

# Family Friendly Leave & Pay

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## 1. Background

This policy covers family related policies, which include:

- Maternity leave and pay.
- Adoption leave and pay.
- Paternity leave and pay.
- Parental leave and pay.
- Flexible working.
- Compassionate Leave; and
- Leave for Family Emergencies.

## 2. Objectives

Abbeyfield The Dales (ATD) is committed to providing services that enhance the quality of life for older people and developing services that will meet the needs of future generations. This commitment is based on the Mission and Values of ATD. ATD will also comply with all relevant and current legislation.

The aim of this policy is to explain clearly the rights and responsibilities concerning all forms of leave within the scope of this Policy.

## 3. Scope

This policy applies to all ATD staff. It does not form part of your contract of employment and may be amended from time to time.

## 4. Policy

### 4.1. Roles & Responsibilities

#### 4.1.1. Manager's Responsibilities

Line managers are responsible for notifying [payroll@abbeyfieldthedales.co.uk](mailto:payroll@abbeyfieldthedales.co.uk) of all leave under this policy. This will enable the correct information and entitlements to be provided to each employee.

The manager's responsibilities specifically are:

- When your employee notifies you of their pregnancy, intention to adopt a child or to take paternity, parental leave, or time off to accompany an expectant mother to an ante-natal appointment, provide them with the 'Notification of Family Friendly Leave Form'.
- When your employee notifies you of their wish to work flexibly, to provide them with the 'Flexible Working Request Form'; and
- Ensure that these forms are completed and returned to the Finance Department as soon as possible but certainly prior to the start of any period of leave.

#### 4.1.2. Employee's Responsibilities

You are responsible for notifying your line manager of any need to take leave under any part of this policy, within the stated timeframes and are responsible for completing and providing all necessary documentation as outlined below.

### **4.1.3. Finance**

Once the Notification of Family Friendly Leave form has been received, the Line Manager (following consultation with a member of the Senior Leadership Team (SLT)) will write to the employee to confirm the detail of their entitlements and responsibilities regarding leave and pay.

The member of SLT will be responsible for copying this form to the Finance Department and to notify them of an employee's intention to take leave under any part of this policy. This will enable the Finance Department to make the necessary adjustments to the employee's salary.

## **4.2. Maternity Leave & Pay**

All female staff have statutory maternity rights to leave and pay as follows:

### **4.2.1. Ordinary Maternity Leave (OML)**

- 26 weeks OML, irrespective of your length of service.
- You can start your maternity leave at any time after the start of the 11th week before your baby is due.
- If you are absent wholly or partly because of your pregnancy at any time after the start of the fourth week before the week in which your baby is due, your maternity leave will start automatically the day after your first absence.
- We cannot allow you to work during the two weeks following childbirth.

### **4.2.2. Additional Maternity Leave (AML)**

- 26 weeks AML, irrespective of your length of service.
- AML follows on from OML which means that you have the right to a total of 52 weeks maternity leave.
- You do not need to take the whole amount of AML if you do not wish to do so. You can elect to take any amount of AML up to the maximum of 26 weeks.

### **4.2.3. Statutory Maternity Pay (SMP)**

- If you have at least 26 weeks' service at the end of the 15th week before your baby is born you will normally be entitled to receive SMP provided your earnings are equal to or greater than the current lower earnings limit.
- If you are not entitled to SMP or do not meet the qualifying criteria, you may be able to claim Maternity Allowance, you will need to contact your local Benefits Agency office for this purpose. An SMP1 form will be sent to you by our Payroll Department if we are unable to pay SMP through our payroll. SMP is payable at two rates for a maximum of 39 weeks:
  - 90% of average earnings for the first 6 weeks of maternity leave
  - A further 33 weeks at the current level of SMP.

### **4.2.4. Contractual Benefits**

With the exception of pay, during OML and AML, your terms and conditions of employment will remain in force, and you will continue to receive your contractual benefits which means:

- You will continue to accrue annual leave entitlement.

- You should aim to take annual leave accrued up until the start of your maternity leave prior to going on maternity leave or, if there is sufficient time before the end of the annual leave year, arrange to take it at the end of your maternity leave.
- Any holiday entitlement that cannot reasonably be taken before starting your maternity leave can be carried over to the next holiday year and must be taken immediately before returning to work. To carry over more than 3 days of leave is at the discretion of your Line Manager.
- This should be discussed with your Line Manager.
- Contributions will continue to be paid into your pension fund if you are already a member of the pension scheme and are making contributions yourself.

#### **4.2.5. Time Off for Ante-Natal Care**

You are entitled to take time off during your normal working hours to receive ante-natal care, although wherever possible you should arrange appointments at the start or end of your day to minimise disruption. Time off for ante-natal care will be paid. You must provide your line manager with suitable documentation (for example a confirmation letter of appointments and classes) to evidence your attendance at ante natal care.

#### **4.2.6. Accompanying expectant mothers to ante-natal appointments**

Partners, which include spouse, civil partner or any person in a long-term relationship with a pregnant woman, are eligible to take unpaid time off work to accompany the expectant woman to ante-natal appointments. There is no qualifying period needed to make this request.

Employees are entitled to:

- Unpaid leave for two ante-natal appointments; and
- Time off is limited to a total of 6 ½ hours per appointment (including travel and waiting time).

Employees making a request for time off should discuss this in advance with their line manager who will provide them with the **Notification of Family Friendly Leave form** which should be completed and returned to a member of SLT.

#### **4.2.7. Keeping in Touch Days**

You are entitled to work for up to 10 days during your maternity leave without affecting your eligibility to SMP. You are under no obligation to work any of these days, but you could use them for example, to attend training or team meetings to 'keep in touch'.

You are entitled to be paid for any work done on Keeping in Touch Days and this will be paid at your normal rate of pay. Please note that if you choose to take advantage of a Keeping in Touch Day then any maternity pay received for that week will be offset against any work done.

#### 4.2.8. Sickness During Pregnancy

Should you be ill during your pregnancy, ATD's Sick Pay Scheme will normally apply. However, if you are absent from work for a pregnancy-related reason at any time after the start of the fourth week before the week in which your baby is due, your maternity leave period will begin on the first day of your absence. The same applies to your maternity pay period. Similarly, if you give birth before the date on which you intended to start your maternity leave, or before you have notified a date, your maternity pay period begins on the day following the day of childbirth.

#### 4.2.9. Notification of Pregnancy

You must notify your line manager that you are pregnant as soon as possible and no later than the end of the 15th week before your expected week of confinement (EWC), by using the **Notification of Family Friendly Leave Form** and providing the original MAT B1 Form which your midwife will give you. You must also notify us of the date on which you would like to start maternity leave.

If you wish to return to work earlier than your expected return date, you must give us eight weeks' prior notice of the date. It is helpful if you give this notice in writing. You may be able to return later than your expected return date if you request annual leave or parental leave, which will be at our discretion.

If you want to change your hours or other working arrangements on return from maternity leave you should make a request under the **Flexible and Home Working policy**. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work, you should give notice of resignation in accordance with your contract.

#### 4.2.10. Returning from Maternity Leave

You have the right to come back to work following maternity leave and it is assumed that you will return unless you say otherwise.

If you return to work following OML, you have the right to return to work in the same job and hours that you carried out prior to going on maternity leave.

If you return to work following a period of AML, you will be entitled to return to the same job and hours or where this is not reasonably practicable, you will return to another job which is the same or similar in terms of level of seniority and responsibilities, location and pay and benefits.

### 4.3. Adoption Leave & Pay

To qualify for adoption leave you must:

- Be newly matched with a child for adoption by an approved adoption agency.
- Have been given a date on which the child is expected to be placed into your care; and
- Have been continuously employed by ATD for 26 weeks leading into the week in which you are notified of being matched with a child for adoption.

All staff, both male and female, have statutory adoption rights to leave and pay and this will be available to individuals who adopt and one member of a couple where the couple adopt jointly as follows.

#### **4.3.1. Ordinary Adoption Leave (OAL)**

Entitlement is 26 weeks and can start from:

- the date of the child's placement; or
- a fixed date which can be 14 days before the expected date of placement.

#### **4.3.2. Additional Adoption Leave (AAL)**

Entitlement is 26 weeks and follows on from OAL which means that you have the right to up to 52 weeks adoption leave in total.

#### **4.3.3. Statutory Adoption Pay (SAP)**

Where you have 26 weeks' continuous employment at the end of the week in which you are notified as being matched with a child, you are entitled to 39 weeks SAP or 90% of your basic weekly pay, if this is less than the current rate of SAP, provided that your average earnings are not less than the lower earnings limit at the time.

#### **4.3.4. Contractual Benefits**

With the exception of pay, during OAL and AAL, your terms and conditions of employment will remain in force, and you will continue to receive your contractual benefits which means:

- You will continue to accrue annual leave entitlement.
- You should aim to take annual leave accrued up until the start of your adoption leave prior to going on adoption leave. For leave accrued during adoption leave, you may take this at the end of your adoption leave. Any holiday entitlement that cannot reasonably be taken before starting your adoption leave can be carried over to the next holiday year and must be taken immediately before returning to work. [Carry over of more than 3 days is at the discretion of your Line Manager].
- This should be discussed with your Line Manager; and
- Contributions will continue to be paid into your pension fund if you are already a member of the pension scheme and are making contributions yourself.

#### **4.3.5. Keeping in Touch Days**

You are entitled to work for up to 10 days during your adoption leave without affecting your eligibility to SAP. You are under no obligation to work any of these days, but you could use them for example, to attend training or team meetings to 'keep in touch'.

You are entitled to be paid for any work done on Keeping in Touch Days and this will be paid at your normal rate of pay. Please note that if you choose to take advantage of a keeping in touch day then any adoption pay received for that week will be offset against any work done.

### 4.3.6. Notification of Adoption

You must inform your line manager as soon as possible but provide a minimum of 28 days' notice of your intention to take adoption leave and your intended start date.

### 4.3.7. Returning from Adoption Leave

You have the right to come back to work following adoption leave and it is assumed that you will return unless you say otherwise.

If you return to work following OAL, you have the right to return to work in the same job and hours that you carried out prior to going on adoption leave.

If you return to work following a period of AAL, you will be entitled to return to the same job and hours or where this is not reasonably practicable, you will return to another job which is the same or similar in terms of level of seniority and responsibilities, location and pay and benefits.

If you wish to return to work earlier than your expected return date, you must give us eight weeks' prior notice of the date. It is helpful if you give this notice in writing. You may be able to return later than your expected return date if you request annual leave or parental leave, which will be at our discretion.

If you want to change your hours or other working arrangements on return from adoption leave you should make a request under the **Flexible and Home Working policy**. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

## 4.4. Paternity Leave & Pay

You will be eligible for paternity leave and pay if you:

- Are the biological father of the child or the mother's husband or partner (including same sex partner) and will have the main or some responsibility for the child's upbringing.
- Are the partner of an adopter, male or female.

Adoption leave may only be taken by one parent. Paternity leave is available to the other adoptive parent (of either sex).

### 4.4.1. Ordinary Paternity Leave (OPL)

You are eligible to take up to two consecutive weeks OPL. You can choose to take either one or two weeks leave, but not occasional days or separate weeks.

You can choose to start your leave:

- From the date of the birth of the baby (whether this is earlier or later than expected)
- On a chosen date after the day of the baby's birth (whether this is earlier or later than expected) or date on which the adoption agency notified you of being matched with a child.
- OPL must be taken within 56 days of the actual birth of the baby.

#### **4.4.2. Additional Paternity Leave (APL)**

You are entitled to APL only if the child's mother or co-adopter has returned to work after taking maternity or adoption leave, or after a period of entitlement to statutory maternity, adoption pay or maternity allowance.

APL cannot start until at least 20 weeks after the birth or placement and cannot last more than 26 weeks in total. APL must end within 12 months of the birth or placement.

In order to take APL, you must provide notice, at least 8 weeks before the date on which you intend leave to start and inform us of:

- The intended start date for APL.
- A signed declaration confirming that you satisfy the eligibility requirements; and
- A written declaration from the mother.

#### **4.4.3. Statutory Paternity Pay (SPP)**

You are entitled to Ordinary Statutory Paternity Pay (OSPP) at the current statutory rate provided you have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth or week in which you were notified of being matched with a child.

Additional statutory paternity pay (ASPP) may be payable if you qualified for OSPP and the child's mother or co-adopter has returned to work with at least two weeks of their 39-week maternity allowance, maternity pay or adoption pay remaining.

#### **4.4.4. Contractual Benefits**

With the exception of pay, during paternity leave your terms and conditions will remain in force and you will continue to receive your contractual benefits which means:

- You will continue to accrue annual leave entitlement; and
- Contributions will continue to be paid into your pension fund if you are already a member of the pension scheme and are making contributions yourself.

#### **4.4.5. Notification of Paternity**

You must inform your line manager of your intention to take Paternity Leave in or before the 15th week before the Expected Week of Confinement (EWC). You should inform your manager:

- The week that the baby is expected.
- Whether you wish to take one or two weeks leave; and
- When you want the leave to start.

#### **4.4.6. Returning from Paternity Leave**

You will be entitled to return to the same job with no change to your terms and conditions following paternity leave.

If you want to change your hours or other working arrangements on return from paternity leave you should make a request under **section 4.9 Flexible Working**. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

#### **4.4.7. Bereaved Partner's Paternity Leave (BPPL)**

This leave is where the mother or adopter of a child dies in childbirth, or within a year of the birth or adoption, and is intended to facilitate the father, or partner of the mother or adopter, taking an extended period of paternity leave, known as bereaved partner's paternity leave (BPPL). You may be any gender and be eligible for this leave if the eligibility criteria apply.

This is a day one right, there is no minimum qualifying period of employment.

##### **4.4.7.1. Death of a Primary Carer**

BPPL will be available where the child's "primary carer" has died. The primary carer can be:

- In birth cases, the mother.
- In adoption cases (including adoptions from overseas), the child's adopter, or in cases of joint adoption, the parent who has elected to be the adopter for the purposes of adoption leave.
- In surrogacy cases (known as parental order cases), the child's primary parental order parent (which in practice will include a parent who has elected to take adoption leave following the birth).

##### **4.4.7.2. Relationship to Child or Primary Carer**

BPPL will be available to an employee who has the necessary relationship to the primary carer who has died. This means:

- In a birth case, either the child's father or the spouse, civil partner, or partner of the child's mother at the bereavement date.
- In a domestic adoption case, the spouse, civil partner or partner of the child's adopter, either on the placement date or bereavement date.
- In an overseas adoption case, the spouse, civil partner or partner of the child's adopter, either on the date of official notification or the bereavement date.
- In a parental order case, the spouse, civil partner or partner of the primary parental order parent, either on the date of birth or the bereavement date.

The employee must also have the main responsibility for the child's upbringing and be taking the BPPL to care for the child.

##### **4.4.7.3. Extent of Leave Entitlement**

An eligible employee is entitled to a single period of BPPL. It can only start after the bereavement and must start and end within the "paternity leave eligibility period", which is a period of 52 weeks starting with the day after the date of birth or adoption placement. Within those parameters, the start and end dates and the length of leave can be chosen by the employee.

If the bereavement date is less than 14 days before the end of the paternity leave eligibility period, the period is extended to allow up to 14 days of BPPL.

#### **4.4.7.4. Notice to take BPPL**

You must give us, the employer notice of intention to take BPPL. Where BPPL is to start within eight weeks of the bereavement, notice can be given orally or in writing, and leave can start immediately (provided notice is given before you are due to start work on the first day of leave). You must give the bereavement date, the date of birth or adoption placement, and the BPPL start date. You must then confirm in writing the amount of leave you want to take and the intended return-to-work date. This confirmation must be given no more than eight weeks after the bereavement and at least one week before the return date. If the return date is more than eight weeks after the bereavement, this written notice must also confirm the date of birth or adoption placement, and contain a declaration that you meet the necessary relationship condition and is taking leave to care for the child.

Where the employee wants to start BPPL more than eight weeks after the bereavement, they must give the employer at least a week's notice in writing, containing all of the above information including the declaration.

#### **4.4.7.5. Changing Your Dates**

You may change your requested BPPL start and end dates by notifying new dates, giving one week's notice (or in some circumstances eight weeks' notice). This means that you may potentially shorten or extend your leave once it has started.

#### **4.4.7.6. Cancelling BPPL**

You may cancel BPPL in writing by giving the same minimum period of notice as applied in relation to booking the leave.

#### **4.4.7.7. Legal Protections**

We will ensure that you suffer no detriment for requesting or taking BPPL. We will uphold a strong stance to ensure that legal protections in place are enforced to ensure:

- Preservation of terms and conditions (except remuneration).
- Protection of pension contributions in relation to any paid period of leave.
- Up to ten keeping-in-touch days (please see maternity leave KIT Days).
- Entitlement to return to the same job (or, in limited circumstances, a suitable and appropriate alternative).
- The right to be offered a suitable alternative in redundancy situations up to 18 months after the birth or adoption placement.

- Protection from detriment and automatic unfair dismissal.
- Exclusion of weeks of BPPL from the calculation of a week's pay for statutory purposes

The employee must also have the main responsibility for the child's upbringing and be taking the BPPL to care for the child.

#### **4.4.7.8. BPPL Pay**

BPPL is unpaid.

### **4.5. Parental Leave**

You are eligible to take parental leave to care for a child under the age of 5, or if the child is disabled, under the age of 18. Both natural and adoptive parents are eligible for parental leave.

**Parental leave is unpaid.**

#### **4.5.1. Parental Leave Entitlement**

You are entitled to take a maximum of 18 weeks leave per child in total. The leave should be taken before the child's 5th birthday or 18th birthday if the child is disabled. You may take up to a maximum of 4 weeks parental leave per child in any one year.

Leave must be taken in blocks of one week however if the child qualifies for a disability living allowance, leave can be taken as single or multiples of days.

#### **4.5.2. Contractual Benefits**

With the exception of pay, during parental leave your terms and conditions will remain in force and you will continue to receive your contractual benefits which means:

- You will continue to accrue annual leave entitlement; and
- Contributions will continue to be paid into your pension fund if you are already a member of the pension scheme and are making contributions yourself.

#### **4.5.3. Notification of Parental Leave**

You must inform your line manager of your intention to take parental leave a minimum of 21 days before you wish the period of leave to begin.

Requests to take parental leave may be turned down and dates postponed where it is necessary to ensure that service delivery is not compromised, and the needs of service users are met.

#### **4.5.4. Returning from Parental Leave**

You will be entitled to return to the same job with no change to your terms and conditions following parental leave.

### **4.6. Shared Parental Leave**

This may be applicable if you or your partner is currently expecting a child who will be born, or placed with you.

### **4.6.1. Eligibility**

You are eligible for shared parental leave (SPL) in relation to the birth of a child if you:

- Are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- Are the child's father and share the main responsibility for the care of the child with the child's mother; or
- Are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

You are eligible for shared parental leave (SPL) in relation to the adoption of a child if you have the main responsibility for the care of the child (with the other parent). You must also:

- Have 26 weeks continuous employment by the end of the fifteenth week before the child is due (or is due to be placed with you) and still be employed in the week before the leave is taken.
- The other parent (or adopter) must have worked in at least 26 of the 66 weeks before the week in which you expect your child to be born (or placed with you for adoption) and meet the average weekly earnings test; and you and the other parent must give the necessary notice and declarations before taking SPL.

SPL is available for 52 weeks, less the number of weeks taken by the child's mother on maternity leave (or statutory adoption leave), including compulsory maternity leave of 2 weeks in the case of birth.

### **4.6.2. Contractual Benefits**

With the exception of pay, during SPL, your terms and conditions of employment will remain in force, and you will continue to receive your contractual benefits which means:

- You will continue to accrue annual leave entitlement.
- You should aim to take annual leave accrued up until the start of your SPL prior to going on leave. For leave accrued during SPL, you may take this at the end of your SPL. Any holiday entitlement that cannot reasonably be taken before starting your SPL can be carried over to the next holiday year and must be taken immediately before returning to work. To carry over of more than 3 days of leave should be discussed with your Line Manager; and
- Contributions will continue to be paid into your pension fund if you are already a member of the pension scheme and are making contributions yourself.

### **4.6.3. Keeping in Touch Days**

You are entitled to work for up to 20 days during SPL. You are under no obligation to work any of these days, but you could use them for example, to attend training or team meetings to 'keep in touch'.

You are entitled to be paid for any work done on Keeping in Touch Days and this will be paid at your normal rate of pay. Please note that if you choose to take advantage of a keeping in touch day then any adoption pay received for that week will be offset against any work done.

#### **4.6.4. Notification of Shared Parental Leave**

Not less than eight weeks before the date you intend your SPL to start, you must give us a written notice and declarations, including:

- Your name and the name of the other parent (or adopter).
- The start and end dates of any maternity leave taken, statutory maternity pay or maternity allowance (or adoption leave or pay).
- The total SPL available including how much of that will be allocated to you and how much to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation).
- If you are claiming statutory shared parental pay (ShPP), the total ShPP available including how much of that will be allocated.
- To you and how much to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- An indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and declarations by you and the other parent that you meet the statutory conditions for entitlement to SPL and ShPP.

If you are the child's mother and are still on maternity leave, you must give us at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity leave will end.

#### **4.6.5. Requesting Split Periods of Shared Parental Leave**

If your period of leave notice gives dates for a single continuous block of SPL, you will be entitled to take the leave set out in the notice. You can give up to three periods of leave notice. This may enable you to take up to three separate blocks of shared parental leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your manager in advance of submitting any formal period of leave notices.

You must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice. Alternatively, you may:

- choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
- withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted, and you may submit a new one if you choose).

You can cancel a period of leave or change the start date by notifying us in writing at least eight weeks before the start date in the period of leave notice.

#### **4.6.6. Shared Parental Pay (ShPP)**

You are entitled to up to 39 weeks (less any weeks of statutory maternity pay, or adoption pay claimed by you or the other parent), provided that you qualify and your earnings are not less than the lower earnings limit.

#### **4.6.7. Returning to Work**

If you want to end a period of SPL early, you must give us eight weeks' prior notice of the return date. It is helpful if you give this notice in writing.

If you want to extend your SPL, you must submit a new period of leave notice at least eight weeks before the date you were due to return to work.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- a) if your SPL and any maternity or paternity leave (or adoption leave) you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- b) if you took SPL consecutively with more than four weeks of ordinary parental leave.

If you want to change your hours or other working arrangements on return from SPL, you should make a request under the **Flexible and Home Working policy**. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

### **4.7. Neonatal Care Leave**

You are entitled to one week of Neonatal Care Leave (NCL) for each qualifying week of neonatal care, up to a maximum of 12 weeks if your child or a child for whom you have or expect to have responsibility receives one or more qualifying weeks of neonatal care.

You may be eligible for neonatal care leave if you are:

- The child's parent.
- Their intended parent under a surrogacy arrangement.
- Their adopter or prospective adopter via a UK adoption agency or an adoption from overseas.

- The partner of any of the above at the date of birth or (in the case of adoptions) at the date of placement by a UK adoption agency or the date the child entered the UK if adopting from overseas.

**And**

- you have or expect to have responsibility for the child's upbringing (or, if you are the partner of the child's mother, the main responsibility apart from any responsibility of the mother).

#### **4.7.1. Taking neonatal care leave**

NCL cannot be taken during the waiting period which is the first week of neonatal care. NCL can be taken any time after the waiting period, up to 68 weeks after the date of birth. The rules for taking NCL depend on whether NCL is being taken in a Tier 1 period or a Tier 2 period.

##### **4.7.1.1. Tier 1**

The Tier 1 period starts after the waiting period and lasts until seven days after neonatal care has ended. If you want to start NCL during a Tier 1 period:

- Please notify your manager on or before the day you want to start your NCL. If you are giving notice on the day, this should be before the time you are due to start work. If you have already started work, you will start NCL on the following day.
- You must tell your manager the child's date of birth, the date neonatal care started and, if it has ended, the date it ended. You must give all the information required as detailed in the Neonatal care leave and pay form (Appendix 2) in writing within 28 days of the start of NCL.
- You can take NCL in one continuous period or split into multiple periods of one or more whole weeks.
- Where you intend to remain on NCL for more than one week, please notify your manager as soon as possible and in any case by the start of each subsequent week of NCL.

##### **4.7.1.2. Tier 2**

The Tier 2 period lasts from the end of the Tier 1 period until 68 weeks after the date of birth. If you want to start NCL during a Tier 2 period:

- You must give 15 days' notice to take one week of NCL, or 28 days' notice to take two or more weeks of NCL.
- The notice must be in writing and must contain the information as detailed in the Neonatal care leave and pay form (Appendix 2).
- NCL must be taken as one continuous period of a whole number of weeks.

Please request the Neonatal care leave and pay form (Appendix 2) please contact your line manager OR the HR Department. The form details the required information which needs to be provided as part of your notice to take NCL.

In the Tier 2 period, you can cancel any future weeks of NCL, or return early from NCL by telling us at least one week in advance. However, you cannot return to work part-way through a week of NCL, as it must be taken in whole weeks.

#### **4.7.2. Neonatal Pay**

You may qualify for statutory neonatal care pay (SNCP) during NCL if your average earnings are not less than the lower earnings limit set by the government each tax year, and you have at least 26 weeks' continuous employment by the end of the relevant week.

The relevant week, is:

- a) the 15th week before the expected week of childbirth (in birth and surrogacy cases).
- b) the week in which the adoption agency or local authority notified you of a match (in UK adoption cases); or
- c) the week before the neonatal care starts (in any other case).

You will already meet these criteria if you have qualified for Statutory Maternity pay (SMP), Statutory Paternity Pay (SPP), Statutory Adoption Pay (SAP) or Statutory Shared Parental Pay (ShPP).

SNCP is only payable in respect of whole weeks of NCL. The rate is set by the government each tax year.

#### **4.8. Carer's Leave**

With effect from 6th April 2024, subject to eligibility, one weeks' unpaid leave may be granted in any 12-month period for employees who care for dependants with long term needs. This right to leave is available to all employees from day one of employment.

A dependant is defined by the statute as a spouse, civil partner, child, or parent of the employee, someone who lives with the employee as part of their family or someone who can reasonably rely on the employee to provide or arrange care. It does not include tenants or boarders living in the family home, or someone who lives in the home as an employee, e.g. a live-in nanny.

'Long term needs' are defined as:

- Anyone with a condition that meets the definition of disability under the Equality Act 2010.
- Illness or injury (physical or mental) that requires or is likely to require care for more than three months; or
- Old age.

#### **4.9. Leave for Family Emergencies**

All employees have a statutory right to take a reasonable period of time off work to make arrangements to deal with an emergency involving a dependant.

A 'dependent' is a husband, wife, civil partner, child or parent, or anyone living in your household as a member of the family. A dependant may also be anyone who reasonably relies on you for assistance.

You will be entitled to time off to deal with the following situations:

- A dependant falls ill, is injured or assaulted, or gives birth childcare or other care arrangements break down.
- The consequences of the death of a dependant.
- To deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; or
- A child is involved in a serious incident at school or during school hours.

There may be other situations where time off for family emergencies is required. All requests will be considered on their merits.

There is not a set limit on the amount of time off, but it should be reasonable in the circumstances. You should notify your line manager as soon as possible, telling them the reason and for how long you are likely to be absent.

#### **4.10. Compassionate Leave**

Compassionate leave may be granted by your line manager, for the death of close family relatives. The first three days in any one calendar year are paid and thereafter in exceptional circumstances; these arrangements are to be agreed with your line manager. Compassionate leave covers the death of the following:

- Spouse/Partner.
- Mother/Father and Mother-in-Law/Father-in-Law.
- Brother/Sister and Brother-in-Law/Sister-in-Law.
- Children.
- Grandparents or Grandchildren; or
- Other relatives/friends in negotiation with your line manager.

### **5. Finance, Value for Money & Social Value**

N/A

### **6. Supported Appendices**

APPENDIX 1: Notification of Family Friendly Leave Form

APPENDIX 2: Neonatal Care Leave and Pay Form

APPENDIX 3: Bereaved Partner's Paternity Leave – Application Form

### **7. Linked Policies**

Flexible & Home Working (S041P)

### **8. Legislation/Regulation**

Employment Rights Act 1996

Parental Leave Regulations 2013

Children and Families Act 2014

The Flexible Working Regulations 2014

### **9. Review**

Every 3 years, subject to any regulatory or legislative updates.

## 10. Procedure/Guidance

N/A

# APPENDIX 1: Notification of Family Friendly Leave Form

Abbeyfield The Dales Ltd

## Notification of Family Friendly Leave



### Your Details:

Name:

Site/Department:

Line Manager Name:

### Section A: Maternity/Adoption/Paternity & Parental Leave

Leave Start Date:

Return to Work Date:

I am taking (please tick and attached correct forms):

**Maternity:**  My MAT B1 form is attached

My Expected Week of Confinement (EWC) is:

**Adoption:**  My MAT B1 form is attached

Date of Placement of Child:

**Paternity:**

Date of Placement of Child:

**Parental:**

Amount of Parental Leave remaining:

Age of Child:

Dates of Previous Parental Leave Taken:

### Section B: Shared Parental Leave

Name of other parent (or adopter):

1. Please provide details of how much SPL will be allocated in weeks:

SPL available to you:

SPL available to the other parent:

2. If you are claiming Statutory Shared Parental Pay (ShPP), please provide detail of how much will be allocated in weeks:

ShPP available to you:

ShPP available to the other parent:

3. Please indicate the pattern of leave you are intending to take, including suggested start and end dates:

4. For those requesting SPL under Maternity rules, please provide dates for any maternity leave taken, statutory maternity pay or maternity allowance:

Maternity Leave Started:	<input type="text"/>	And ended:	<input type="text"/>
Statutory Maternity Pay Started:	<input type="text"/>	And ended:	<input type="text"/>

5. For those requesting SPL under Adoption rules, please provide dates for any adoption leave taken, or statutory adoption pay:

Adoption Leave Started:	<input type="text"/>	And ended:	<input type="text"/>
Statutory Adoption Pay Started:	<input type="text"/>	And ended:	<input type="text"/>

### Section C: Time off to accompany expectant mother to ante-natal appointment

Appointment Date:	<input type="text"/>	Time:	<input type="text"/>
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My relationship to the expectant mother is:

I confirm the appointment has been made on the advice of a medical practitioner.

### Signed:

Employee:	<input type="text"/>	Date:	<input type="text"/>
Line Manager:	<input type="text"/>	Date:	<input type="text"/>

Please forward a copy to the finance department together with the relevant forms. Thank you.

## APPENDIX 2: Neonatal Care Leave and Pay Form

Abbeyfield The Dales Ltd

# Neonatal Care Leave & Pay Form



### Guidance

Use this form to confirm your eligibility for statutory neonatal care leave (NCL) and claim statutory neonatal care pay (SNCP), where applicable. Please see our Family Friendly Leave & Pay Policy for more information.

NCL entitlement is one week of leave for each complete uninterrupted week of neonatal care (not including the day neonatal care started). NCL cannot start until after the first complete week of neonatal care.

**NCL in Tier 1.** If you are taking a period of NCL starting during neonatal care, or within seven days of the end of neonatal care (the Tier 1 period), you can tell us verbally that you need to take NCL. This form should then be submitted no more than 28 days after the start of the NCL.

**NCL in Tier 2.** If you are taking a period of NCL starting more than seven days after neonatal care has ended (the Tier 2 period), you must submit this form at least 15 days before the leave is due to start (for one week's leave) or 28 days before the leave is due to start (for two or more weeks' leave).

If you need any help with this form, please speak to the HR Department. It may also be useful to discuss your proposed NCL with your manager and/or HR before completing the form.

Please return this form to your line manager.

### Section 1: Basic Information

Your name:

Child's date of birth:

For adoption cases only: date of child's placement for adoption, or date of arrival in Great Britain if adopting from overseas.

Date neonatal care started:

If the child is no longer receiving neonatal care, the date such care ended:

If the child has been discharged and then re-admitted to neonatal care, include dates of subsequent period(s) of neonatal care:

Total complete weeks of neonatal care (if known):

### Section 2: Neonatal Care Leave Dates

Neonatal care leave start date

Number of weeks' leave taken or to be taken.

If second or subsequent periods of NCL are taken please include dates here.

### Section 3: Employee's declaration (All)

- The purpose of my neonatal care leave is to care for the child.
- My average weekly earnings in the eight-week period ending with the relevant week were not less than the lower earnings limit for national insurance contributions.

Tick both options above then complete the relevant section below and tick the relevant options.

#### Section 3.1: Employee's declaration (Birth Cases)

- I am the child's Mother / Father and have responsibility for the child's upbringing.
- I am the partner of the child's parent and have the main responsibility for the child's upbringing or share that main responsibility with the parent.

I have been continuously employed for at least 26 weeks at the end of the 15th week before the expected week of childbirth.

Signed:

Date:

#### Section 3.2: Employee's declaration (Adoption Cases)

- I am an adopter or prospective adopter of the child and am entitled to adoption leave.
- I am the partner of the child's adopter for adoption leave purposes, and I have the main responsibility for the child's upbringing or share that main responsibility with the adopter.

I had at least 26 weeks' continuous employment by the end of the relevant week, which is:

- The week before I was notified that the child had been matched for adoption (where the adoption is through a UK adoption agency).
- The week before neonatal care started (where the adoption is from overseas).

Signed:

Date:

#### Section 3.3: Employee's declaration (Surrogacy Cases)

- I am an intended parent under a surrogacy arrangement in respect of the child.
- I am the partner of an intended parent who expects to have responsibility for the child's upbringing or share that main responsibility with the intended parent.

I had at least 26 weeks' continuous employment by the end of the week before neonatal care started (the relevant week) and have been continuously employed since then.

Signed:

Date:

## APPENDIX 3: Bereaved Partner's Paternity Leave – Application Form

Abbeyfield The Dales Ltd

# Bereaved Partners Paternity Leave Form



### Section 1: Employee Details

Your name:

Job Title / Department:

Line Manager:

Date neonatal care started:

Contact Number:

### Section 2: Bereavement and Child Details

Name of deceased partner (child's mother / primary carer):

Date of death:

Child's full name:

Child's date of birth / adoption placement date:

**Relationship to the child (tick one):**

- Biological father  
 Spouse or civil partner of the child's primary carer  
 Partner of the child's primary carer

Other (please specify):

### Section 3: Leave Request Details

Proposed start date:	Proposed end date:	Expected return to work date:	Total number of weeks requested:
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<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Have you previously taken Bereaved Partner's Paternity Leave in relation to this child?

- Yes  No

### Section 4: Notice Information

Date notice provided to employer:

Method of Notice (Written or Oral):

Notice has been provided:

- Within 8 weeks of the bereavement  
 More than 8 weeks of the bereavement

## Section 5: Employee Statutory Declarations

- I am the person named on this form and the information provided is true and accurate.
- My partner, who was the child's mother or primary adopter/carer, has died.
- The child named above was born or placed for adoption before the date of death.
- I have, or expect to have, main responsibility for the upbringing of the child.
- I am taking Bereaved Partner's Paternity Leave for the purpose of caring for the child.
- I understand that Bereaved Partner's Paternity Leave is a statutory unpaid leave entitlement, unless enhanced contractual pay applies.
- I understand that providing false information may result in disciplinary action.

Employee Signature:

Date:

## Section 6: Manager / HR Use Only

Leave approved?

Yes  No

HR / Manager comments:

Authoriser Name:

Authoriser Signature:

Date: