Leave ([see section 6](#)).

2.3 Shared Parental Leave and Pay

- Qualifying employees may be able to choose to end Maternity Leave and Pay early and exchange it for Shared Parental Leave and Pay. For further information on Shared Parental Leave, please see [section 5](#) of this Policy.

2.4 Parental Leave

- If you have at least one years' service, you may request up to 4 weeks unpaid Parental Leave per child to follow on from Maternity Leave ([section 7](#)) . *Please note that Parental Leave should not be confused with **Shared** Parental Leave, which is a separate entitlement (see below).*

2.5 Neonatal Care Leave

A baby might require neonatal care if it is born early, is ill or injured when born and/or has a low birth weight. Neonatal care could include:

- medical care received in a hospital
- care given to the baby after leaving hospital, under the direction of a consultant
- palliative or end-of-life care
- care or monitoring under the direction of a consultant but away from the hospital.

3. Neonatal Care Leave

This section outlines a summary of your rights both during and on return from neonatal care leave. For a more detailed description of all your rights relating to neonatal care leave, please visit www.gov.uk.

Neonatal Care Leave - Summary of your rights

- 3.1 Parents who have shared or sole responsibility for a child are eligible for Neonatal Care Leave. This includes if they are:
- the mother or birth parent
 - the father
 - married to, the civil partner of or partner of the mother or birth parent – this includes same-sex partners
 - adopting a child, including fostering to adopt
 - intended parents in a surrogacy.
- 3.2 There is no minimum length of service required to be eligible for Neonatal Care Leave as it is a day one right and each eligible parent will be entitled to a separate amount of leave.
- 3.3 In the event your baby requires neonatal care, you may qualify for statutory Neonatal

Care Leave and Pay if:

- Your baby is admitted to hospital for at least seven consecutive days before the age of 28 days. Neonatal Care Leave would start from day eight.
 - You are the parent, which includes biological and adoptive parents, intended parents via surrogacy, and same-sex partners.
 - You have 26 weeks' continuous employment before the week in which the baby is born (for neonatal pay entitlement only).
 - You earn at least the Lower Earnings Limit which can be found on www.gov.uk pages.
- 3.4 Parents who are not already on leave might need to take another form of leave for the first seven days. For example, time off for dependants, annual leave, or special leave. This should be discussed and agreed with your manager.
- 3.5 If you have already booked Parental Leave, Neonatal Care Leave can be added to the end of this.
- 3.6 You have the right to not be unfairly dismissed for planning to or taking Neonatal Care Leave.
- 3.7 If you return to work after taking only Neonatal Care Leave, you have the right to return to the same job in accordance with the provisions set out below.
- 3.8 If you return after taking neonatal care leave with another type of leave, your right to return to the same job as before depends on how much total leave you have taken as per the following section.
- 3.9 You will have the right to return to the same job if you have taken one of the following:
- 26 or less consecutive weeks leave comprising of Neonatal Care Leave and other periods of statutory leave.
 - 12 weeks or less of Neonatal Care Leave and less than 4 weeks of Ordinary Parental Leave.
- 3.10 If you have taken more than 26 weeks' leave comprising of Neonatal Care Leave and other periods of statutory leave, you have the right to return to either the same job, or a suitable alternative job where there have been changes to the organisation. This would be:
- on terms and conditions not less favourable than those which would have been applicable to you, had you not been absent from work on neonatal care leave;
 - with your seniority, pension rights and similar rights as they would have been had you not been absent from work on Neonatal Care Leave.
- 3.11 If you have taken six consecutive weeks of Neonatal Care Leave you will also have additional protection from redundancy. The redundancy protected period is for:
- 18 months from birth for birth parents and intended parents in a surrogacy.
 - 18 months from the day the child is placed for adoption.
 - 18 months from the day the child enters Great Britain for overseas adoptions.

Neonatal Care Leave entitlement

- 3.12 Up to 12 weeks of Neonatal Care Leave may be taken in addition to Maternity, Paternity, Shared Parental, or Adoption Leave.

- Leave must be taken within 68 weeks of the baby's birth.
 - Leave can be taken as a continuous block or in multiple blocks, depending on your baby's condition and service needs.
- 3.13 Where multiple babies are born at the same time, you are entitled to one period of Neonatal Care Leave i.e. up to 12 weeks.
- 3.14 If there are multiple but separate births, then Neonatal Care Leave can be taken for each baby. For example, if there is another baby born within the 68 weeks of the first baby, you will be entitled to two separate periods of Neonatal Care Leave for each birth.
- 3.15 If your baby dies after being in neonatal care, you would still be eligible for Neonatal Care Leave if:
- your child was in neonatal care for seven consecutive days or more
 - you provided notice for Neonatal Care Leave before or after the death.
- 3.16 The Neonatal Care Leave can start the day after your baby dies and is in addition to Parental Bereavement Leave. If other leave has already been booked, for example Maternity, Adoption or Paternity Leave, that must be taken first.
- 3.17 If you have a disrupted adoption, you might still be eligible to take Neonatal Care Leave if:
- your baby was in neonatal care for seven consecutive days or more from the date of placement
 - you provided notice for Neonatal Care Leave before or after the disruption.
- 3.18 In the case of surrogacy, if your application for a parental order fails, you might still be eligible to take Neonatal Care Leave if:
- your baby was in neonatal care for seven consecutive days or more;
 - you provided notice for Neonatal Care Leave before or after the order fails.

Neonatal care notification requirements

- 3.19 When you must give notice of your intention to take Neonatal Care Leave depends on the tier of leave you are taking:
- Tier one leave is for the period when your baby is still receiving care, including one week after the care has ended.
 - Tier two leave is for the period outside tier one and before the end of 68 weeks from the date of your baby's birth.
- 3.20 For tier one leave, you need to verbally tell your manager ideally before the date Neonatal Care Leave would start i.e. the 8th consecutive day your child is in neonatal care, or as soon as reasonably possible thereafter. Tier one leave notice does not have to be in writing.
- 3.21 Tier two leave is when your baby has stopped receiving neonatal care. For tier two leave, if you are taking one week off, you need to notify your manager and the People & OD team in writing at least 15 days before the start date. If you are taking two or more weeks' leave, you must notify your manager in writing 28 days before the leave starts.

3.22 Tier two leave must be taken as consecutive weeks. This means the time off must be taken in one block and cannot be split.

3.23 Your notification to your manager and the People & OD team must include the following:

- the date of your baby's birth
- the date your baby started to receive neonatal care, or each date if your baby received neonatal care on two or more separate occasions
- the date that the care ended if your baby is no longer receiving neonatal care
- if applicable, the date of the baby's placement with you as the adopted or prospective adopted parent
- if it is the first time you are requesting Neonatal Care Leave, a declaration that you meet the parental relationship criteria as set out in [section 2](#).
- that during the time your baby was in neonatal care, you have cared for or intend to care for the child.

3.24 Upon receipt of your notification, the People & OD team will write to you to confirm the request.

3.25 You cannot take two types of leave at the same time. If parents take tier one leave which interrupts another statutory leave, the Neonatal Care Leave will end straight away. The Neonatal Care Leave which has not been taken will be added to the end of the leave it interrupted. This will only be if it is still in the tier one period.

3.26 If your baby has not been receiving care for a week or more at the end of the interrupted leave, the leave period is now in tier two. Any remaining Neonatal Care Leave plus the interrupted leave must be taken together.

Neonatal Care Pay

3.27 Eligible employees are entitled to:

- Statutory Neonatal Pay (SNP) for up to 12 weeks, at the prescribed rate (as found on the www.gov.uk pages) or 90% of average weekly earnings, whichever is lower.
- Pay is subject to PAYE and National Insurance deductions.

Contact during Neonatal Care Leave

3.28 Whilst we understand that it can be a very difficult time when your baby is in neonatal care, and keeping in touch with us may not be a priority, we ask that you agree with your manager a communications plan, so that your manager can arrange appropriate cover and ensure team members and co-workers are kept up to date accordingly.

3.29 As part of the communication plan you should let your manager know who the key point of contact will be – this could be a close friend or family member if you prefer. You should also make clear to your manager if there is any information you wish to remain confidential and what information you are happy to be shared with co-workers and third parties.

4. Adoption Leave

Glossary

Abbreviation	Abbreviation meaning
Average Weekly Earnings	For adoption pay purposes this is assessed as the gross weekly earnings (liable for National Insurance contributions) in the 8-week period immediately before the placement date of your child and includes payments made during this time, for example, overtime payments.
SAP	Statutory Adoption Pay
OAP	Occupational Adoption Pay
APP	Adoption Pay Period (under the terms of SAP this is a period of 39 weeks during which SAP is payable)
OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave

Adoption Leave

- 4.1 All employees who are adopting a child through a UK adoption agency, a local authority, or an overseas adoption (where they meet the requirements for inter-country adoption), are entitled to Adoption Leave and Pay in accordance with this section.
- 4.2 Parents in 'foster to adopt' arrangements and intended parents in a surrogacy arrangement, who have applied (or intend to apply) for a parental order are also eligible for Adoption Leave and Pay.
- 4.3 However, Adoption Leave and Pay does not apply to family/step-family adoptions, or adoptions by a child's existing foster carers. It also does not apply to parents adopting privately, e.g. without permission from a UK authority or adoption agency.
- 4.4 An employee may be adopting on their own, with a spouse, civil partner or in an unmarried couple, whether same or different sex.
- 4.5 If adopting in a couple, only one parent known as the primary adopter will be eligible for Adoption Leave and pay. The other adopting parent, if employed, may be eligible for Shared Parental, Parental, and/or Paternity Leave.

Summary of your rights (primary adopter only)

- 4.6 This section outlines a summary of your rights whilst on Adoption Leave. For a more detailed description of all your rights relating to Adoption Leave, this can be found on the www.gov.uk pages.
- 4.7 Adoption Leave is available to all employees who are primary adopters, regardless of length of service.
- 4.8 Leave is available for placement of children from the UK or overseas, up to the age of 18 years.
- 4.9 Statutory Adoption Leave lasts for up to 52 weeks. This is made up of 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL), which begins immediately after OAL.

- 4.10 The first two weeks of Statutory Adoption Leave are compulsory.
- 4.11 OAL is paid as Statutory Adoption Pay (SAP).
- 4.12 SAP is paid for 6 weeks at 90% of your average weekly earnings, followed by 33 weeks at the lower rate SAP, or 90% of average weekly earnings if that is lower.
- 4.13 To qualify for SAP you must have been continuously employed by the Council for 26 weeks.
- 4.14 If you have at least one year's continuous local government service at the time of the agreed date of adoption you are also entitled to an additional 12 weeks' pay at half your normal rate of pay if you return to work after your Adoption Leave for at least three months. This is known as Occupational Adoption Pay (OAP).
- 4.15 You may be eligible for Shared Parental Leave and Pay, Parental Leave and Neonatal Care Leave (if required). For further information please see the relevant leave section in this policy.
- 4.16 You are entitled to paid time off for up to five adoption appointments.
- 4.17 You have the right to return to exactly the same job on the same terms and conditions after OAL. After AAL, you also have the right to return to the same job, or a suitable alternative job if your original job is no longer available:-
- on terms and conditions not less favourable than those which would have been applicable to you, had you not been absent from work on Adoption Leave
 - with your seniority, pension rights and similar rights as they would have been had you not been absent from work on Adoption Leave.
- *Job for this purpose means the nature of the work which you are employed to do and the capacity and place in which you are so employed i.e. not necessarily precisely the same duties.
- 4.18 You also have extended protection from being made redundant whilst on adoption leave. The protected period begins on the date your Adoption Leave begins and extends for 18 months from the child's placement date.
- 4.19 During the redundancy protected period you also have priority rights over any offer of suitable alternative jobs.

Notification requirements for Adoption Leave and Pay

- 4.20 You must give your manager and the People & OD team written notice, no more than 7 days after the date on which you have been notified of having been matched with a child for the purposes of adoption, or your adoption placement being confirmed if you are fostering a child permanently and becoming their legal parent, outlining the following:
- The date on which the child is expected to be placed with you.
 - The date on which you will be starting your Adoption Leave.
- 4.21 If you are not able to do this within 7 days, you should do this as soon as reasonably possible.

- 4.22 You must also provide a copy of your Matching Certificate or official documentation.
- 4.23 If you are eligible to receive SAP you must give us 28 days' notice or, where the time is between the child being matched and your intended start date, as soon as is reasonably practicable of the date you want your SAP to start.

Time off for adoption appointments

- 4.24 If you are the primary adopter, you will be entitled to paid time off during your normal working hours to attend five adoption appointments before the placement of the child. This entitlement will apply regardless of your length of service. Wherever possible you should arrange your appointments to be at the start or end of your working day.
- 4.25 You should advise your manager as far in advance of your appointment as possible, that you will be absent. You may be asked to produce proof of your appointment.
- 4.26 If you are not the primary adopter but have or expect to have responsibility for the child's upbringing or, are the primary adopter's husband, wife, partner, or civil partner you will be entitled to take unpaid time off to attend up to two adoption appointments.

Adoption Leave entitlement

- 4.27 Adoption Leave can start:
- Up to 14 days before the expected placement date (UK adoptions)
 - From the date of arrival in the UK or within 28 days of this date (for overseas adoptions).
- 4.28 You are entitled to 26 weeks paid OAL with the right to return to work, irrespective of your length of service with the Council or the number of hours you work each week. While you are on Adoption Leave you will benefit from the normal terms and conditions that would have applied to you if you had been at work, except for terms and conditions relating to your salary. (See [Adoption Leave Pay](#)).
- 4.29 In addition, you can take a further period of unpaid AAL and return to work at any time up until the end of the 26 weeks, giving you a possible maximum of 52 weeks leave in total.
- 4.30 If you adopt or foster to adopt two or more children on the same placement, you are only entitled to one period of Adoption Leave.
- 4.31 If it is a separate placement, you are entitled to a second period of Adoption Leave. Your Adoption Leave restarts when the second placement begins.

Termination of an adoption placement

- 4.32 Should the placement of the child end for any reason, including where the agency tells you the placement cannot happen, or the child is returned to the adoption agency, you will not be entitled to the full Adoption Leave period. In this situation, Adoption Leave will end 8 weeks after the end of the week in which the disruption occurred. Any entitlement to further leave will be considered sympathetically on compassionate

grounds and on an individual basis under the Council's Special Leave Policy.

Adoption Leave Pay

4.33 To qualify for SAP you must:

- have at least 26 weeks service with the Council at the time of the agreed date of adoption with the adoption agency.
- have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions at the time of the agreed date of adoption with the adoption agency;
- have commenced your Adoption Leave;
- not be taken into legal custody. If this should occur, it is your responsibility to inform the Council that you have been taken into legal custody. The Council's obligation to pay SAP will end with the last complete week in the APP before you are taken into legal custody.
- have given the Council correct notice of your intention to start receiving SAP in line with the notification requirements **specified in 7.3.**

4.34 If you satisfy the above qualifying conditions, SAP will be payable even if your contract of employment ends at the start of your Adoption Leave or while SAP is being paid.

4.35 There is no distinction between part-time and full-time employees for SAP purposes.

4.36 SAP is payable for 39 weeks.

- Week one of your APP is the Sunday on which you start your Adoption Leave or leave work.
- SAP is paid for 6 weeks at 90% of average weekly earnings, followed by 33 weeks at the lower rate SAP, or 90% of average weekly earnings if that is lower.

4.37 Your SAP will be paid into your bank account on the same date that your salary would normally be paid and will be subject to deductions for tax and National Insurance. If you are a member of the pension scheme, pension contributions will also be deducted in the usual way.

4.38 SAP rates are reviewed in April each year and are available on the www.gov.uk pages.

4.39 The People & OD team will provide you with details of your individual adoption pay entitlement.

4.40 You are entitled to Occupational Adoption Pay (OAP) (otherwise known as Contractual Adoption Pay) if:

- You have one year's continuous local government service at the time of the agreed date of adoption with the adoption agency and
- You are intending to return to work following your Adoption Leave.

OAP is paid as follows:

- For weeks 7-18 of your Adoption Leave, you will be paid half your normal contractual rate of pay if you return to work after your Adoption Leave for a period of at least 3 months.

- 4.41 If the SAP payment together with the additional 12 weeks OAP gives a total weekly payment which is more than your normal weekly pay, the 12 weeks OAP will spread over a longer period such that the payment is not more than your normal weekly pay. This will be discussed with you if relevant.
- 4.42 OAP 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 receive your SAP and your OAP at the same time. (N.B This is not the case where the payment of SAP and OAP equals more than your average weekly earnings).
- 4.43 If you elect to receive OAP 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 or six months in the case of consecutive Adoption Leave. The only exception to this is where the reason for you not returning is because you have been made redundant. In this 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. If you need further clarification on this, you can speak to the Payroll team.
- 4.44 If you are uncertain about whether you are going to return to work, or you specifically request a deferred payment, OAP can be withheld and paid to you as a lump sum after you have returned to work for three months.
- 4.45 If you are not entitled to SAP, no deduction of this allowance will be made from your OAP for Adoption Leave.
- 4.46 Any cost of living pay award or pay increment that becomes effective at any point during your APP will be reflected in any SAP, and if applicable, OAP received, which will be recalculated, retrospectively if necessary.

Contact during Adoption Leave

- 4.47 During Adoption Leave your manager may make reasonable contact with you to discuss plans for returning to work and advising you of any developments or changes at work. Should you wish to receive current job vacancies during Adoption Leave you should notify the People & OD team.
- 4.48 Your manager should consult with you regarding contact arrangements before your Adoption Leave commences. Managers should agree a level and method of contact that is agreeable to both parties.
- 4.49 During Adoption Leave you can attend work for up to 10 days by mutual agreement with your manager, known as keeping-in-touch (KIT) days. There is no obligation for employees on Adoption Leave to take part in KIT days or for the Council to offer them, but they are a good way to enable you to keep in touch with the workplace. The days can be used for any activity which would ordinarily be deemed as work under the employment contract. This could include training courses, team meetings or any activity aimed at keeping in touch. Your manager should discuss opportunities to work KIT days with you before you begin Adoption Leave, identifying any key dates for activities.

- 4.50 If you attend work for any amount of time, even if for just one hour, then this will be counted as using one of your 10 KIT days. You will receive pay for the time spent at work at your usual salary or you can take time off in lieu at a later date.
- 4.51 Any KIT days worked will not extend the period of Adoption Leave.
- 4.52 If you are on Adoption Leave when your performance appraisal is due, your manager should invite you to attend work for an appraisal or alternatively offer an appraisal via telephone or online meeting. Absence due to Adoption Leave should not affect the assessment made of your performance level.

Returning to work following Adoption Leave

- 4.53 We will assume that you will return to work on the first working day following the 26 weeks OAL period and 26 weeks AAL period; i.e. one year after the start of your Adoption Leave. No confirmation will be required from you.
- 4.54 If you wish to return to work before the end of the full 52 weeks Adoption Leave however, you must give your manager 8 weeks' written notice of your early return date. If you do not give the required notice, we can postpone your return until a date, 8 weeks from the date at which intention to return early was notified.
- 4.55 If you are considering a request to change your working pattern on your return to work from Adoption Leave, you should discuss this with your manager at the earliest opportunity. This may include part-time hours, condensed working weeks, term-time contracts or job share options. Every effort will be made to accommodate a request within the needs of the Service. Such requests should be submitted and considered in accordance with the Council's Flexible Working Policy.
- 4.56 If you choose to resign from your job and therefore decide not to return to work following Adoption Leave, you are required to provide your manager with the appropriate written notice, as set out in your employment contract. You can serve your notice period whilst on Adoption Leave. If you do not return from Adoption Leave however, you should be advised you will be required to return any OAP paid in accordance with this policy.

Death of your child

- 4.57 We recognise that the death of a child is a deeply personal and often traumatic experience. We are committed to supporting our employees through such difficult times with compassion, flexibility, and respect. We encourage you to therefore be open with your manager if you have experienced this so that they can work with you to support you in the best way possible, whether that is with taking a leave of absence, or supporting you with any time off needed for future appointments related to the loss. There are a number of additional support options available to you outlined in this policy. This section however just outlines your Adoption Leave and pay entitlements in these unthinkable circumstances.
- 4.58 If your child dies while you are on Adoption Leave, you will continue to be entitled to receive, in full, any Adoption Leave and Pay provision subject to the information below. Any entitlement to further leave will be considered sympathetically on compassionate grounds on an individual basis under the Special Leave Policy.

Contractual rights and benefits during Adoption Leave

- 4.59 Your period of Adoption Leave counts as continuous service. During Adoption Leave, you are entitled to retain all your usual terms and conditions of employment, with the exception of pay. You will continue to accrue statutory and contractual annual leave during Adoption Leave.
- 4.60 Where a period of Adoption Leave crosses into a new leave year, all accrued annual leave and bank holiday leave may be carried over. However, the amount of leave taken in any leave year should not fall below the statutory minimum of 5.6 weeks (including bank holidays).
- 4.61 You should discuss with your manager your plans for taking outstanding annual leave. With your manager's agreement you may add a period of accrued annual leave on to the beginning or end of Adoption Leave. If holiday is taken during the three month period following Adoption Leave, the days taken as holiday will count towards the calculation of the three month period.
- 4.62 If you are a member of the Local Government Pension Scheme (LGPS), employer pension contributions will continue to be made, and you will continue to pay employee pension contributions during any period of paid Adoption Leave (up to 39 weeks). Employee pension contributions will be calculated based on Adoption Pay received. If you are not entitled to receive any pay during Adoption Leave, employer pension contributions will be made during the first 26 weeks of Adoption Leave.
- 4.63 The period of Additional Adoption Leave (AAL) that is unpaid (weeks 40 – 52) does not count towards membership of the LGPS although this does not count as a break in service. If you are an active member of the LGPS, you can elect to buy the pension 'lost' during this period of unpaid AAL. Where an election to buy 'lost' pension is made within 30 days of returning to work from Adoption Leave, we will meet 2/3rds of the cost. Where an election to buy 'lost' pension is made after 30 days of returning to work, it is at full cost to you. If you chose not to buy 'lost' pension, that period of service will not count as pensionable service.
- 4.64 If you decide not to return to work at the end of your Adoption Leave, any election and payment to cover 'lost' pension would need to take place prior to leaving the Council's employment. Further information on the LGPS is available from the People & OD team.
- 4.65 For **Guildford employees** only, if you are a member of the Council's private medical insurance scheme, we will continue to pay contributions for cover during Adoption Leave so that your level of cover is maintained.
- 4.66 For **Guildford employees** only, if you receive an essential user car allowance, this will continue to be paid during your period of Adoption Leave. If you have a car loan, the Payroll team will discuss and agree with you the method for continuing your repayment of the car loan.
- 4.67 If you have a lease car, you will retain the car during your Adoption Leave. If you are paying an additional contribution towards the cost of the car, this must continue during your Adoption Leave.

- 4.68 Childcare vouchers will continue to be paid during your Adoption Leave.
- 4.69 For **Waverley employees** only, if you are paying your Council Tax via your salary, the Payroll team will discuss and agree with you the method for continuing to pay your Council Tax.
- 4.70 If you are a member of our Trade Union Partner, you will continue to be a member and during any period of unpaid Adoption Leave will not be required to pay union subscriptions.

5. Shared Parental Leave

Glossary

Abbreviation	Abbreviation meaning
Average Weekly Earnings	For Shared Parental Pay purposes this is assessed as the gross weekly earnings (liable for National Insurance contributions) in the 8-week period immediately before the EWC or placement date of your child and includes payments made during this time, for example, overtime payments.
ShPP	Shared Parental Pay
ShPPP	Shared Parental Pay Period (under the terms of ShPP this is a period of 39 weeks during which ShPP is payable)
SPL	Shared Parental Leave
Continuous leave	a period of leave that is taken in 1 block e.g. 4 weeks leave
Discontinuous leave	weeks of leave where an employee returns to work in between e.g., an employee will work every other week for a period of 3 months

Summary of your rights during Shared Parental Leave.

- 5.1 This section outlines a summary of your rights whilst on Shared Parental Leave. For a more detailed description of all your rights relating to Shared Parental Leave, this can be found on the www.gov.uk pages.
- 5.2 The purpose of Shared Parental Leave (SPL) is to give you and your partner more flexibility in how to share the care of your child in the first year after birth or adoption, rather than simply taking Maternity, Paternity or Adoption Leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block.
- 5.3 SPL and ShPP are available to eligible employees whose partner have given birth, or adopted a child, or is having a baby through a surrogacy arrangement. SPL applies to partnerships of the same sex or different sex.
- 5.4 You may elect to take SPL if you or your partner has ended, or given notice to end, statutory Maternity or Adoption Leave. As the first two weeks of Maternity Leave and

Adoption Leave are compulsory, the maximum amount of SPL that can be taken is 50 weeks.

- 5.5 SPL gives parents the ability to share leave and this may be taken as continuous or discontinuous blocks. However, the Council does not have to accept a request for discontinuous leave. If a discontinuous request is refused there is no right of appeal. SPL may also be taken simultaneously, meaning that both parents may take leave at the same time.
- 5.6 The minimum block of leave that can be taken as SPL is one week.
- 5.7 Shared Parental Pay (ShPP) will also be available to parents who meet the necessary qualifying criteria, see [section 5](#). The total amount of ShPP available is dependent on the amount left after the curtailment of SMP, SAP or MA, up to a maximum of 37 weeks.
- 5.8 If you wish to take SPL and/or receive ShPP you must give the Council 8 weeks' notice of your intention to take SPL and receive ShPP. The Council will require proof that you and your partner are both eligible for SPL and/or ShPP and that there is an agreement to curtail Maternity or Adoption Leave and Pay. You will also be asked to provide a birth certificate or a matching document, for adoptions, as well as information regarding your partner's employer.
- 5.9 You are entitled to make a maximum of three alterations to your leave and pay entitlement. In each case you must give the Council at least 8 weeks' notice of your alterations.
- 5.10 You have the right to return to your existing *job if you take 26 weeks or less leave. If you return to work following an absence of over 26 weeks you will be entitled to return to your existing job, or a suitable alternative job if your original job is no longer available:
- on terms and conditions not less favourable than those which would have been applicable to you, had you not been absent from work on Adoption Leave
 - with your seniority, pension rights and similar rights as they would have been had you not been absent from work on Adoption Leave.

*Job for this purpose means the nature of the work which you are employed to do and the capacity and place in which you are so employed i.e. not necessarily precisely the same duties.

- 5.11 If you take at least six continuous weeks of SPL you will have extended protection from being made redundant. The redundancy protected period during SPL starts after the child's birth, or adoption and lasts for a period of 18 months.
- 5.12 During the redundancy protected period you also have priority rights over any offer of suitable alternative jobs.
- 5.13 If you take less than six continuous weeks of SPL, you are only protected from redundancy during the period of your absence while on SPL.

Eligibility requirements

- 5.14 To be eligible to take SPL you or your partner must be eligible to take Statutory Maternity or Statutory Adoption Leave or be entitled to take Statutory Maternity Pay

(SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA).

- 5.15 In addition, the birth parent or primary adopter must share the responsibility for raising the child with the child's father or their partner.
- 5.16 As well as the above requirements a 'continuity test' will be applied to determine eligibility:
- Either you or your partner must have worked for the same employer for at least 26 weeks by the end of the EWC, or the week in which the adopter is notified of having been matched with a child. This employee must also still be employed in the first week that SPL is to be taken.
 - The other partner must have worked for 26 weeks in the 66 weeks leading up to the date that the child is due/placed and must have earned above the Maternity Allowance threshold in 13 of those 66 weeks.
- 5.17 Part of the eligibility criteria also requires you to provide the Council with the correct written notification, declaration and evidence as set out in [section 2](#).

Shared Parental Pay

- 5.18 To be eligible for ShPP you or your partner must pass the continuity test and have earned an average of the lower earnings limit or more, for the 8 weeks prior to the 15th week before the EWC, or the adoption match date.
- 5.19 A maximum of 37 weeks ShPP will be available after the birth parent/primary adopter has taken the legally required two weeks of Maternity/Adoption Leave and Pay immediately following the birth/placement of the child. The total number of weeks available for ShPP will depend on the amount by which the birth parent reduces the MPP, or the primary adopter reduces their APP.
- 5.20 ShPP is paid at the statutory rate which can be found on the www.gov.uk pages, or 90% of your average weekly earnings, whichever is lower.

Notification requirements

- 5.21 If you are entitled to take SPL and/or ShPP you must give your manager and the People & OD team 8 weeks' written notice before you can take any period of SPL or ShPP. For the purposes of SPL/ShPP it is recommended that notification of entitlement and notification of booking, and where applicable pay, should be completed at the same time. Booking forms for SPL/ShPP can be found in [Appendix 2](#). The completed booking form should be returned to People & OD team.
- 5.22 If you wish to take a period of SPL that is just after the expected birth or adoption of the child, the notice must provide a start date that is either the date of the birth / adoption of the child or is expressed as a number of days following the birth or adoption, and an end date expressed as a number of days following the birth or adoption.
- 5.23 It should be noted that your partner will also be required to complete part of the ShPP/SPL booking form to confirm they meet the eligibility requirements and that they consent to the Council processing the information contained in the booking form.

5.24 The Council will request the following information within 14 calendar days of receiving the SPL/ShPP notification:

- the name and business address of your partner's employer (where your partner is no longer employed or is self-employed their contact details must be given instead).
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a MAT B1 form which will be given to you by your GP or midwife confirming the pregnancy – this must be dated with 20 weeks of the expected due date and signed off by a doctor or midwife).
- in the case of adoptions, a Matching Certificate from the adoption agency as confirmation of the agreed date of adoption.

Alterations to periods of Shared Parental Leave and Pay

5.25 You can alter your SPL booking if you provide 8 weeks' written notice of this intention. This notice should be sent to your manager and the People & OD team. You are only entitled to alter your arrangement three times. The Council may accept more alterations; however these will only be in exceptional circumstances.

5.26 The request should set out the SPL periods that have been agreed and the variation that is requested. You may request:

- to vary either the start and / or end of any period of SPL.
- for a continuous period of leave to become discontinuous or vice versa.
- to cancel a period of leave.
- to vary the amount of leave requested.

5.27 You may choose to inform the Council of your intention to take a continuous block of leave and, in the same notification, request a discontinuous block of leave (e.g. 9 weeks split: two weeks in June, three weeks in September and four weeks in December). The Council is under no obligation however to accept a discontinuous leave request.

5.28 Your manager should meet with you to discuss the request, and where possible, should aim to provide you with a decision within two weeks of receipt of your written request.

5.29 Each request for discontinuous leave will be considered on a case-by-case basis. Your manager may agree the request, or propose alternative dates, or decline the request.

5.30 Where a request for discontinuous leave is refused you may withdraw the request within 15 calendar days of it being received by the Council. This will not count towards the three alterations available to you.

5.31 If you do not withdraw your request for discontinuous leave, the notification automatically defaults to a continuous leave request for the same amount of time as would have been the total period for the discontinuous leave request, i.e. in the example above, **nine** continuous weeks starting in June.

5.32 If this occurs, you will have **four** calendar days in which to specify a start date for your continuous leave block and, if then (i.e. 19 calendar days after the original request) there has been no communication on the matter then the start date for continuous

leave will default to the start date for the first period of discontinuous leave as outlined in the request.

- 5.33 If you do not specify a start date or withdraw your request, in the timescales above, you will need to provide a new notification of any intention to take SPL on different dates and cancel the defaulted arrangements. This will count as the second of your **three** notifications (the first being the original request).

Cancelling the decision to end Shared Parental Leave

- 5.34 You may be able to change the decision to end Shared Parental Leave early, in the following circumstances (provided you have not already returned to work):
- during the 8 weeks' notice period, it is discovered that neither partner is eligible for SPL or ShPP.
 - the birth parent or primary adopter's partner has died ([see section 8.8 for more information on what to do in this scenario](#)).
 - the birth parent gives notice before the birth and less than six weeks after the birth.

Death of birth parent, primary adopter, their partner, or your child

- 5.35 We recognise that the loss of a loved one is a deeply personal and often traumatic experience. We are committed to supporting our employees through such difficult times with compassion, flexibility, and respect. We encourage you to therefore be open with your manager if you have experienced the loss of your partner or child so that they can work with you to support you in the best way possible, whether that is with taking a leave of absence, or supporting you with any time off needed for future appointments related to the loss. This section however just outlines your SPL and ShPP entitlements in these unthinkable circumstances.
- 5.36 If the birth parent or primary adopter dies before they have curtailed their leave and pay, the birth parent's or primary adopter's partner will still be able to access any SPL and ShPP remaining, and the following applies:
- if the birth parent or primary adopter had withdrawn their notice to end their Maternity/Adoption Leave then any leave and pay taken by the partner in the period prior to the withdrawal will be deducted from the leave and pay available.
 - in the event of the birth parent's or primary adopter's death, the requirement of the employee to give 8 weeks' notice does not apply, in this case the employee must inform the Council as soon as is reasonably practicable regarding the death of the birth parent or primary adopter.
- 5.37 If the birth parent's or primary adopter's partner dies before the curtailment of leave and pay:
- the birth parent or primary adopter will remain on Maternity/Adoption Leave and Pay arrangements.
 - the birth parent or primary adopter will not be able to curtail their leave and pay and opt into SPL/ShPP as they will no longer qualify.
- 5.38 If the birth parent or primary adopter dies following them giving notice to curtail their leave and pay entitlements:
- the birth parent's or primary adopter's partner will be able to take the remaining leave and pay if they would have been entitled to it.
 - the partner will need to notify their employer of the change in arrangements. In this

case the 8 weeks' notification requirements will not apply, instead the partner must inform their employer as soon as is reasonably practicable. In cases where three notices have already been given to alter arrangements a fourth statutory notification will be allowed.

- if the birth parent's or primary adopter's partner had no entitlement to SPL or ShPP before the birth parent's or primary adopter's death, no entitlement will be created. In these circumstances any entitlement to further leave will be considered on compassionate grounds under the Special Leave Policy.

5.39 If your child dies before you or your partner have given notice to take SPL and/or ShPP you will not be able to take SPL or ShPP. In this case the birth parent or primary adopter will remain entitled to take their Maternity/Adoption Leave and Pay entitlement.

5.40 If you and your partner have given notice to take SPL and/or ShPP and your child dies, then you will be entitled to take the leave and pay that you booked before the death. Any entitlement that had not been booked at the time of your child's death would no longer be available. You may however reduce the period of leave and/or pay, subject to 8 weeks' notice.

5.41 Any entitlement to further leave will be considered sympathetically on compassionate grounds on an individual basis under the Special Leave Policy.

Contact during Shared Parental Leave

5.42 During SPL, your manager may make reasonable contact with you to discuss plans for returning to work and advising you of any developments or changes at work. Should you wish to receive current job vacancies during Shared Parental Leave you should notify the People & OD team.

5.43 Your manager should consult with you regarding contact arrangements before your SPL commences. Managers should agree a level and method of contact that is agreeable to both parties.

5.44 During SPL you can attend work for up to 20 days by mutual agreement with your manager, without bringing your SPL to an end. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. They are in addition to any KIT days worked during your Maternity, Adoption or Paternity Leave and work on the same principles as KIT days.

5.45 There is no obligation for employees on SPL to take part in SPLIT days or for the Council to offer them, but they are a good way to enable you to keep in touch with the workplace. The days can be used for any activity which would ordinarily be deemed as work under the employment contract. This could include training courses, team meetings or any activity aimed at keeping in touch. Your manager should discuss opportunities to work SPLIT days with you before you begin SPL, identifying any key dates for activities.

5.46 If you attend work for any amount of time, even if for just one hour, then this will be counted as using one of your 20 SPLIT days. You will be paid your normal hourly rate of pay for any hours worked.

5.47 Any SPLIT days worked will not extend the period of SPL.

5.48 If you are on SPL when your performance appraisal is due, your manager should invite you to attend work for an appraisal or alternatively offer an appraisal via telephone or online meeting. Absence due to SPL should not affect the assessment made of your performance level.

Returning to work following Shared Parental Leave

5.49 In the original notification you will have given an end date to your leave period and therefore you will be expected to return to work on the following working day after that date.

5.50 If you want to return to work earlier than the expected return date, you must give 8 weeks' written notice to your manager and the People & OD team of your intention to do so. This will count as one of the three notifications. If you have already used your three notifications the Council may refuse to accept your notice to return early but will accept such a request where it is reasonably practicable to do so.

5.51 On returning to work you are entitled to return to your existing role or suitable alternative role.

5.52 You may also take up to four weeks unpaid Parental Leave and so long as your SPL does not amount to 26 weeks or more, you retain the right to return to your existing role.

Contractual rights and benefits during Shared Parental Leave

5.53 Your period of SPL counts as continuous service. During SPL, you are entitled to retain all your usual terms and conditions of employment, with the exception of pay. You will continue to accrue statutory and contractual annual leave during SPL.

5.54 Where a period of SPL crosses into a new leave year, all accrued annual leave and bank holiday leave may be carried over. However, the amount of leave taken in any leave year should not fall below the statutory minimum of 5.6 weeks (including bank holidays).

5.55 You should discuss with your manager your plans for taking outstanding annual leave. With your manager's agreement you may add a period of accrued annual leave on to the beginning or end of SPL.

5.56 If you are a member of the Local Government Pension Scheme (LGPS), employer pension contributions will continue to be made, and you will continue to pay employee pension contributions during any period of paid SPL. Employee pension contributions will be calculated based on SHPP received.

5.57 Any period of SPL that is unpaid does not count towards membership of the LGPS although this does not count as a break in service. If you are an active member of the LGPS, you can elect to buy the pension 'lost' during a period of unpaid SPL. Where an election to buy 'lost' pension is made within 30 days of returning to work from SPL, we will meet 2/3rds of the cost. Where an election to buy 'lost' pension is made after 30 days of returning to work, it is at full cost to you. If you chose not to buy 'lost'

pension, that period of service will not count as pensionable service.

- 5.58 If you decide not to return to work at the end of your SPL, any election and payment to cover 'lost' pension would need to take place prior to leaving the Council's employment. Further information on the LGPS is available from the People & OD team.
- 5.59 For **Guildford employees** only, if you are a member of the Council's private medical insurance scheme, we will continue to pay contributions for cover during SPL so that your level of cover is maintained.
- 5.60 For **Guildford employees** only, if you receive an essential user car allowance, this will continue to be paid during your period of SPL. If you have a car loan, the Payroll team will discuss and agree with you the method for continuing your repayment of the car loan.
- 5.61 If you have a lease car, you will retain the car during your SPL. If you are paying an additional contribution towards the cost of the car, this must continue during your SPL.
- 5.62 If you receive childcare vouchers, the childcare vouchers will continue to be paid during SPL.
- 5.63 For **Waverley employees** only, if you are paying your Council Tax via your salary, the Payroll team will discuss and agree with you the method for continuing to pay your Council Tax.
- 5.64 If you are a member of our Trade Union Partner, you will continue to be a member and during any period of unpaid SPL will not be required to pay union subscriptions.

6. Paternity Leave

The purpose of Paternity Leave is to enable all employees who have parental responsibility to take time off work, to provide their partner support at the time of birth or adoption.

Glossary

Abbreviation	Abbreviation meaning
EWC	Expected week of childbirth (beginning on a Sunday this is the 7-day period which includes the EDC).
EDC	Expected date of childbirth.
Qualifying Week	This is the 15th week before the EWC, or the week in which you or your partner were notified of being matched with your child in the case of adoption.
Average Weekly Earnings	For Statutory Paternity Pay purposes this is assessed as the gross weekly earnings (liable for National Insurance contributions) in the 8-week period immediately before the qualifying week and includes payments made during this time, for example, overtime payments.
SPP	Statutory Paternity Pay

Summary of your rights

- 6.1 This section outlines a summary of your rights regarding Paternity Leave. For a more detailed description of all your rights relating to Paternity Leave, this can be found on the www.gov.uk pages.
- 6.2 You must have or expect to have responsibility for the child's upbringing or, be the biological father of the child or the birth parent's husband, wife, partner, or civil partner to qualify for Paternity Leave.
- 6.3 Statutory Paternity Leave entitlement is either one or two consecutive weeks, but not odd days. You are entitled to one period of Paternity Leave, irrespective of how many children are born or adopted.
- 6.4 You must take your Paternity Leave within 52 weeks of the child's birth, or from the date the child was placed with you or arrived in the UK in the case of adoptions. In the case of premature births Paternity Leave can be taken from the date of the actual birth up to 52 weeks after the EWC.
- 6.5 Statutory Paternity Pay (SPP) is paid at lower rate SPP or 90% of average earnings if that is lower. The rate of SPP can be found on the www.gov.uk pages.
- 6.6 To qualify for SPP you must have worked continuously for the Council for at least 26 weeks, by the end of the 15th week before the baby's expected due date. In the case of adoptions, you must have been continuously employed by the Council for at least 26 weeks by the end of the week in you are matched with a child (UK adoptions) or by the end of the week in which the child arrives in the UK (overseas adoptions).
- 6.7 Provided you meet all the required conditions, you have the right to return to the job* in which you were employed prior to taking Paternity Leave, or a suitable alternative job if your original job is no longer available;
 - on terms and conditions not less favourable than those which would have been applicable to you, had you not been absent from work on Paternity Leave;
 - with your seniority, pension rights and similar rights as they would have been had you not been absent from work on Paternity Leave;

*Job for this purpose means the nature of the work which you are employed to do and the capacity and place in which you are so employed i.e. not necessarily precisely the same duties.

Eligibility

- 6.8 To qualify for Paternity Leave:
 - you must have or expect to have responsibility for the child's upbringing or,
 - you must be the biological father of the child, or the birth parent's/primary adopter's/ husband, partner, or civil partner (this includes same sex partners and also applies to surrogacy arrangements) and,
 - have worked continuously for the Council for at least 26 weeks by the end of the 15th week before the EWC or, in the case of adoptions, by the end of the week in which your partner has been notified of being matched with a child.

- 6.9 You may be required to provide a copy of the MAT B1 form that is issued by your GP or midwife confirming the pregnancy or, for adoption, a Matching Certificate.
- 6.10 To take Paternity Leave in the case of surrogacy, you must also intend to apply for a parental order in the six months after the baby's birth and expect it to be granted.

Notification requirements

- 6.11 You must give your manager and the People & OD team written notice of your intention to take Paternity Leave by the 15th week, (or, if that is not reasonably possible, as soon as is reasonably possible) before the EWC, or within 7 days of your wife, partner or civil partner being told by the adoption agency that they have been matched with a child, outlining the following:
- Whether you intend to take one or two consecutive weeks' leave.
 - The date on which you will be starting your Paternity Leave.
 - The week in which your child is due, or expected to be placed, if adopted.
- 6.12 In the case of adoption, you must also provide a copy of your Matching Certificate or official adoption documentation (if applicable) as confirmation of the agreed date of adoption.
- 6.13 For overseas adoptions, the following notification requirements for Paternity Leave apply in addition to the above:
- The date the child's primary adopter received an official notification of the adoption.
 - The date the child is expected to enter Great Britain, or if they have already entered Great Britain, the date they entered.
- 6.14 In the case of surrogacy, we may ask you to provide a 'statutory declaration' as evidence of your intention to apply for a parental order. You can obtain this from your solicitor.
- 6.15 Should you wish to change your intended start date for Paternity Leave, you must give your manager and the People & OD team 28 days' notice or, if this is not practicable, as soon as is reasonably practicable.

Time off to attend ante-natal appointments

- 6.16 For **Waverley employees** only, if you meet the criteria you are entitled to take paid time off to attend ante-natal appointments.
- 6.17 For **Guildford employees** only, if you meet the criteria you are entitled to unpaid time off to attend up to two appointments for a total duration of 6.5 hours each, including travel time.

Paternity Leave entitlement

- 6.18 You can choose to take either one week or two consecutive weeks' Paternity Leave, but not odd days. Your leave can commence from the date of the baby's birth, the date of the child's placement for UK adoptions or the child's arrival in the UK (overseas adoption) or from another date as long as it is after one of the above

dates.

6.19 Leave can start on any day of the week but must be completed within 52 weeks of the actual birth, (or, if the baby is born early, between the actual date of birth and up to 52 weeks after the expected week of the birth). In the case of adoptions, leave must be taken within 52 weeks from the date of the child's placement with you.

6.20 For **Waverley employees** only, if you have at least 26 weeks continuous employment with the Council you will be entitled to take two weeks of paid leave at or around the time of birth or placement in case of adoptions. This provision is in addition to Paternity Leave.

Statutory Paternity Pay

6.21 To qualify for SPP, you must be one or both of the following:

- the biological father of the expected baby.
- married to, the civil partner of or partner of the birth parent or primary adopter – this includes same-sex partners.

6.22 You must also:

- have been continuously employed by the Council for at least 26 weeks up to any day in the Qualifying Week (see Glossary for definition of Qualifying Week).
- be employed by the Council at the date of the birth, or date of placement for adoption.
- earn on average at least the lower earnings limit during the 8-week period ending with the Qualifying Week.
- have commenced your Paternity Leave.

6.23 If you meet the above qualifying requirements, you will be entitled to receive Statutory Paternity Pay (SPP). SPP is paid at the same rate as Statutory Maternity Pay (SMP), or 90% of your average weekly earnings if your average weekly earnings are less than the SMP rate.

6.24 Your SPP will be paid into your bank account on the same date that your salary would normally be paid and will be subject to deductions for tax and National Insurance. If you are a member of the pension scheme, pension contributions will also be deducted in the usual way.

6.25 If you do not qualify for SPP, you will be entitled to two weeks unpaid Paternity Leave instead.

6.26 If you satisfy the above qualifying conditions, SPP may be payable even if your contract of employment ends at the start of your Paternity Leave or while SPP is being paid.

6.27 There is no distinction between part-time and full-time employees for SPP purposes.

6.28 SPP rates are reviewed in April each year and are available on the www.gov.uk pages.

6.29 The People & OD team will provide you with details of your Statutory Paternity Pay entitlement.

Contact during Paternity Leave

6.30 During Paternity Leave your manager may make reasonable contact with you to discuss plans for returning to work and advising you of any developments or changes at work. Should you wish to receive current job vacancies during Paternity Leave you should notify the People & OD team.

6.31 Your manager should consult with you regarding contact arrangements before your Paternity Leave commences. Managers should agree a level and method of contact that is agreeable to both parties.

Returning to work following Paternity Leave

6.32 The Council will assume that you will return to work on the first working day following the end of your Paternity Leave period. No confirmation will be required from you.

Death of your child

6.33 We recognise that the loss of a child is a deeply personal and often traumatic experience. We are committed to supporting our employees through such difficult times with compassion, flexibility, and respect. We encourage you to therefore be open with your manager if you have experienced the loss of your child so that they can work with you to support you in the best way possible, whether that is with taking a leave of absence, or supporting you with any time off needed for future appointments related to the loss. This section however just outlines your Paternity Leave and Pay entitlements in these unthinkable circumstances.

6.34 If your child dies while you are on Paternity Leave, you will continue to be entitled to receive, in full, any Paternity Leave and Pay provision to which you are eligible. Any entitlement to further leave will be considered sympathetically on compassionate grounds on an individual basis under the Special Leave Policy.

6.35 If your child is stillborn on or after the 24th week of pregnancy, or is born alive but shortly dies afterwards, you will still be eligible for Paternity Leave and Pay (if applicable) in the normal way.

6.36 In this event you will still be able take Paternity Leave at the time it was planned for, if you booked it before your child died, or within 8 weeks of your child's death if you have not already booked Paternity Leave.

6.37 If you have a stillbirth earlier than the 24th week of pregnancy, this is classified as a miscarriage and therefore you will not qualify for Paternity Leave and any time off will be counted as sick leave.

Contractual rights and benefits

6.38 Your period of Paternity Leave counts as continuous service. During Paternity Leave, you are entitled to retain all your usual terms and conditions of

employment, with the exception of pay. You will continue to accrue statutory and contractual annual leave during Paternity Leave.

- 6.39 With your manager's agreement you may add a period of accrued annual leave on to the beginning or end of Paternity Leave.
- 6.40 Whilst the usual carry over rules do not apply during Paternity Leave, every effort should be made to take your annual leave during the relevant leave year.
- 6.41 If you are a member of the Local Government Pension Scheme (LGPS), employer pension contributions will continue to be made, and you will continue to pay employee pension contributions during any period of paid Paternity Leave. Employee pension contributions will be calculated based on Statutory Paternity Pay received.
- 6.42 Any period of Paternity Leave that is unpaid does not count towards membership of the LGPS although this does not count as a break in service. If you are an active member of the LGPS, you can elect to buy the pension 'lost' during a period of unpaid Paternity Leave. Where an election to buy 'lost' pension is made within 30 days of returning to work from Paternity Leave, we will meet 2/3rds of the cost. Where an election to buy 'lost' pension is made after 30 days of returning to work, it is at full cost to you. If you chose not to buy 'lost' pension, that period of service will not count as pensionable service.
- 6.43 If you decide not to return to work at the end of your Paternity Leave, any election and payment to cover 'lost' pension would need to take place prior to leaving the Council's employment. Further information on the LGPS is available from the People & OD team.
- 6.44 For Guildford employees only, if you are a member of the Council's private medical insurance scheme, we will continue to pay contributions for cover during Statutory Paternity Leave so that your level of cover is maintained.
- 6.45 For Guildford employees only, if you receive an essential user car allowance, this will continue to be paid during your period of Statutory Paternity Leave. If you have a car loan, the Payroll team will discuss and agree with you the method for continuing your repayment of the car loan.
- 6.46 If you have a lease car, you will retain the car during your Statutory Paternity Leave. If you are paying an additional contribution towards the cost of the car, this must continue during your Paternity Leave.
- 6.47 If you receive childcare vouchers, the childcare vouchers will continue to be paid during Paternity Leave.
- 6.48 For **Waverley employees** only, if you are paying your Council Tax via your salary, the Payroll team will discuss and agree with you the method for continuing to pay your Council Tax.
- 6.49 If you are a member of our Trade Union Partner, you will continue to be a member and during any period of unpaid Paternity Leave will not be required to pay union subscriptions.

Other related leave

6.50 In addition to Paternity Leave, you may also be eligible to share childcare responsibilities with your partner within the first year from the date of the child's birth or the date on which they are placed for adoption (please see [section 5](#) for more information on Shared Parental Leave).

6.51 You may also be entitled to take up to four weeks (unpaid) Parental Leave (see section 10 for more information on Parental Leave) immediately after your child is born, (or adopted) provided you give 21 days' notice of the expected week of childbirth (or date of adoption). Parental Leave can be taken for any reason as long as it is related to the care of your child.

7. Parental Leave

7.1 If you are eligible, you are entitled to Parental Leave, in accordance with this policy, to look after your children. This can be for example, to help your partner look after your child shortly after childbirth, or adoption, or it could be to provide care throughout summer holidays, or just to spend more time with them. Essentially, as long as it is related to the care of your child it can be for any reason.

Summary of your rights

7.2 Parents of all children up to the age of 18 are entitled to take up to 18 weeks unpaid Parental Leave per child.

7.3 The maximum leave you can take within each year is limited to four weeks per child.

7.4 You must have worked for Local Government continuously for a year by the time you want to take the leave.

7.5 You must either be named on the child's Birth Certificate or have "parental responsibility" under the law (Children Act 1989 or the Children (Scotland) Act 1995) for the child.

7.6 Parents who qualify are entitled to 18 weeks unpaid leave and this must be taken in blocks of **one week**, unless your child is disabled in which case you may take the leave in days, which will count only as days.

7.7 You must give **21 days'** notice in writing of the required dates.

7.8 Parental Leave is unpaid leave but single parents and those with disabled children may be entitled to State payments.

7.9 Whilst the Council will endeavour to accept requests where possible, it is entitled to postpone a period of Parental Leave for up to **six months**, except if the leave is to begin on the day your child is born or placed for adoption. In this case the Council cannot postpone your Parental Leave request. This will usually only be where the leave would unduly disrupt the course of business, for example, delaying completion of projects or contracts, or due to having insufficient staff to cover workload.

- 7.10 Provided you meet all the required conditions, you have the right to return to the job* in which you were employed prior to taking Parental Leave, if you take **four** weeks or less of Parental Leave. If you take more than 4 weeks Parental Leave, you have the right to return to your job, or a suitable alternative job if your original job is no longer available;
- on terms and conditions not less favourable than those which would have been applicable to you, had you not been absent from work on Parental Leave;
 - with your seniority, pension rights and similar rights as they would have been had you not been absent from work on Parental Leave.

*Job for this purpose means the nature of the work which you are employed to do and the capacity and place in which you are so employed i.e. not necessarily precisely the same duties.

Eligibility

- 7.11 Mothers and fathers, whether they are the natural or adoptive parents of a child under 18 years old, can both qualify for Parental Leave.
- 7.12 Please note you may be required to provide a copy of the MAT B1 form which is issued by your GP or midwife confirming the pregnancy.
- 7.13 You must have worked for Local Government continuously for at least one year by the time you want to take the leave.
- 7.14 You must either be named on the child's Birth Certificate or have "parental responsibility" under the law (Children Act 1989 or the Children (Scotland) Act 1995) for the child. Thus, someone other than a natural or adoptive parent, such as a guardian, may have legal responsibility for looking after the child and be entitled to Parental Leave.
- 7.15 If you are adopting a child you will be entitled to Parental Leave because you will have "parental responsibility" when you adopt.
- 7.16 As both parents are entitled to the leave, if the Council employs both the total leave is doubled, (i.e. each parent will be entitled to 18 weeks each). The leave is per child and thus if, for example, twins are born, each parent is entitled to 36 weeks leave.
- 7.17 Parental Leave carries over from your previous employer therefore any leave accumulated during your previous employment will be deducted from your allowance at the Council.

Notification requirements

- 7.18 Employees wishing to take Parental Leave must give their manager and the People & OD team at least 21 days' notice, in writing of the required dates stating:
- How much leave you intend to take.
 - When you want your leave to start.
 - The age of your child.
- 7.19 Should you wish to change your intended start date for leave, you will be required to give 28 days' notice or, if this is not practicable, as soon as is reasonably practicable.

7.20 You may be required to provide proof of birth or adoption by providing a copy of the Birth Certificate, entitlement to disability living allowance or other applicable documentation.

Parental Leave entitlement

7.21 All employees are entitled to 18 weeks unpaid leave per child (proportionately reduced for part timers) up until the child's 18th birthday.

7.22 The maximum leave to be taken within each year is limited to four weeks per child.

7.23 Leave must be taken in blocks of one week (with the exception of a disabled child) with part of a week (e.g. a single day) counting as a complete week. Thus, an employee taking four individual days in four or more separate weeks will use their whole year's entitlement.

7.24 Employees taking leave in respect of disabled children can take the leave in days which will count only as days (i.e. not as a full week as for a child who is not disabled).

Parental Leave Pay

7.25 Parental Leave is unpaid leave but single parents and those with disabled children may be entitled to State payments.

Contractual rights and benefits during Parental Leave

7.26 Your period of Parental Leave counts as continuous service. During Parental Leave, you are entitled to retain all your usual terms and conditions of employment, with the exception of pay. You will continue to accrue statutory and contractual annual leave during Parental Leave.

7.27 With your manager's agreement you may add a period of accrued annual leave on to the beginning or end of Parental Leave.

7.28 Whilst the usual carry over rules do not apply during Parental Leave, you should make every effort to take your annual leave during the relevant leave year.

7.29 If you are a member of the Local Government Pension Scheme (LGPS), and are receiving State payments for a disabled child, employer pension contributions will continue to be made, and you will continue to pay employee pension contributions during any period of paid Parental Leave. Employee pension contributions will be calculated based on any State payments received.

7.30 Any period of Paternity Leave that is unpaid does not count towards membership of the LGPS although this does not count as a break in service. If you are an active member of the LGPS, you can elect to buy the pension 'lost' during a period of unpaid Parental Leave. Where an election to buy 'lost' pension is made within 30 days of returning to work from Parental Leave, we will meet 2/3rds of the cost. Where an election to buy 'lost' pension is made after 30 days of returning to work, it is at full cost to you. If you chose not to buy 'lost' pension, that period of service will not count as

pensionable service.

- 7.31 If you decide not to return to work at the end of your Parental Leave, any election and payment to cover 'lost' pension would need to take place prior to leaving the Council's employment. Further information on the LGPS is available from the People & OD team.
- 7.32 For **Guildford employees** only, if you are a member of the Council's private medical insurance scheme, we will continue to pay contributions for cover during Parental Leave so that your level of cover is maintained.
- 7.33 For **Guildford employees** only, if you receive an essential user car allowance, this will continue to be paid during your period of Parental Leave. If you have a car loan, the Payroll team will discuss and agree with you the method for continuing your repayment of the car loan.
- 7.34 If you have a lease car, you will retain the car during your Parental Leave. If you are paying an additional contribution towards the cost of the car, this must continue during your Parental Leave.
- 7.35 If you receive childcare vouchers, the childcare vouchers will continue to be paid during Parental Leave.
- 7.36 For **Waverley employees** only, if you are paying your Council Tax via your salary, the Payroll team will discuss and agree with you the method for continuing to pay your Council Tax.
- 7.37 If you are a member of our Trade Union Partner, you will continue to be a member and during any period of unpaid Parental Leave will not be required to pay union subscriptions.

8. Additional support

- 8.1 This section outlines additional support options that are available to you in the unthinkable event of losing a child or partner, whilst on leave under this policy, or if you are experiencing particularly difficult family circumstances, such as your baby is undergoing neonatal care.
- 8.2 Our Employee Assistance Programme (EAP) provides a free, confidential counselling service to all employees who wish to use it.

If you are a **Waverley employee**, to contact our EAP service provider, please go to www.employeeassistance.org.uk or call 0800 328 1437.

If you are a **Guildford employee**, to contact our EAP service provider, please go to <https://wisdom.healthassured.org/login> and enter code MHA000228 or call 0800 028 0199.

- 8.3 If you are a member of the Council's Trade Union Partner, they can also offer additional support. Alternatively, a member of the People & OD team can also be a source of support, where required.

8.4 The Council also has trained Mental Health First Aiders (MHFA) that you can access. The role of a MHFA is to provide initial support and guidance to employees experiencing mental health challenges or distress. You can contact your People & OD team for more information on how to access this support.

8.5 You can also get help and support from the following organisations:

- [Bliss](#) for support and information for parents with a baby in neonatal care, including information on bereavement support.
- [Child Bereavement UK](#) if your child dies.
- [Cruse Bereavement Support](#) for advice on coping with a death.
- [Hospice UK](#) for help talking about dying, death and bereavement.
- [Mind](#) for mental health information and support.
- [Sands](#) for support following the death of your baby before, during or shortly after birth.
- [Sue Ryder](#) for advice on coping with a death.

We are always looking for ways to improve our policies, procedures, and guidance. Your opinions matter to us and we use your feedback to improve these documents and ensure we deliver a high-quality, inclusive service.

If you would like to provide constructive feedback on this document please email hrpolicyfeedback@guildford.gov.uk

References, further reading and links to other policies

- Organisational Change Policy and Procedure
- Sickness Absence Management Policy and Procedure
- Special Leave Policy and Procedure

Appendix 1: Maternity Risk Assessment Template for Pregnant Workers and New Mothers (pregnant, breastfeeding or have given birth in the last 6 months)

Employee's name		Service area	
Employee's contact number		Expected date of delivery (expectant mothers only)	
Manager's name completing assessment		Actual date of birth (new mothers only)	
Initial assessment date			
Employee's job role (including typical tasks)			
Any health/wellbeing issues			

Risk assessment for a new or expectant mother: Hazards and controls

Significant Hazard Perceived	Nature of Risk	Generic Control Measures	Residual Risk:/Low Medium/High	Additional Control Measures	Managers Comments
Posture and Position	Increased susceptibility to musculoskeletal disorders and deep vein thrombosis (DVT)	DSE assessment to be undertaken if not already in place and where in place revised during period to mitigate risk. Workstation should provide adequate adjustment to allow for increase in			

		abdominal size. Advice on posture to prevent musculoskeletal problems. Adjust working practices to avoid continuous sitting at workstation.(risk of DVT) or long periods of standing.(risk of DVT).			
Slips, trips, and falls	Increased risk of injury due to physical change and or hormonal changes	Maintain high standards of housekeeping in work area. Individual may have difficulty negotiating stairs during later stages of pregnancy. Where off site work is undertaken, advise on how to undertake dynamic risk assessment of work location prior to commencement (identify sites that are not suitable).			
Lifting & carrying loads	Musculoskeletal injury Weakening of the skeletal structure	Reduce amount of physical work associated with task. Physical tasks become more difficult to achieve as pregnancy			

		progresses. Carrying heavy loads to be avoided.			
Welfare	Access to toilets to protect against risk of infection and kidney disease	Provision of easy access to toilet facilities and more frequent breaks from work activity. Consideration should be given to providing access to private and quiet area where the individual can rest, as necessary.			
Fatigue	Fatigue from prolonged standing or physical activity	Avoid long periods of time standing. Task modified to provide seating or more frequent rest periods. Aspects of the work may need to be modified as physical capability will reduced as a result of pregnancy.			
Work related stress	Individual vulnerable to stress due to hormonal, psychological and physiological changes during pregnancy	Monitoring and reduction of risks in relation to work demands, relationships with colleagues / manager and requirements of the role.			
Temperature/humidity	Lower tolerance to heat and humidity	Temperature of the working environment			

	resulting in discomfort / faint	to be suitably controlled. Individual may require access to fresh air for periods during the working day. Individual to have ready access to fresh drinking water			
Out of hours working	Long working hours or shift work patterns can affect the health of pregnant women.	Allowance made for tiredness and nausea at early stages of pregnancy. Consult with occupational health and individual on modification to working hours / avoidance of night work.			
Personal safety	Violence or fear of violence can increase	If there is a perceived risk of violence or threat of violence / abuse consideration needs to be given to modifying the role to reduce the risk to the individual and or make provision for employees to be available should support be required.			
Access/egress	Mobility may be impaired during later stages of pregnancy	Seek to modify the individuals work task to avoid walking significant distances or traversing flights of steps.			

Working at height	Loss of agility and or balance	Modify task to avoid aspects of working at height			
Travel health	Increased medical risk from business travel. Poor posture / prolonged sitting increased risk of deep vein thrombosis (DVT) Risk from	Travel arrangements should include adequate provision for rest breaks during the journey. Travel times chosen to reduce levels of fatigue. Carry out regular stretching exercises on flights. Drink sufficient fluids. The use of graded compression stockings. Loose-fitting clothing to avoid constriction of veins.			
Biological or chemical	Exposure to certain biologicals e.g. bacteria, viruses, moulds, fungi. Exposure to certain Chemicals; dust, fumes, gas vapour, mist, liquids solids, fibres	New or expectant mother must not be exposed to biological agents. Consider alternative tasks to working environment where exposure is recognized. New or expectant mother must not be exposed to chemical agents. Consider alternative tasks to working environment where exposure is recognized.			

Action to be taken to further reduce risk	Person responsible for completing action	Target completion date (prioritised on risk level)		Action closure	
		Date	Priority (low, med, high)	Date	Signature
Review DSE assessment as pregnancy progresses					
Agree provision of suitable rest facility if necessary					
Provision of equipment to provide local heating / cooling if necessary					
Additional procedures for lone working / working off site					
Seek advice from medical practitioner / Occupational Health before making International travel arrangements					
	Date	Employee's signature		Manager's signature	
Initial risk assessment completed:					
Proposed date for next assessment:					
Assessment reviewed on:					

Appendix 2: Shared Parental Leave Booking Form

Birth Parent/Primary Adopter's Booking Form

You can book between 2 – 50 weeks Shared Parental Leave. If you wish to do so and you are the birth parent/primary adopter of your child, please complete this form. Before completing this form, please ensure you have read the Family Friendly Leave Policy and Procedure available on the intranet.

Please note by submitting this form you are using 1 of your 3 statutory leave notifications.

If you are a Council employee and the partner of the birth parent/primary adopter and wish to book Shared Parental Leave please complete the partner's booking form.

Employee's Details	
Surname:	
Forename:	
Job Title:	
Service:	
Manager:	
SECTION 1: Curtailment of Maternity/Adoption Leave and/or Pay	
<p>Before you are able to take Shared Parental Leave and/or receive shared parental pay you must give notice to curtail your Maternity/Adoption Leave and/or pay entitlements. To curtail these entitlements please complete the following section.</p> <p>Please note: You must take at least two weeks compulsory Maternity Leave following the birth of a child before returning to work. Similarly two weeks compulsory Adoption Leave must be taken by the primary adopter, although this may be taken in the two weeks prior to the placement date.</p>	
a) Start date of Maternity/Adoption Leave and/or Pay:	.../.../...
b) Requested end date of Maternity/Adoption Leave and/or Pay:	.../.../...
c) Number of weeks that will have been taken as Maternity/Adoption Leave at the date you have requested to end your maternity/Adoption Leave period (do not include the first two weeks of compulsory leave):	... weeks (max 50)
d) Number of weeks that Maternity/Adoption Pay will have been paid at the date you have requested to end your maternity/adoption pay period (do not include the first two weeks of compulsory leave):	... weeks (max 37)
<p>Signed declaration:</p> <p>I understand that in order to opt into Shared Parental Leave and/or Pay I must give notice to curtail my Maternity/Adoption Leave and/or Pay period.</p> <p>Therefore, I agree to curtail my Maternity/Adoption Leave and/or Pay entitlement and confirm that the information supplied above is correct</p>	

Employee's Signature	Date: .../.../...
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SECTION 2: Notice to book Shared Parental Leave and/or pay

If you wish to take discontinuous leave (i.e. more than 1 block of leave) please speak informally to your manager before submitting this form. Please be advised that it is recommended that you also discuss patterns of leave informally with your partner's employer where applicable.

If you are booking discontinuous leave please include a separate sheet alongside this form which includes the dates of your and your partner's intended leave periods.

Please complete the following information which **must** outline how you intend to take Shared Parental Leave and/or Shared Parental Pay.

a) Date of your child's birth/expected due date/date on which you were notified as having been matched with your child:	.../.../...
b) Total number of weeks available to take as Shared Parental Leave:	... weeks (max 50 minus Section 1c)
c) Total number of weeks available to receive Shared Parental Pay:	... weeks (max 37 minus Section 1d)
d) I intend to take the following number of weeks Shared Parental Leave:	... weeks (max 50)
e) I intend to receive Shared Parental Pay for the following number of weeks:	... weeks (max 37)
f) I would like my Shared Parental Leave to start on:	.../.../...
g) I would like my Shared Parental Leave to end on:	.../.../...
h) I would like to receive Shared Parental Pay from:	.../.../...
i) I would like to stop receiving Shared Parental Pay on:	.../.../...
j) My partner will take the following number of weeks Shared Parental Leave:	... weeks (max 50 minus sections 1c and 2d)
k) My partner will receive shared parental pay for the following number of weeks	... weeks (max 37 minus sections 1d and 2e)
l) My partner's Shared Parental Leave period will start on:	.../.../...
m) My partner's Shared Parental Leave period will end on:	.../.../...
n) My partner will receive Shared Parental Pay from:	.../.../...
o) My partner will stop receiving Shared Parental Pay on:	.../.../...

Please note: You and your partner are able to take Shared Parental Leave and/or Pay at the same time.

SECTION 3: Partner's information

The following section **must** be completed by your partner.

Partner's Details

Surname:	
Forename:	
Address:	
National Insurance Number: (State 'na' if no number is held)	

Signed declaration:

I (the employee's partner) confirm that I am the father of the child and/or the spouse, civil partner, or partner of the employee (delete as appropriate).

I confirm that I satisfy the necessary eligibility criteria in order to take Shared Parental Leave and/or Pay as outlined in the Council's policy document and will have/had, with the employee, at the date of the child's birth or placement for adoption the main responsibility for the child.

I confirm that the amount of Shared Parental Leave and/or Pay, which is to be taken by myself and the employee, is as detailed above in Section 2.

I consent to the Council processing the information contained within this booking form in order to manage the Shared Parental Leave and/or Pay requested and confirm that all details contained are accurate.

As stated above, I declare that I do/do not have a National Insurance Number. (Please delete as appropriate).

Partner's Signature

Date: .../.../...

SECTION 4: Employee's signed declaration

I (the employee) confirm that I satisfy the necessary eligibility criteria in order to take Shared Parental Leave and/or Pay as outlined in the Council's policy document.

I also confirm that should I cease to be eligible for Shared Parental Leave and/or shared parental pay I will inform the Council immediately of this fact.

I consent to the Council processing the information contained within this booking form and confirm that all details contained are accurate.

I understand that I must give at least 8 weeks' notice in advance of my intention to start Shared Parental Leave and/or Pay arrangements. If I have not done so, I understand that the Council may delay the start of my leave and/or pay until 8 weeks from the date that this notification is received.

Employee's Signature

Date: .../.../...

Please note: The Council will request the following information within 14 days of receiving this booking form:

- The name and address of your partner's employer (where your partner is no longer employed or is self-employed their contact details must be given instead).
- A copy of your child's birth certificate (or, where 1 has not been issued, a MAT B1 form given to you by your GP or midwife confirming your pregnancy – this must be dated within the 20 weeks of the expected due date and signed by your GP or midwife).
- Or a Matching Certificate from the adoption agency as confirmation of the agreed date of adoption.