

Tyne And Wear Fire And Rescue Service	
Family Friendly Policy	
Head of HR	March 2019
Admin Procedure 2.29	

Maternity, Paternity, Adoption and Shared Parental Leave Procedure

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1. Introduction

- 1.1 This procedure is designed to support employees at this time and is inclusive of those in same sex relationships and of all gender identities. We recognise that this is an important time and it is our intention that this guide will supply you with all of the information you require and answer any questions you may have.
- 1.2 As part of our commitment to equality and inclusion we aim to create and maintain a positive working environment which encourages retention and promotion opportunities for existing staff and improves recruitment within currently underrepresented groups.
- 1.3 Through our policies and procedures, we plan to be a family friendly employer which recognises and supports you in balancing the responsibilities of work and home. We will ensure that employees and managers understand and follow the statutory and contractual rights, while offering support guidance and flexibility.

2. Maternity Arrangements

Quick glance – Key Leave and Pay Entitlements

	Maternity Leave
Applies to	Pregnant employees and those who have just given birth (including a stillborn after 24 weeks)
Leave Amount	52 weeks The individual must have at least 2 weeks leave after childbirth.
Leave Commencement	Anytime from the beginning of the 11th week before expected week of childbirth (EWC) or the day after childbirth if the child is born earlier than expected.
Leave Patterns	1 continuous block (Should you wish to break your maternity leave, Shared Parental Leave may be an alternative for you – see section 4)
Statutory Pay Rate (if eligible)	If eligible, 39 weeks Statutory Maternity Pay (SMP). 90% of average weekly earnings for first 6 weeks. If conditions for SMP not met, may be able to claim maternity allowance for 39 weeks through Job Centre Plus.
Occupational Pay Rate (if eligible)	26 weeks (roughly equivalent to normal average pay) if return to work, followed by 13 weeks SMP.
Notice	No later than 15th week before EWC.
Changes to Notice	Changes require 28 days' notice.
Contact	Reasonable contact plus up to 10 Keeping In Touch (KIT) days.
Return To Work	Return to work within 26 weeks - return to same job on no less favourable terms. After 26 weeks - where not possible to return to same job, alternative role on no less favourable terms and conditions.
Antenatal Appointments	Paid time off during pregnancy to attend medical appointments and receive antenatal care. This may include relaxation classes and parent-craft classes.

- 2.1 We are committed to maintaining a healthy, safe and supportive working environment for everyone, including pregnant employees and their unborn children. We know that maternity leave is an important period of time. While its primary purpose is to give you time to recover from the birth, more importantly it also allows you time to care for, and bond with, your baby(ies). It is recognised that expectant, new and nursing employees require practical and emotional support during pregnancy and maternity periods. We will treat you in a way that is sensitive and supportive to your circumstances and ensure that you are treated fairly.

- 2.2 We encourage you to return to work after maternity leave and will support you, making every effort to accommodate flexible working where this meets both your needs and business requirements. Please refer to Admin Procedure 2.28 – The Procedure to request flexible working/job share, for more information.
- 2.3 Please refer to Annexes at the end of this document for additional support:
- Annex A- Definitions
 - Annex B- Roles and responsibilities
 - Annex C- Maternity Leave flowchart of processes
 - Annex D- Risk Management for New and Expectant Employees

Giving Notice of Pregnancy

- 2.4 You are encouraged to inform your manager as soon as you know you are pregnant. Your Line Manager will then liaise with Human Resources and you will be assigned a “Buddy”, who will be your contact throughout your pregnancy.
- 2.5 To be eligible for maternity leave, you must comply with the notification periods as outlined below.
- 2.6 You must give your manager the following information, in writing, no later than the end of the 15th week before your expected week of childbirth (EWC), unless this is not reasonably practicable (e.g. you didn’t know you were pregnant):
- the expected date on which your baby is due
 - your intention to take maternity leave
 - the date on which you intend your maternity leave to start (which cannot be earlier than the 11th week before the EWC)
 - the EWC on a MAT B1 certificate. This certificate is normally issued by your Doctors during or shortly after the 21st week of your pregnancy and enables you to claim Statutory Maternity Pay
- 2.7 On receipt of your MAT B1, your manager will discuss with you to confirm:
- the start date for your maternity leave
 - whether you intend to return to work at the end of your maternity leave (although this may not yet be known)
 - the date you are expected to return to work
 - your maternity leave and pay entitlement
 - liaise with HR to select a “buddy” to provide support
- 2.8 If you change your mind about the date you plan to start your maternity leave, you should aim to provide as much notice as possible of the change, but, at the very least, you must provide 28 days’ notice.
- 2.9 We understand that if you fulfil an operational firefighting role, you will be required to disclose your pregnancy earlier than you may usually choose to so as to ensure the health, safety and welfare of yourself and unborn child. We

will ensure confidentiality is maintained with the exception of HR and Occupational Health requiring to be notified.

Health and safety risk assessments during pregnancy

- 2.10 Once you have notified your manager of your pregnancy, an individual risk assessment must be carried out to identify any changes that may be necessary to protect your health and the health of your unborn baby. This should be reviewed at regular points throughout the pregnancy to ensure that it is still current (at least once per trimester).
- 2.11 A meeting will be convened with you, your manager and an HR representative (and a Trade Union representative if desired) shortly after you have notified them of your pregnancy. The meeting will cover the following areas:
- Provision of a copy of the policy (to clarify entitlements)
 - Individual risk assessment
 - Occupational Health referral if required
 - Working arrangements and hours
 - Time needed for appointments/ante-natal classes
 - Uniform requirements and ordering
 - Annual Leave arrangements
 - Reasonable contact and “Keeping In Touch Day” arrangements
 - Any other items/issues you may be concerned or have questions about.
- 2.12 You will remain principally established to your substantive work location or department while pregnant. If an individual risk assessment identifies a significant risk to either you or your unborn child which cannot be removed, you may be redeployed away from your normal workplace (this can also be considered upon your request). If this is the case, then you will be redeployed to suitable alternative work with no less favourable terms and conditions.
- 2.13 Operational employees will not normally be required to participate in practical operational training or drills. In some circumstances, if it is determined that you would benefit from training, a specific risk assessment can be conducted to assess which drills you can take part in and if control measures can be implemented to make drills safe for participation. Consideration will be taken of differences in each trimester.
- 2.14 In some cases, temporary flexible working or reduced hours, without loss of pay, may be considered if this is deemed necessary on medical grounds. Any changes to your working arrangements will only be implemented following consultation with Occupational Health, and with agreement with your manager and HR.

Antenatal care

- 2.15 If you have, on medical advice, made an appointment to receive antenatal care (including antenatal and parent craft classes where it is not practical to attend outside your normal working hours), you will be given paid time off to keep the appointment. You will not be asked to provide evidence of the first appointment, but you may be asked to produce evidence of any subsequent appointments made.
- 2.16 If you are the spouse, civil partner or partner of the person giving birth, you have a statutory right to take unpaid time off work to attend up to 2 antenatal appointments, up to 6.5 hours per an appointment.

Uniform

- 2.17 Maternity wear will be discussed in the initial meeting and plans arranged to be fitted, sourced and supplied for you. Please refer to Administration Procedure 4.3 – Clothing and personal equipment, for more information.

Maternity leave

- 2.18 You are entitled to 52 weeks' statutory maternity leave, regardless of your length of service. This is a single continuous period and is made up of:
- 26 weeks' ordinary maternity leave (OML), followed immediately by
 - 26 weeks' additional maternity leave (AML)
- 2.19 You must provide your MAT B1 form when received from your midwife which should be at the 21st week of pregnancy. This will detail your Expected Week of Childbirth (EWC).
- 2.20 You must take a minimum of 2 weeks' maternity leave immediately after childbirth.
- 2.21 You may begin your maternity leave at any time from the beginning of the 11th week before the EWC and not later than the day following the actual date of the baby's birth. Sickness absence may also trigger the start of your maternity leave.
- 2.22 If you give birth before the expected date, or before you have had the opportunity to notify your line manager of a date, your maternity leave period will start automatically on the day after childbirth. You must notify your manager as soon as reasonably practicable of the date of birth of your child, as well as the original expected date of birth.
- 2.23 You must inform your manager and HR "buddy" by the 15th week before the baby is due, when you wish your maternity leave (both Ordinary Maternity Leave and/or Additional Maternity Leave) and pay to start. You may change the start or end date of your maternity leave and pay by giving your manager and HR 28 days' notice.

Maternity Pay

2.24 Maternity Pay is made up of two elements, Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP). The sum of SMP and OMP cannot exceed your normal pay.

2.25 Any entitlement to either statutory or occupational maternity pay will depend on you meeting the specific eligibility criteria, as detailed in 2.27 and 2.34.

Statutory maternity pay (SMP)

2.26 To be eligible for SMP you must:

- Have at least 26 weeks continuous service at the 15th week before the EWC.

This generally means, you must have been employed 9 months prior to any day in the expected week of childbirth.

- Remained employed up to the 15th week before EWC
- Have average weekly earnings, for the 8 week period ending with the qualifying week, of not less than the Lower Earnings Limit for NI contributions (you can find out the current limit from Payroll Section).

Effectively, you need to have been making National Insurance Contributions for the 2 to 3 months in the period ending on the 15th week before expected week of childbirth.

- Provide official notification (MAT B1 form).

2.27 SMP is paid for 39 weeks and is made up of;

- The first 6 weeks at 90% of your average weekly earnings.
- The remaining 33 weeks are paid at the lower rate SMP or 90% of the average weekly earnings (whichever is lower).

2.28 The lower rate of SMP is increased each year, and can be found on <https://www.gov.uk/employers-maternity-pay-leave> or you can ask the payroll team.

2.29 Your average weekly earnings will be based on all your actual gross earnings that are subject to National Insurance contributions in the 8 week period before the qualifying week (15th week before EWC). Therefore, your earnings can include holiday pay, overtime, bonuses, arrears of pay or other sums paid during the SMP calculation period on which National Insurance contributions are paid.

- 2.30 If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether ordinary or additional maternity leave), the higher or standard rate of SMP will be recalculated to take account of your pay rise, regardless of whether SMP has already been paid. You will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.
- 2.31 SMP will not be paid if you:
- are in legal custody during that period or
 - work for another employer after the birth but still during your Maternity Pay Period.

Maternity allowance (MA)

- 2.32 If you are not entitled to statutory maternity pay you may be eligible for maternity allowance for a period of up to 39 weeks, provided you have stopped working (to take maternity leave).
- 2.33 To qualify you must have been employed or self-employed in at least 26 of the 66 week period ending with the week before the expected week of childbirth. Your earnings must be at least £30 a week in at least 13 weeks of the 66 week period, the weeks do not have to be together.
- 2.34 If you are not entitled to statutory maternity pay you will be provided with a SSP1 form from payroll. You will need to ask your local Jobcentre Plus for advice about claiming Maternity Allowance.

Occupational maternity pay (OMP)

- 2.35 To be eligible for OMP you must:

Have more than one year's continuous service at the 11th week before the expected week of childbirth

This generally means, you must have been employed 12 months prior to the earliest date you could start maternity leave based on your EWC.

Some elements of OMP are only paid if intend to return to work for at least 3 months after the end of your maternity leave

- 2.36 If you are intending to return to work OMP is paid for 26 weeks and is made up of;
- 26 weeks at 100%

- 2.37 If you are **NOT** intending to return to work OMP is paid for 6 weeks and is made up of;
- 1 week at 100%
 - 5 weeks at 90%
- 2.38 By prior mutual agreement, OMP may be paid in a different distribution. The 26 weeks at 100% can be distributed to cover 26 weeks, 39 weeks, or 52 weeks as below
- 26 Weeks - 26 Weeks @ 100%
- 39 Weeks – First 2 weeks at 100%
Following 6 weeks at 90%
Remaining 31 weeks at 60%
- 52 Weeks - First 2 weeks at 100%
Following 6 weeks at 90%
Following 10 weeks at 50%
Remaining 34 weeks at 40%

Some examples are attached in [Annex E](#) – How pay can be split. Please speak to your HR Buddy for further information.

- 2.39 Payment will be at the normal contractual rate of pay that you received before the start of your maternity leave, including any applicable allowances.
- 2.40 For on call employees, maternity pay will be based on your average pay, including regularly worked overtime, over the last 12 weeks prior to the qualifying week.
- 2.41 To benefit from this enhanced occupational maternity pay, you must return to work and carry out your full role and associated duties for a minimum of 3 months. Failure to return to undertake the full duties associated with the role for any reason (which includes the taking of accrued holiday, sickness absence or subsequent pregnancy) may result in some or all of the enhanced payments being reclaimed.
- 2.42 Any subsequent pregnancy that prevents you returning to work for a minimum of 3 months, and complying with the above provision, maternity pay will only be paid at the SMP rate, if eligible.

Premature births

- 2.43 If you give birth prematurely (more than 3 weeks prior to EWC), the leave will start automatically on the day after childbirth. You must notify your manager of the actual date of childbirth as soon as is reasonably practicable after the birth.

Stillbirths, miscarriages and termination

- 2.44 If you have a miscarriage (or termination) before 24 weeks, you should notify your manager as soon as possible. Sympathetic consideration will be given to

the situation and a period of up to 2 weeks' paid leave under the special leave/compassionate leave policy (*as applicable) may be granted should this be required. This period of time may be varied based on your individual circumstances and medical advice.

- 2.45 You will still qualify for maternity leave and your partner can take paternity leave if the baby is still born after the start of the 24th week of pregnancy or if the baby dies after being born. You may also receive maternity or paternity pay, if eligible.
- 2.46 We recognise that this will be a traumatic experience for those affected and we will provide relevant support or assistance ensuring confidentiality where needed. Please contact HR for more information. Details of external organisations who can provide support are also included in the 'sources of help' section at the end of this document.
- 2.47 Once you return to work, paid time off will be given for you to attend counselling if required.

Parental Bereavement Leave

- 2.48 The government has confirmed that a new [Parental Bereavement \(Pay and Leave\) Act](#), will be introduced in April 2020.
- 2.49 Under this new Act, if you (as a parent or carer) suffer the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy, you will be entitled to at least two weeks' leave. If you have at least 26 weeks' continuous service, you will receive paid leave at the statutory rate (if less than 26 weeks service, leave will be unpaid).
- 2.50 Leave can either be taken in one block or in two separate blocks of one week within 56 weeks from the child's death, to allow time for moments such as anniversaries, and notice requirements will be flexible so leave can be taken without prior notice.

Surrogacy

- 2.51 There are currently no statutory rights to leave or pay for employees who become parents through surrogacy until a parental or adoption order has been agreed.
- 2.52 Birth parents - Surrogates are the legal parent of any child, until they sign a parental or adoption order.
- 2.53 The maternity policy applies to all pregnant staff and what the person giving birth does after the child is born has no impact on their right to Maternity leave or pay.
- 2.54 Intended parents - Where a child is born to a surrogate, the intended parents can become the child's legal parents by applying for a parental order (if the intended parents are genetically related to the child) or adoption order (if the intended parents are not genetically related to the child). One of the intended

parents must be genetically related to the child and the child must live with the intended parents.

- 2.55 When a couple has a parental or adoption order in relation to a child, or is applying for one, one of the parents can elect to be the primary adopter and be eligible for Adoption Leave and Pay. To qualify for child related leave and pay, you will be required to supply a copy of the parental order, adoption order or a statutory declaration that you are an intended parent.
- 2.56 The partner of the primary adopter can be eligible for Paternity/Adoption Support Leave and pay.
- 2.57 The primary adopter can elect to curtail their adoption leave and take Shared Parental Leave with the other parent, if they both meet the relevant eligibility requirements.
- 2.58 If you intend to apply for a parental or adoption order and expect to become the child's legal parents in a surrogacy situation, you have the right to unpaid time off work to accompany the person giving birth to up to two antenatal appointments.
- 2.59 If you are a surrogate, you are the legal parent of the child until the parental or adoption order is signed following the birth, which transfers their rights to the intended parents. As a surrogate, you have the right to pay and leave as outlined in this procedure.

Fertility Treatment

- 2.60 We recognise the physical and emotional effects that fertility treatment can cause and we are committed to ensuring you are fully supported during this period. You should inform your manager or HR as early as possible so that appropriate support can be provided.
- 2.61 There is no statutory right for you to receive time off for fertility treatment, however, as part of our commitment to you, we will consider requests for leave for IVF or other fertility treatment as detailed below. All requests for leave are subject to management and HR approval. To qualify for paid leave for fertility treatment, you must meet the below criteria:
- A minimum of 12 months continuous service
 - No less than four weeks notification to the line manager of the dates of fertility treatment
 - Documentary evidence from a relevant GP or Specialist
 - Management approval – which will be subject to service need
 - Notify HR in writing via your manager
- 2.62 Up to 3 days paid leave per fertility treatment cycle (up to a maximum of 3 cycles during the course of your employment), may be provided to receive/recover from IVF treatment. Leave can only be taken during the treatment cycle and for this purpose only. It cannot be carried over to a further cycle.
- 2.63 ‘One cycle’ of fertility treatment is defined as one fresh cycle, including ovulation induction, egg retrieval, fertilisation and implantation.
- 2.64 If your partner is receiving IVF treatment, you may apply for either 1 full or 2 half days paid IVF leave per IVF cycle (up to a maximum of 3 cycles during the course of their employment). This only applies if the treatment falls on a scheduled working day.
- 2.65 Any fertility treatment leave must be taken as either whole or half days only. For those working on a shift pattern, a half day equates to a maximum of 4 hours. This will need to be authorised by HR as ‘special paid leave – authorised’, with a comment stating who in HR authorised the leave. This will keep the reason for the leave confidential.
- 2.66 If you wish to take more than the allocations stated above, you will need to apply for annual or unpaid leave.
- 2.67 If you become ill or suffer side effects or complications from the treatment, the usual sickness absence procedure will apply. From the point of pregnancy it will be treated the same as sickness during pregnancy.
- 2.68 You may request to vary your working patterns or work modified duties due to the requirements or effects of the IVF treatment prior to implantation. You must discuss this with your manager or HR. From the point of pregnancy, operational employees should undertake modified duties.

- 2.69 When the fertilised embryo is implanted and for a further 14 days, you will be considered legally pregnant. A pregnancy test is usually carried out 2 weeks after implantation. If the treatment is successful and you remain pregnant, you will be covered by the maternity policy and a risk assessment will be required. If the treatment is unsuccessful the initial 2 week 'protected period' will end.

Sickness absence during pregnancy

- 2.70 If, during pregnancy, you are unfit for work, the normal provisions for sickness absence will apply although any pregnancy-related absences will not count towards reduced sick pay calculations or sickness absence consideration trigger points.
- 2.71 If your pregnancy ends before the end of the 24th week, the first 2 weeks of any related sickness absence will not count towards trigger points or pay action under the attendance management procedure (this is known as the "protected period"). If your sickness absence continues beyond the 2-week protected period, it will be treated as a non-pregnancy-related absence. This period of time may be varied based on your individual circumstances and medical advice.
- 2.72 Pregnancy-related sickness will automatically trigger Maternity Leave and Maternity Pay if it occurs within 4 weeks of start of EWC.
- 2.73 Once your maternity leave ends, the normal provisions for paid sickness absence will apply and will count towards sickness absence consideration trigger points.

Terms and conditions during maternity leave

- 2.74 Provided you comply with the statutory maternity notification procedures, your normal contractual rights and benefits, excluding pay, are maintained during the 52 weeks of your maternity leave. There is no entitlement to retain non contractual/pay benefits (during maternity leave) that are provided for work purposes only, for example, a fire car provided for responding to incidents.
- 2.75 Your contract of employment continues throughout both OML and AML, unless either you or the service ends it or it expires. You will be required to adhere to the standard policies and procedures that apply to all employees, during your absence (including policies such as secondary employment, social media policy).
- 2.76 Both ordinary and additional maternity leave count towards your period of continuous employment for the purposes of entitlement to other statutory employment rights (such as sick leave, maternity pay, annual leave and redundancy).

Contractual annual leave

- 2.77 You retain your contractual (pro-rated for part time staff where applicable) entitlement to annual leave throughout the 52 weeks of your maternity leave.
- 2.78 Annual leave cannot be taken during or between ordinary and additional maternity leave; however, you should take any unused accrued annual leave entitlement before your maternity leave begins and/or immediately after (before returning to duty).
- 2.79 Leave entitlement up to the statutory requirement (minimum of 20 days) must be taken as leave and cannot be substituted as payment in lieu under law. However days may be carried over to the next year if it is not possible to take all accrued leave before the end of the annual leave year.

Contact during maternity leave

- 2.80 Contact can take place during the period of maternity leave. This will be to discuss plans for your return to work and provide you with information about developments in the workplace. The frequency and nature of the contact will depend on a range of factors. You are encouraged to discuss the arrangements for staying in touch with your manager and “buddy” before your maternity leave begins. This might include agreements on the way in which contact will happen, how often it will happen, and who will initiate it. You should also discuss whether there is a need to retain systems access or any IT equipment you may have during your maternity leave.
- 2.81 It is suggested that any regular, general news briefs are forwarded by your Line Manager to you as a matter of course, to enable you to keep updated on development and promotional opportunities. You should make this arrangement prior to commencing maternity leave and provide either an email address or confirm that you wish this to be sent by post to your home address.

Work during the maternity leave period/Keeping in touch

- 2.82 You are able to work during the maternity leave period for up to 10 days – known as 'keeping in touch days' (KIT days) without bringing your maternity leave to an end and without losing entitlement to Maternity Pay. There is no obligation for the employee to work KIT days and the Service are not obliged to offer work.
- 2.83 These days are separate from the reasonable contact set out above and can be used, for example, to enable attendance on courses or seminars.
- 2.84 You may not work any KIT days during the 2-week period after your baby is born.

- 2.85 KIT days are paid at the normal contractual rate of pay if they fall outside the contractual maternity pay period. Where you have an entitlement to SMP, we will make up the difference.
- 2.86 If you attend any KIT days away from the normal place of work, then normal mileage and subsistence rates may apply.

Returning to work

- 2.87 If you have complied with the notice requirements, you have a statutory right to return to work following a period of maternity leave (although you are not allowed to return until at least 2 weeks after the birth of your child).
- 2.88 After OML, you are entitled to return to the job in which you were employed before you started your maternity leave, with the same terms and conditions of service (on no less favourable terms).
- 2.89 After AML, you should return to the same job (as above) unless it is not possible (e.g. because of redundancy or restructuring). In these circumstances, you will be offered an alternative post on no less favourable terms and conditions and in line with Administration Procedure 3.18 - Redeployment.
- 2.90 The date on which you return to work will normally be the first working day 52 weeks after your maternity leave began. You will not be protected against dismissal or detriment if you fail to return to work by this date. At this point you will take your outstanding leave.
- 2.91 You must give at least 8 weeks' notice if you are intending to return to work on a different date to that which was previously agreed (although this cannot be after the end of the 52-week maximum maternity leave period).
- 2.92 On your return to work (or prior to your return to work if you agree) arrangements should be in place for the following:
- A Health & Welfare Review from Occupational Health if medically required.
 - A meeting with your manager to develop a return to work plan and complete an individual risk assessment.
- 2.93 On returning to work following maternity leave, you will normally return to your on call or substantive Station/Watch or team unless this is deemed inappropriate following an individual risk assessment.
- 2.94 If you are operational and have been absent from work for more than 3 months, you will be required to complete a training needs analysis (TNA) and if necessary, a fitness test prior to returning to work.
- 2.95 Upon returning to work, new parents often face a number of challenges adapting to changes in circumstances:
- Hormonal and physical changes are taking place

- Broken sleep patterns
 - Emotions around leaving your baby with child care
 - Changes in relationships with partners and other children.
 - Postnatal depression (PND) can also affect many new birth parents.
- 2.96 It is important therefore that managers give you time to talk about how you are feeling once you have returned to work. A check on wellbeing in this way can be valuable but there may be opportunities to consider how minor changes can be put in place to make things easier and if further external support is required, your manager can signpost you to Occupational Health, HR or identify a buddy who has experienced returning to work in similar circumstances.
- 2.97 If you decide to resign while on maternity leave, whether paid or unpaid, you will be required to give the period of notice set out in the relevant policy.

Breastfeeding

- 2.98 If you wish to continue to breastfeed on your return to work you should inform your manager or HR when you give notice of your intention to return. If an individual risk assessment reveals a significant risk to your continuing to breastfeed, then modified duties/suitable alternative work will be agreed with you and your manager whilst you continue to breastfeed.
- 2.99 If you are an operational member of staff, you will not attend operational incidents whilst breastfeeding. This is because there is a risk that hazardous substances could enter breast milk and might pose a risk to your baby. Your manager can seek further help and advice from HR and Occupational Health.
- 2.100 The individual risk assessment must be reviewed for as long as you are breastfeeding. The length of time such modified/alternative duties will continue will depend on medical advice (and your full engagement in this respect), availability of alternative meaningful work, training and development needs, and any ongoing risks to health and safety.
- 2.101 Facilities will be provided for you to rest, express and store expressed milk in a private and secure location. A fridge for storage of expressed milk will be available. This should be done in your own time.

Childcare Vouchers

- 2.102 If you are in receipt of childcare vouchers under a salary sacrifice scheme, you are entitled to continue to receive them during the whole of your maternity leave period.
- 2.103 This means that between the 12th and 16th week of pregnancy, if you are in the childcare voucher scheme, you will need to calculate and consider whether you will be better off:
- staying in a salary sacrifice scheme and receiving (a) lower SMP and (b) continuing to receive childcare vouchers for up to 52 weeks, or
 - leaving the salary sacrifice scheme prior to the start of the qualifying period for SMP in order to receive higher SMP. In this case you may qualify for the childcare element of Working Tax Credit.
- 2.104 You should consider this at the earliest opportunity. This will allow you to decide whether you wish to continue to receive childcare vouchers, and if so, whether you wish to reduce the amount you currently receive. To ensure changes are made prior to the qualifying week, HR and Payroll must be informed of any amendments or cancellations by the 17th week of pregnancy.

Work–life balance

- 2.105 There are a number of other policies that can help you balance work with your responsibilities as a parent following a period of maternity leave. Information on flexible working (including part-time working, job sharing, compressed hours and term-time working), unpaid parental leave, special leave with pay, special leave without pay and childcare support are available to you. Please speak with your HR buddy who can provide support to you and your manager.
- 2.106 Where a request for flexible working is made, managers must give thorough and fair consideration to it, taking advice from HR. If you have more than 26 weeks Service, you have a statutory right to request flexible working. You must give no less than 8 weeks notice of your intention to request flexible working.

Pensions

- 2.107 Both you and the Service will continue to make contributions to your Pension Scheme during the Maternity Pay Period (MPP). Your contributions will be calculated and deducted according to your actual earnings during your paid maternity leave; employers' contributions are calculated and paid according to your full contractual salary.
- 2.108 You have the choice whether or not to continue paying contributions for any period of unpaid maternity leave. If you wish to pay contributions for the period, you can notify Payroll at any time during your unpaid maternity leave and no later than 30 days after your return to work. Arrangements for paying these contributions will be made by Payroll in consultation with you and you will be guided by Payroll as to how you can achieve this and the expected cost.
- 2.109 If contributions are not paid, the period of unpaid maternity leave will count as a break in service for pensionable service calculations.
- 2.110 You may wish to seek independent advice on the impact on your pension before going on maternity leave and discuss your options with Payroll.

3. Adoption Provisions

Quick glance – Key Leave and Pay Entitlements

	Adoption Leave
Applies to	Single or Primary Adopters (this includes foster parents who are approved for adoption - “dual approved prospective adopters”); the parent who has elected to take adoption leave in surrogacy arrangements with a parental order (“parental order parents”).
Leave Amount	Same as maternity.
Leave Commencement	UK Adoption - date of placement (in the case of dual approved prospective adopters, when the child joins the family, initially for fostering) or 14 days before. Overseas Adoption - date child enters UK or no later than 28 days after that date.
Leave Patterns	Same as maternity.
Statutory Pay Rate	Same as maternity.
Occupational Pay Rate	Same as maternity.
Notice	UK Adoption - no more than 7 days after being notified of a match with a child. Overseas Adoption - Inform department of the date of the official notification and the estimated date that the child will arrive in the UK, within 28 days of receipt of the official notification. Inform department of the actual date the child arrives in the UK within 28 days of this date. Parental order parents – notice must be given by the 15th week before the expected week of birth. 28 days notice of start date of leave.
Changes to Notice	Same as maternity.
Contact	Same as maternity.
Return To Work	Same as maternity.
Antenatal/ Adoption Appointments	Unpaid time off for parental order parents to accompany birth (surrogate) to up to two ante-natal appointments. Paid time off work for single/primary adopters to attend up to five adoption appointments. Unpaid time off for secondary adopters to attend up to two adoption appointments.

Adoption Leave and Pay (OAL, AAL, SAP)

- 3.1 To qualify for leave you must have continuous service of at least 26 weeks before the date you are matched with a child.
- 3.2 If you adopt a newly matched child by an approved adoption agency (UK adoptions) or relevant domestic authority (overseas adoptions) you are entitled to ordinary adoption leave (OAL) and additional adoption leave (AAL) and Statutory Adoption

Pay (SAP)/Occupational Adoption Pay. You will need to provide evidence of the adoption process. These are similar to maternity leave and pay provisions.

- 3.3 Only one adoptive parent of a couple will be entitled to this provision at any time; however, the partner of the primary adopter will be entitled to adoption support leave (ASL) and there is the option to share adoption leave (SAL). Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- 3.4 If you are newly matched with a child for adoption by an approved adoption agency (UK adoptions) or relevant domestic authority (overseas adoptions) you are entitled to adoption leave and pay.
- 3.5 You will not be entitled to claim where the child is not newly matched for adoption, for example where a step parent is adopting a partner's children.
- 3.6 If you are part of a couple who is adopting jointly, including same sex couples, you will need to choose which partner takes Adoption Leave (Primary Adopter) and which partner takes Adoption Support Leave entitlement. Adoptive parents are also eligible to apply for Shared Parental Leave.
- 3.7 If you are adopting jointly you will need to sign a declaration as to whether you will be the person electing to receive adoption leave and pay, or Paternity/Adoption Support Leave and Pay (*Please note: It is unlawful, and will be treated as fraud, if both partners attempt to claim the same full allowances*).

Notification Requirements

- 3.8 If you are the primary adopter, you are entitled to 26 weeks Ordinary Adoption Leave (OAL) and a further 26 weeks Additional Adoption Leave (AAL), in line with the maternity provisions.
 - Leave may commence from either the date of the child's placement (whether this is earlier or later than expected) or a fixed date that can be up to fourteen days before the expected date of placement.
 - You are also entitled to Adoption Pay (both statutory and occupational). This is calculated in the same way as maternity pay.
 - Contact, keeping in touch and return work provisions are also the same as those stated within the maternity policy.
- 3.9 You must tell your manager if you want to take adoption leave within seven days of being told you have been matched with a child. The following information will need to be provided:
 - Documents from the adoption agency (Certificate of Placement/Matching) which confirm the facts about adoption, including when the child is expected to be placed, and when they were informed about this. The adoption agency should supply you with a matching certificate which has all this information on it.
 - Complete Form MAT/AD1 (Application for Maternity/Adoption Leave/Pay) and forward to HR together with the original Certificate of Placement/Matching (UK adoptions) or relevant UK authority's notification (overseas adoptions).

- For UK adoptions, the date you want your Adoption Leave to start can be either the day the child actually starts living with you, or any date up to 14 days before they are expected to arrive, and no later than the expected date of placement.
- For overseas adoptions the Adoption Leave start date can be the day the child enters Great Britain or a chosen date no later than 28 days after the child enters Great Britain. If you wish to alter the Adoption Leave start date, you must give at least 28 days' notice.

3.10 We will respond to you within 28 days of receiving your leave plan, setting out the date you are expected to return to work if the full entitlement is taken. If you intend to return to work on the date specified, you are not required to give any further notification.

3.11 If you wish to return to work before the end of the Adoption Leave period, you must give at least 28 days' notice. If such notice is not provided, we may postpone the return until 28 days from the notice being received.

3.12 If you have been notified that a child is to be placed for adoption, you are entitled to take paid time off to attend appointments with the child or child's social worker or current carer, up to the date of the placement of the child.

3.13 Paid time off is limited to a period of up to 6.5 hours on up to five occasions. This limit applies irrespective of the number of children being adopted as part of the same arrangement. Appointments must have been made by, or at the request of the adoption agency, and evidence of the date and time of appointments must be provided to your manager.

If your partner is the primary adopter:

- You are entitled to the leave and pay entitlements as detailed in the Maternity /Adoption Support Leave section.
- As above, you are entitled to take time off to attend appointments, up to a maximum of 6.5 hours on two occasions. This limit applies irrespective of the number of children being adopted as part of the same arrangement. Appointments must have been made by, or at the request of the adoption agency, and evidence of the date and time of appointments must be provided to your manager. If it is for the first meeting with the child this time will be paid. Any other time will be unpaid.

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

Quick glance – Key Leave and Pay Entitlements

Shared Parental Leave	
Applies to	Biological parent not giving birth, primary adopters' partners, civil partners or partners living in an enduring relationship with carer and the child.
Leave Amount	50 weeks.
Leave Commencement	Anytime after 2 week compulsory maternity/adoption leave has ended.
Leave Patterns	Minimum of 1 week blocks
Statutory Pay Rate	37 weeks Shared Parental Pay (ShPP).
Occupational Pay Rate	Same as maternity.
Notice	8 weeks' notice for the intention to end maternity/adoption leave and to take SPL.
Changes to Notice	Changes can be made on 3 occasions, unless made within the 2 week discussion period at the beginning of the 8 week period of notice. Changes require minimum of 8 weeks notice for each period of leave.
Contact	Same as maternity.
Return To Work	Same as maternity.
Antenatal/ Adoption Appointments	Person giving birth – paid time off during pregnancy to attend medical appointments and receive antenatal care. Single/primary adopters – paid time off to attend up to five adoption appointments. Partners/secondary adopters - unpaid time off to accompany the person giving birth to up to two ante-natal appointments or to accompany the primary adopter to up to two adoption appointments.

- 4.1 Shared Parental Leave (SPL) enables the person giving birth or primary adopters (**Parent 1**) to share their Maternity/Adoption Leave entitlement with their partner/share responsibility for the child's upbringing (**Parent 2**) of the child if they choose to do so (within 12 months following birth or adoption).
- 4.2 SPL is in addition to the Maternity/Adoption Support Leave entitlement and is designed to give you more flexibility in the care of your child in the first year following birth or adoption.

- 4.3 If eligible, you can share the pot of leave, and take it in turns to have periods of leave to look after your child. Eligible parents cannot be off work at the same time. You may also be eligible for Shared Parental Pay (ShPP) for some or all of the SPL period.
- 4.4 If you are thinking of taking SPL, please contact HR to arrange an informal meeting as early as possible to discuss.
- 4.5 The conditions of service will be similar to those taking maternity leave. Any periods of unpaid SPL will not count as pensionable service unless you elect to pay the necessary contributions.

Eligibility

- 4.6 To be eligible for SPL **both parents** must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 4.7 **Parent 1** - To qualify for SPL, you must have been employed for at least 26 weeks at the end of the 15th week before the week in which the child is due (or the week the adopter is notified they have been matched for adoption) and remain in employment until the week before any period of shared parental leave is taken. This is known as the continuity of employment test.
- 4.8 You must also:
- be entitled to Statutory Maternity or Adoption Leave (or Statutory Maternity/Adoption Pay or Maternity Allowance)
 - end your entitlement to Statutory Maternity or Adoption Leave by ending your leave or returning to work
 - give the required notice that you wish to share your entitlements with Parent 2 of the child and provide any evidence which is requested
- 4.9 In addition, for **Parent 1** to qualify for SPL, **Parent 2** must meet the employment and earnings test. This requires that they must have worked for at least 26 weeks in the 66 weeks leading up to the due/adoption date and have earned above the maternity allowance threshold of £30 per week (March 2016) in 13 of the 66 weeks.
- 4.10 **Parent 2** - To be eligible for SPL, you must have 26 weeks continuous service at the end of the 15th week before the week in which the child is due (or the week the adopter is notified they are matched for adoption) and remain in employment until the week before any period of Shared Parental Leave is taken.
- 4.11 In addition, for **Parent 2** to be eligible for SPL, **Parent 1** must be entitled to SML/SAL, SMP/SAP or MA, and have curtailed their entitlement or returned to work.
- 4.12 Where both parents satisfy the continuity of employment test requirement they will both be able to make use of the pot of Shared Parental Leave.
- 4.13 Shared Parental Leave can however be used when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental leave but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

- 4.14 If you are an adopter or have a parental order in a surrogacy arrangement, the continuity of employment test for SPL is the same as that which applies to the person giving birth (i.e. you must have been continuously employed for 26 weeks up to and including the 15th week before the week in which the baby is due to be born/adopted).
- 4.15 Both parents will be required to provide evidence of your eligibility. Any false information supplied or attempts to receive leave or pay to which you are not entitled is an offence of fraud, and action will be taken under the disciplinary procedures.

Leave entitlements

- 4.16 **Parent 1** is entitled to take up to 52 weeks Maternity/Adoption Leave in total. A minimum of two weeks of this leave entitlement must be taken as Maternity Leave (ML) immediately following the birth of a baby or as Adoption Leave (AL) following notification of matching.
- 4.17 After this 2 week period, **Parent 1** can choose to end their Maternity/Adoption Leave and then opt into the SPL system, by returning to work or by giving notice of their intention to end their leave at a specific future date. They can then transfer some or all of their remaining leave entitlement (a maximum of 50 weeks) to **Parent 2**. Please note – the amount of leave available to be shared is likely to be less than 50 weeks as you will likely take a period of maternity leave before the baby is born and this needs to be deducted from the total available.
- 4.18 **Parent 2** can take SPL two weeks after the birth/ immediately following placement of the child, but may first choose to use their Maternity/Adoption Support Leave entitlements as they cannot take Maternity/Adoption Support Leave or Pay once they have taken any SPL or ShPP.
- 4.19 SPL must end no later than one year after the birth/ placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.
- 4.20 SPL must be taken in blocks of complete weeks.
- 4.21 The amount of Maternity or Adoption leave **and** SPL cannot exceed 52 weeks between both parents.

Notification Procedure to take Shared Parental Leave

- 4.22 Each eligible parent can submit up to 3 notices of their 'period of leave notice' to take SPL (either for one continuous period of leave or for a number of discontinuous weeks leave (for example, one week in May, one week in June, the whole of July and one week in September). SPL can only be shared between 2 people.
- 4.23 There are 3 steps to the notification process:

STEP 1 - Parent 1 'Curtails' Maternity/Adoption Leave

- If you are Parent 1, submit form SPL 1, Part 1 to HR, advising us you wish to end your remaining maternity/adoption leave in order to take Shared Parental Leave.

- If you are Parent 2, and Parent 1 is not an eligible employee of TWFRS you must provide notification that your partner has ended their Maternity/Adoption Leave.

STEP 2 - Notification of Entitlement and Intention to take SPL

- If you are Parent 1, you need to give notice of your intention to take SPL by completing form SPL1, Part 2 and submit it to HR with all the information Parent 2 is required to provide in order to confirm eligibility. This must be signed by both Parent 1 and Parent 2.
- Once Parent 1 has completed the above step, you are bound by this to end your Maternity/Adoption Leave except in exceptional circumstances (see 'Revoking Notification to end Maternity/Adoption Leave').
- If you are Parent 2 you need to provide notification of entitlement to SPL, and intention to take SPL. This is done by completing, and submitting to HR, Form SPL2.
- You will also be asked to supply a copy of the child's birth certificate or parental order/ proof of adoption.

STEP 3 - Notification of Dates to take SPL

- If you wish to take SPL, you must provide at least 8 weeks' notice, by submitting Form SPL3 to your manager.
- A request for a continuous period cannot be refused, however you, your manager and HR may agree/ accept a modification to an SPL notification. A modification under these circumstances is not considered to be one of the 3 notices.
- On receipt of a request for discontinuous leave your manager and HR must within 2 weeks of the date of submission:
 - Consent to the pattern of leave requested
 - Propose an alternative pattern of leave or
 - Refuse the pattern of leave requested
- If no agreement has been reached within that 2 week period, you are entitled to take the leave as one continuous period of leave and must be on or before the 15th day after the period of leave notice was given. A withdrawal under these circumstances does not count as one of the 3 notices.

Revoking Notification to end Maternity/Adoption Leave for Parent 1

4.24 When you have completed Steps 1 and 2 above, you are bound by this to end your Maternity/Adoption Leave except in the following exceptional circumstances:

4.25 If you have not returned to work, **and** the curtailment date hasn't passed, **and** one of the following reasons apply:

- a. Where it is discovered that neither parent is entitled to SPL or ShPP
- b. In the event of the death of a partner
- c. For employees who gave notice prior to the birth and revokes their ML curtailment notice within 6 weeks following the birth (special rules apply if **Parent 2** has already taken some SPL)

4.26 If any of the above apply, you will need to complete **form SPL4** revoking notice to curtail your Maternity/Adoption Leave and send it to HR.

4.27 If you revoke your notice for the first 2 circumstances, there is no further opportunity to opt into SPL at a later date.

- 4.28 If (c) above applies, you remain on Maternity/Adoption Leave, and your total leave entitlement to 52 weeks is restored even if Parent 2 has already taken SPL.

Changing Notified Dates to take Shared Parental Leave

- 4.29 Leave arrangements that have been previously notified can be changed by giving 8 weeks' notice using **form SPL3** (a maximum of 3 times). This may be reduced in certain limited circumstances when the baby is born early or late (for example, when the baby arrives earlier than expected and the start date of booked SPL or ShPP is within 8 weeks of the child's due date, or if the child is born 8 or more weeks early, the parent can book a period of leave to start within 8 weeks of the birth if they give the notice as soon as reasonably practical after the actual birth).

Statutory Shared Parental Pay (ShPP)

- 4.30 Shared Parental Pay may be paid to parents when an eligible person giving birth or primary adopter (**Parent 1**) chooses to bring their Maternity or Adoption Pay, or Maternity Allowance, to an end early. The untaken Maternity or Adoption Pay, or Maternity Allowance, may become available as Statutory Shared Parental Pay.
- 4.31 Both parents could take ShPP, if both eligible.
- 4.32 **Parent 1** cannot end SMP/SAP entitlement (39 weeks) without first taking 2 weeks of Maternity/adoption Pay after the birth (placement), so the maximum amount of ShPP which can be created is 37 weeks.
- 4.33 ShPP pay is set by the Government each year or 90% of your average weekly earnings, whichever is lower.
- 4.34 The amount of Maternity or Adoption Pay **and** ShPP cannot exceed 39 weeks between both parents.

Qualifying Conditions

- 4.35 In order to qualify for ShPP you must:
- meet the qualifying requirements for Shared Parental Leave and have a partner who meets the employment and earnings test.
 - have earned not less than the Lower Earnings Limit in the relevant period. This is usually the 8 weeks leading up to the qualifying week (as with SPL, the qualifying week is the end of the 15th week before the week in which the baby is due to be born/the adopter is notified of being matched with a child).

Notification Requirements

- 4.36 Before Returning to Work - In order to opt into ShPP, **Parent 1** must give 8 weeks' notice to end Maternity/Adoption Pay before returning to work (**Form SPL1, Part 1**).
- 4.37 After Returning to Work – If **Parent 1** wants to create an ShPP entitlement after returning to work, and is still in the Maternity/Adoption Pay period (the 39 weeks from when it started), you must give at least 9 weeks' notice to end your maternity pay period (8 weeks' notice plus the number of weeks that you intend to claim ShPP) (**Form SPL1, Part 1**).
- 4.38 In the 6 weeks following birth you can revoke a notice to end Maternity Pay or Allowance where the notice was given before the birth (**Form SPL4**).

Refusing ShPP

- 4.39 ShPP (or SPL) can be refused if you do not qualify, but reasons for refusal will be provided.

Shared Parental Leave in Touch Days (SPLIT days)

- 4.40 Both **Parent 1** and **Parent 2** can work up to 20 days each during SPL without bringing it to an end. These are called 'Shared Parental Leave in Touch' (or SPLIT) days.
- 4.41 SPLIT days are optional and subject to agreement by you, your manager and HR. The purpose of SPLIT days is to allow you to keep in touch with the workplace, for example, attending meetings or training (non-operational for employees who have given birth).
- 4.42 These days are in addition to the 10 'Keeping in Touch' (or KIT) days already available to those on Maternity or Adoption Leave.
- 4.43 Any day on which you attend work as a SPLIT day will be classified as one of your SPLIT days regardless of the length of time at work. For example if you attend for only half a day, this is still deemed as 1 SPLIT day.
- 4.44 Payment will be made per hour attended, based on your normal hourly rate. Only in extenuating circumstances would you either request or be requested to attend work for less than half a day. Attendance will be paid for the actual hours worked, which would normally be arranged for a minimum of a half day.
- 4.45 To submit an application and claim for payment for SPLIT days, you should complete the Shared Parental Leave in Touch Days Application (**Form SPLIT1**), which will need to be authorised by your manager and submitted to HR.

Sickness Absence and SPL

- 4.46 The sole purpose of Shared Parental Leave is to care for a child. If you are too ill to care for the child during a week that you are meant to be on SPL, you must inform HR immediately. Your entitlement to be on SPL and receive ShPP in the week you are ill ceases but your absence may be considered under the normal sickness absence policy.
- 4.47 ShPP is not payable in any week where you become entitled to Statutory Sick Pay (SSP) for any part of that week. If you have received ShPP in respect of a week where you are also claiming SSP, you will be required to repay the overpayment.

5. Paternity Leave (Maternity/Adoption Support Leave) (MSL/ASL)

Quick glance – Key Leave and Pay Entitlements

	Maternity/Adoption Support Leave (aka paternity leave)
Applies to	The biological parent of a baby; or Share responsibility for the child's upbringing The spouse, civil partner or partner of: <ul style="list-style-type: none"> • a woman who has given birth; • an individual who is adopting a child; • a dual approved prospective adopter/joint adopter where this person is not taking adoption leave; • a person in a surrogacy arrangement (parental order parents) and this is the parent not taking adoption leave.
Leave Amount	2 weeks (pro rata).
Leave Commencement	Anytime from birth, but within 56 days of a child's date of birth, placement or date a child enters the UK.
Leave Patterns	If entitled to statutory pay - single block of 1 or 2 weeks' leave. If entitled to occupational pay - single block of 2 weeks leave or 2 separate weeks.
Statutory Pay Rate	2 weeks at standard weekly rate (pro rata).
Occupational Pay Rate	Full pay for 2 weeks offset against Statutory Pay. Occupational and Statutory pay combined cannot be more than normal pay.
Notice	Birth cases (including parental order parents) - 15th week before EWC. UK Adoption- no more than 7 days after being notified of a match with a child Overseas Adoption - Inform HR of the date of the official notification and the estimated date that the child will arrive in the UK, within 28 days of receipt of the official notification. Inform HR of the actual date the child arrives in the UK within 28 days of this date. 28 days notice of start date of leave.
Changes to Notice	Changes require 28 days notice.
Contact	N/A
Return To Work	Right to return to same job on the same terms and conditions.
Antenatal/ Adoption Appointments	Unpaid time off for partner/parental order parents to accompany birth/surrogate to up to two ante-natal appointments. Unpaid time off for secondary adopters to attend up to two adoption appointments.

- 5.1 Maternity or Adoption Support Leave was previously known as Paternity Leave (and pay).
- 5.2 You have rights to up to 2 weeks leave and pay if have at least 26 weeks continuous service before the 11th week before childbirth (or the date you are matched with a child for adoption) and you are:

- the biological parent and expect to have some responsibility for the baby's upbringing, or
 - the person giving birth partner (someone who lives with the person giving birth, in an enduring relationship, either male or female, but who is not a blood relative and expects to have some responsibility for the babies upbringing) or
 - the primary adopter's spouse/ partner/ civil partner who is not taking adoption leave
- 5.3 MSL/ASL must all be taken in one period. You may choose to start your leave either:
- from the date of the child's birth (whether this is earlier or later than expected) or in the case of adoptions, from the day the child is placed, or
 - from a chosen number of days or weeks after the date of placement or of the child's birth (whether this is earlier or later than expected)
- 5.4 MSL/ASL cannot be taken before the birth or placement of the child and it must be completed within 56 days of the actual date of birth of the child, or, if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.
- 5.5 If you wish to take MSL/ASL you must submit **Form PAT1** and notify HR at least 15 weeks before the week the baby is expected (7 days in cases of adoption (ASL)) advising:
- the baby's due date (or expected date of adoption matching)
 - when you want your leave to start (this can be changed with 28 days' notice)
 - how much leave you wish to take

6. Foster Care

- 6.1 There is no statutory right to paid time off for employees who foster a child.
- 6.2 In recognition of the importance of the contribution made by foster carers however, we will support employees who are training to be a foster carer, for up to a maximum of 5 days paid leave (over the course of their employment) subject to the following:
- A minimum of 12 months continuous service
 - No less than four weeks notification to your manager of the dates of training
 - Proof of attendance on a training day
 - Management approval – which will be subject to operational need
 - Submission of relevant application form to HR
- 6.3 The statutory right to Parental Leave is available only to foster carers if they have parental responsibility for the children concerned. In most cases this responsibility rests with the Local Authority. Any additional time off required will need to be taken from your annual leave entitlement or flexi balance.
- 6.4 Foster carers who are responsible, or expect to become responsible, for a child/children under the age of 18, may request a permanent change to their working arrangements under the Flexible Working Policy. We will consider all flexible working requests and seek to accommodate them where possible providing that it would not be detrimental to the needs or efficiency of the business.
- 6.5 Foster Care Training Leave which has been approved by HR should be considered as 'special paid leave - foster care training'.

Annex A – Definitions

Acronym	Meaning
Additional Adoption Leave (AAL)	The period of additional adoption leave following OAL (maximum 26 weeks) to which primary adopter is entitled
Additional Maternity Leave (AML)	The additional period of maternity leave (maximum of 26 weeks) following onto OML to which pregnant employees are entitled
Childbirth	Any birth after a pregnancy lasting at least 24 weeks.
Compulsory Maternity Leave	The 2 week period following the birth of the child, during which an employee cannot return to work
Continuous Service	In calculating continuous service for maternity purposes, previous service with a local or public authority may be counted as reckonable service. The service does not necessarily need to be continuous. The Human Resources Department will help to determine continuous service eligibility.
Contractual Adoption/Maternity Pay (CAP/CMP)	This is payable by the Service over and above SMP to employees who have one year's continuous service at the 11 th week before EWC. Employees who qualify but don't pay enough NI contributions to get SMP are also entitled to some CMP. CMP is only payable if the employee returns.
Expected Week of Childbirth (EWC)	The week beginning at midnight between Saturday and Sunday, the baby is due (as confirmed on the MATB1).
Keeping in Touch days/Shared Parental Leave in Touch days (KIT/SPLIT days)	Enables the employee to work for up to 10 days during the maternity/ adoption leave period (KIT days) and an additional 20 days during shared parental leave (SPLIT days) without maternity/shared parental leave being affected
Lower Earnings Limit (LEL)	The earnings limit for paying National Insurance contributions. The amount is set by government and is reviewed annually. If earnings are less than the lower earnings limit, no National Insurance is paid and therefore no National Insurance benefits such as SMP are received.
Maternity Allowance (MA)	May be payable if the employee does not qualify for SMP
Maternity Support Leave (MSL)	If the partner of parent 1 and will share responsibility for the child's upbringing, then the employee may be entitled to Maternity Support Leave if they are considered to be the main support for parent 1 and/or carer of the child
Maternity Pay Period (MPP)	This is a period of 39 consecutive weeks starting on the day maternity leave starts.
MATB1	Form from midwife/doctor certifying pregnancy
NJC	National Joint Council Scheme for Local Government Services National Agreement on Pay and of Conditions of Service (Grey & Green Book)

Ordinary Adoption Leave (OAL)	26 week period of adoption leave to which primary adopter is entitled
Ordinary Maternity Leave (OML)	26 week period of maternity leave to which pregnant employees are entitled. Normal terms and conditions apply (with the exception of pay) during this time. Maternity Leave can start any time after the beginning of the 11 th week before EWC.
Parent	Person giving birth / adopter, biological parent of the child, spouse, civil partner or partner of the person giving birth / adopter. Both parents must share the main responsibility for the child.
Partner	The baby's biological parent, the expectant person's spouse or civil partner, in an enduring/long-term relationship with the expectant person or the intended parent (i.e a surrogacy arrangement)
Paternity Leave/Maternity Support Leave (PL/MSL)	This is a statutory entitlement to a period of up to 2 weeks leave following the birth or placement of a child.
Premature birth	A birth that takes place more than 3 weeks before the baby is due
Protected Period	The protected period follows immediately after IVF implantation, at this point the employee is considered to be pregnant. A pregnancy test is usually carried out 2 weeks after implantation, if successful the usual maternity rights apply. Where this is unsuccessful the 'protected period' ends 2 weeks following confirmation the implantation has been unsuccessful.
Qualifying Week (QW)	The QW is the 15th weeks EWC (when the employee is 25 weeks pregnant)
Refrain from work	Also known as Maternity Suspension
Relevant Period	The 'relevant period' or 'set period' is usually the 8 week period before the QW (usually weeks 17 – 24 of pregnancy) and is used for calculating the actual amount of pay the employee is entitled to during their maternity leave. This will be based on average weekly earnings during this period. The 'relevant period' will also apply for adoption pay calculations.
Statutory Maternity/Adoption Pay (SMP/SAP)	Payment is determined by central government, but if eligible, it is paid by the employer to qualifying employees for 39 weeks
Shared Parental Leave (SPL)	A parent can choose to end their maternity/ adoption leave early. The balance of maternity/ adoption leave would then be taken/shared by their partner.
Statutory Shared Parental Pay (ShPP)	May be payable to those who are taking shared parental leave if parent 1/adopter 1 chooses to end the maternity/adoption pay period early

Annex B – Roles and responsibilities

You will:	We (your manager) will:
<p>Inform your manager as soon as possible that you are pregnant to allow us to provide support.</p> <p>Inform your manager of any further advice or recommendations suggested by GP or midwife regarding the pregnancy and update this information as pregnancy develops.</p> <p>Liaise with manager in the creation of a reasonable and meaningful modified duties programme.</p> <p>Where applicable, notify Stores of your pregnancy to make alternative uniform and corporate work wear arrangements.</p> <p>Liaise with manager to ensure they are kept up to date with developments and progress.</p> <p>On receiving a MAT B1 certificate from your midwife or person responsible for your pre-natal care, forward to HR.</p> <p>Complete a Maternity Leave Notification form at least 15 weeks before your baby is due. This should be returned together with your MAT B1 certificate.</p> <p>Commence Maternity leave.</p> <p>Attend agreed KIT days.</p> <p>Contact manager 8 weeks prior to the maternity leave end date, to discuss options for returning to work, including if a flexible working request is to be submitted. Ensure a reasonable and practical return to work programme.</p> <p>Complete flexible working request if required.</p>	<p>Respect your confidentiality upon receiving notification that you are pregnant.</p> <p>Complete appropriate individual risk assessment and review periodically</p> <p>Liaise with you in the creation of a reasonable and meaningful modified duties programme.</p> <p>Ensure you receive appropriate maternity uniform in a timely manner.</p> <p>Liaise with you to ensure you are kept up to date with developments and progress throughout the pregnancy and the duration of the maternity leave.</p> <p>Agree your KIT days whilst you are on maternity leave. Advise HR and Payroll of agreed KIT days to be worked.</p> <p>Create and update contact log.</p> <p>Discuss options for returning to work with staff member 8 weeks prior to maternity leave end date. Ensure a reasonable and practical return to work programme.</p> <p>Confirm return to work details and notify HR and Payroll.</p> <p>Sign post further support, if needed.</p>

Human Resources will:

- Offer support and guidance to you and your manager throughout your pregnancy and maternity leave.
- Attend meetings between you and your manager if needed. You may invite your Trade Union representative if desired.
- Provide guidance and support to your manager
- Update the Maternity Contact log
- Discuss options for your return to work with your manager prior to the maternity leave end date.

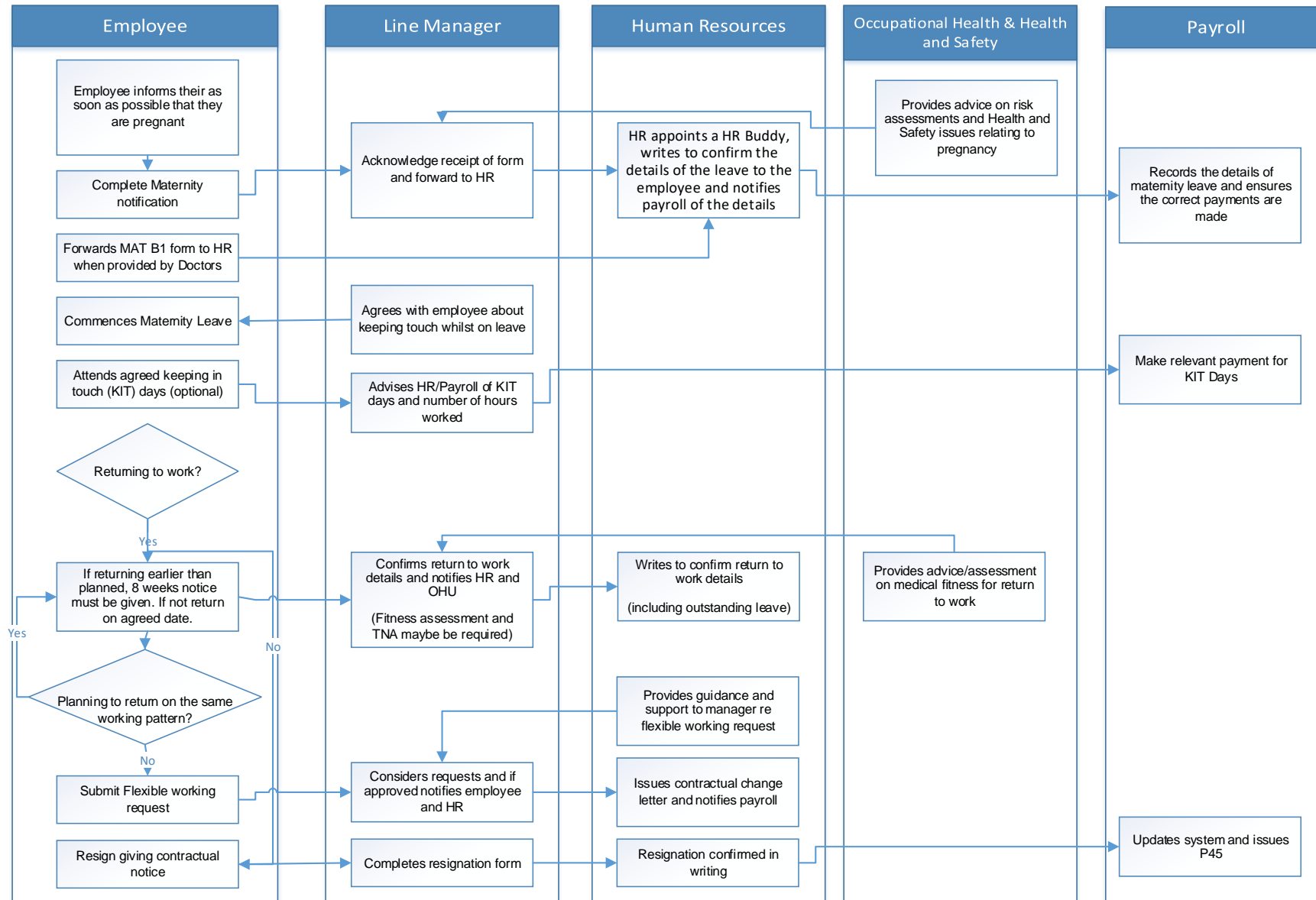
Occupational Health Unit will:

- Provide advice on risk assessments related to pregnancy, in conjunction with Health and Safety team.
- Provide advice and assessments in medical fitness for returning to work

Payroll will:

- Record the details of the maternity leave
- Ensure the correct payments are made (inc for KIT days if appropriate).

Annex C – Maternity Leave flowchart of processes



Annex D – Risk Management for New and Expectant Employees

Introduction

1. This annex sets out the responsibilities of you (as a new and expectant employee) and your manager in relation to your unborn baby's health, safety and welfare and your subsequent return to work. This applies to all staff, whatever their role. It also provides guidance on conducting risk assessments.
2. The term "new and expectant employee" refers to someone who is pregnant, who has given birth within the previous six months (either to a live child or one miscarried after 24 weeks) or is breastfeeding.
3. It is important to remember that pregnancy is not a sickness, and many employees are able to continue with their normal routines. Each individual and each pregnancy is different. It is important for managers not to make assumptions and work in conjunction with you to assess risks. If in doubt, seek advice from HR.

Manager responsibility

4. There is a requirement for all managers to assess 'reasonably foreseeable' risks and reduce risks so far as is 'reasonably practicable'. Managers must therefore:
 - Arrange a suitable time to meet with you, as soon as possible after they are notified of the pregnancy.
 - Undertake an initial individual risk assessment as soon as notified of the pregnancy, using the 'Risk Assessment Form for New and Expectant Employees' (Form RA1). This is a statutory requirement under the Management of Health and Safety at Work Regulations 1999 (Further guidance contact Health and Safety or HR for advice).
 - Undertake further individual activity risk assessments as and when your circumstances change and at each trimester (first 12 – 14 weeks, second 16 – 20 weeks and third 36 – 40 weeks) and again on return to work.
 - Ensure that preventative measures are taken where significant risks are identified. Undertake modifications recommended by your GP, Midwife or occupational health (if practicable), as a result of the risk assessment.

Your responsibility

5. You also have responsibility for protecting your own health and safety, and that of your child. You should take care to follow health and safety guidance provided and notify your manager or other appropriate person immediately, if you identify any potential risks to your Health and Safety in the workplace.

Risk and Operational Duties for Pregnant Firefighters

6. Being a firefighter is a hazardous occupation which may result in being exposed to physical and chemical hazards such as toxic fumes, heat, humidity, radiation and ionisation and physically arduous conditions of work. This is a particular concern for a pregnant or breastfeeding firefighter.

Non-operational Staff

7. For professional and non-operational employees, your work in relation to the hazards identified on **Form RA1** should be assessed, and an individual risk assessment should be completed, taking into account any particular difficulties experienced due to pregnancy. The table below highlights the key risks and action which would need to be taken.

Type of Risk	Action Needed
Physical Agents: i.e. shock, vibration, movement	Avoid work involving whole body vibration or where abdomen is exposed to shocks and jolts
Handling/lifting of loads	Review manual handling assessments to take account postural problems, size change, possible backache
Repetitive and fatiguing muscular work including use of DSE	Organise work with appropriate breaks and ensuring frequent changes in position Provide rest facilities and seating Review DSE assessments as employee's shape changes
Noise	Limit exposure to noisy environment
Biological agents/infectious diseases	Ensure all necessary precautions are made to protect exposure of employee to contact with biological agents
Dust, fumes, smoke, chemicals, water	Limit exposure
Working from height, working alone, or in confined spaces	Change work activity to take account of reduced agility and altered centre of gravity
Shift work, night work	Review work patterns to ensure that these do not cause the person giving birth and child health risk, bearing in mind possible morning sickness and unusual tiredness
Proximity to mammals who have recently given birth	Pregnant employees must not enter areas where mammals have recently given birth

Annex E – Examples of how pay can be split

Example 1: Annual Salary £30,000.00						Example 2: Annual Salary £24,000.00						
Annual Salary	£ 30,000.00					Annual Salary	£ 24,000.00					
Weekly Salary	£ 575.34					Weekly Salary	£ 460.27					
SMP 90%	£ 517.81					SMP 90%	£ 414.24					
SMP Rate	£ 145.18					SMP Rate	£ 145.18					
26 Weeks @ 100%						26 Weeks @ 100%						
	Weeks	OMP	SMP	Weekly	Total over the weeks		Weeks	OMP	SMP	Weekly	Total over the weeks	
1 - 6 Weeks @ 100%	6	£ 57.53	£ 517.81	£ 575.34	£ 3,452.04	1 - 6 Weeks @ 100%	6	£ 46.03	£ 414.24	£ 460.27	£ 2,761.62	
7 - 26 weeks @ 100%	20	£ 430.16	£ 145.18	£ 575.34	£ 11,506.80	** OMP Capped as per 2.24	7 - 26 weeks @ 100%	20	£ 315.09	£ 145.18	£ 460.27	£ 9,205.40
13 Weeks @ SMP LR	13	0	£ 145.18	£ 145.18	£ 1,887.34		13 Weeks @ SMP LR	13	0	£ 145.18	£ 1,887.34	** OMP Capped as per 2.24
	39				£ 16,846.18		39				£ 13,854.36	
39 Weeks – First 2 weeks at 100% Following 6 weeks at 90% Remaining 31 weeks at 60%						39 Weeks – First 2 weeks at 100% Following 6 weeks at 90% Remaining 31 weeks at 60%						
	Weeks	OMP	SMP	Weekly	Total over the weeks		Weeks	OMP	SMP	Weekly	Total over the weeks	
1 - 2 weeks @ 100% OMP	2	£ 57.53	£ 517.81	£ 575.34	£ 1,150.68		1 - 2 weeks @ 100% OMP	2	£ 46.03	£ 414.24	£ 460.27	£ 920.54
3 - 6 weeks @ 90% OMP	4	£ -	£ 517.81	£ 517.81	£ 2,071.22		3 - 6 weeks @ 90% OMP	4	£ -	£ 414.24	£ 414.24	£ 1,656.97
7 - 8 weeks @ 90% OMP	2	£ 430.16	£ 145.18	£ 575.34	£ 1,150.68	** OMP Capped as per 2.24	7 - 8 weeks @ 90% OMP	2	£ 315.09	£ 145.18	£ 460.27	£ 920.54
9 - 39 weeks @ 60% OMP	31	£ 345.20	£ 145.18	£ 490.38	£ 15,201.90		9 - 39 weeks @ 60% OMP	31	£ 276.16	£ 145.18	£ 421.34	£ 13,061.60
	39				£ 19,574.49		39				£ 16,559.65	** OMP Capped as per 2.24
52 Weeks - First 2 weeks at 100% Following 6 weeks at 90% Following 10 weeks at 50% Remaining 34 weeks at 40%						52 Weeks - First 2 weeks at 100% Following 6 weeks at 90% Following 10 weeks at 50% Remaining 34 weeks at 40%						
	Weeks	OMP	SMP	Weekly	Total over the weeks		Weeks	OMP	SMP	Weekly	Total over the weeks	
1 - 2 weeks @ 100% OMP	2	£ 57.53	£ 517.81	£ 575.34	£ 1,150.68		1 - 2 weeks @ 100% OMP	2	£ 46.03	£ 414.24	£ 460.27	£ 920.54
3 - 6 weeks @ 90% OMP	4	£ -	£ 517.81	£ 517.81	£ 2,071.22		3 - 6 weeks @ 90% OMP	4	£ -	£ 414.24	£ 414.24	£ 1,656.97
7 - 8 weeks @ 90% OMP	2	£ 430.16	£ 145.18	£ 575.34	£ 1,150.68	** OMP Capped as per 2.24	7 - 8 weeks @ 90% OMP	2	£ 315.09	£ 145.18	£ 460.27	£ 920.54
8 - 17 weeks @ 50%	10	£ 287.67	£ 145.18	£ 432.85	£ 4,328.50		8 - 17 weeks @ 50%	10	£ 230.14	£ 145.18	£ 375.32	£ 3,753.15
18 - 39 weeks @ 40%	21	£ 230.14	£ 145.18	£ 375.32	£ 7,881.64		18 - 39 weeks @ 40%	21	£ 184.11	£ 145.18	£ 329.29	£ 6,915.05
40 weeks - 52 weeks @ 40%	13	£ 230.14	£ -	£ 230.14	£ 2,991.77		40 weeks - 52 weeks @ 40%	13	£ 184.11	£ -	£ 184.11	£ 2,393.40
	52				£ 19,574.49		52				£ 16,559.65	** OMP Capped as per 2.24

Annex F – Sources of help

Government Website

www.gov.uk/browse/childcare-parenting

Working Families Parents and carers helpline

Tel: 0300 012 0312

www.workingfamilies.org.uk

Health and Safety Executive

www.hse.gov.uk/mothers

Association of Breastfeeding Mothers

Tel: 0300 330 5453(24 hour telephone service)

www.abm.me.uk

The Miscarriage Association

For information and support on miscarriage and ectopic pregnancy

Tel: 01924 200799

www.miscarraigeassociation.org.uk

Twins and Multiple Birth Association (TAMBA)

Tel: 01252 332 344

www.tamba.org.uk

Association for Postnatal Illness

Tel: 0207 386 0868

www.apni.org

Gingerbread (One parent support network)

Tel: 0808 802 0925

www.gingerbread.org.uk

Stillbirth and Neonatal Society (SANDS)

Tel: 0207 436 5881

www.uk-sands.org

British Pregnancy Advisory Head Office

Tel: 03457 30 40 30

www.bpas.org

Relate

Tel: 0300 100 1234

www.relate.org.uk

Pre-School Playgroups Association (Helpline giving advice on playgroups throughout the country)

Tel: 0207 697 2500

www.pre-school.org.uk

Maternity Action (Advice on maternity rights and benefits)

Tel: 0808 802 0029

www.maternityaction.org.uk