

Maternity, Adoption, Paternity & Parental Leave Policy

Pregnancy

1. Pregnancy related sickness will be recorded separately from other sickness absence details (inclusive of attendance at antenatal appointments) and will not be included in terms of Diss Town Council's trigger system.
2. The Line Manager will ensure a Health and Safety risk assessment is completed with the pregnant employee upon notification of pregnancy, at the four months and six months stages (Appendix).

Pregnant employees' rights

3. Pregnant employees have 4 main legal rights:
 - a) paid time off for antenatal care
 - b) maternity leave
 - c) maternity pay or maternity allowance
 - d) protection against unfair treatment, discrimination or dismissal
4. Paid time off will be given to pregnant employees for antenatal care including medical appointments and antenatal or parenting classes if they've been recommended by a doctor or midwife.

Statutory Maternity Leave

5. As an employee of Diss Town Council you have the right to 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. The combined total of 52 weeks is known as Statutory Maternity Leave. Providing you have given the Council the correct notice you can take your Statutory Maternity Leave regardless of the length of time you have worked for the Council, the number of hours you work or how much you are paid.

Telling Diss Town Council

6. You must advise your Line Manager, in writing, that you want to take Statutory Maternity Leave and the date on which you want it to start at least 15 weeks before the beginning of the week your baby is due.
7. If this is not possible (for example because they did not know they were pregnant) the employer must be told as soon as possible.
8. You will be asked to provide a form MAT B1, the maternity certificate, which says when the baby is due. Your doctor or midwife will give you this form on request when you have been pregnant for 21 weeks.
9. The Council will write to you within 28 days, confirming your Statutory Maternity Leave and advise you of the date when it will end.

10. You cannot take time off for antenatal appointments until you've told Diss Town Council about the pregnancy.

Starting your statutory maternity leave

11. You can start your leave any time from 11 weeks before the week in which your baby is due.
12. Maternity leave and Statutory Maternity Pay will start automatically if you are off work for a pregnancy-related illness in the 4 weeks before your baby is due.

Compulsory maternity leave

13. You do not have to take all your Statutory Maternity Leave. However, you must take 2 weeks of "compulsory" maternity leave after your baby is born.

Parental Bereavement Leave

14. You can still take Statutory Maternity Leave if your child is stillborn after 24 weeks of pregnancy or born alive at any point of the pregnancy.
15. The Parental Bereavement (Leave and Pay) Act 2018 provides for at least two weeks' leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. From April 2020, employees with 26 weeks' continuous service will be entitled to paid leave at the statutory rate and other employees will be entitled to unpaid leave.
16. From 6th April 2020, Jack's Law also entitles primary carers who suffer the loss of a child to at least two weeks paid parental bereavement leave. This includes adopters, foster parents and guardians, as well as more informal groups such close relatives or family friends who have taken responsibility for the child's care in the absence of parents.
17. Leave can either be taken in one block or in two separate blocks of one week. It can be taken within a 56-week window 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.
18. Parents will not need to provide the employer with a death certificate as evidence.

Keeping in touch days

19. You can work up to 10 days during your maternity or adoption leave. These days are called 'keeping in touch days' and are optional. Both the employee and employer need to agree them.

20. The type of work and pay you receive should be agreed before you come into work. Your right to maternity or adoption leave and pay is not affected by keeping in touch days.

Employment rights when on leave

21. Your employment rights are protected while on Statutory Maternity or Adoption Leave. This includes your right to:

- a) pay rises
- b) build up (accrue) holiday
- c) return to work

22. Employee rights aren't usually affected when they take maternity, paternity, adoption or parental leave and some employees can work up to 10 paid days during their leave.

23. You and your partner may be able to get Shared Parental Leave and Statutory Shared Parental Pay (ShPP) if you're having a baby or adopting a child. You will need to give Diss Town Council at least 8 weeks' written notice of your leave dates to be eligible.

Terms and conditions protection

24. You are entitled to any pay rises and improvements in terms and conditions given during the leave.

25. Pension contributions usually stop if a period of leave is unpaid, unless your contract says otherwise. For example, during unpaid periods of maternity leave or parental leave.

26. You continue to build up holiday entitlement and can take any holiday you've accrued (built up) before or after the leave.

Returning to work

27. When returning to work after Ordinary Maternity Leave (the first 26 weeks) you have a right to the same job and the same terms and conditions you left.

28. When returning after Additional Maternity Leave the Council may show that it is not reasonably practical for you to return to your old job e.g. the job no longer exists, however, you must be found alternative work with the same or better terms and conditions you left. You will be consulted with about these changes.

29. If you take the full entitlement of 52 weeks you do not have to give notice of your return, but it is a good idea to do so.

30. If you wish to return earlier, you must give us 8 weeks' notice that you intend to return early and the date of your return.
31. If you decide not to return to work at all you must give the Council notice in the usual way.
32. If you are ill at the end of your Statutory Maternity Leave and unable to return to work on the due date, you must advise your Line Manager in the usual way under the Council's Sickness Absence procedure.

Statutory maternity pay and benefits

33. Please refer to the Responsible Finance Officer who will be able to provide you with up to date figures.

Health and safety for pregnant employees

34. When you tell Diss Town Council you're pregnant, Diss Town Council will assess the risks to you and your baby (Appendix).
35. Risks could be caused by:
- a) heavy lifting or carrying
 - b) standing or sitting for long periods without adequate breaks
 - c) exposure to toxic substances
 - d) long working hours
36. Where there are risks, Diss Town Council will take reasonable steps to remove them. For example, offering you different work or changing your hours.
37. Diss Town Council will suspend you on full pay if we cannot remove any risks. For example, offering suitable alternative work.

Pregnancy and maternity discrimination

38. It is against the law to discriminate against anyone because of being pregnant.

Adoption leave and pay

1. If you reach the qualification requirements, and have been matched with a child, you may take up to 52 weeks adoption leave, and may be entitled to 39 weeks of statutory adoption pay. If you and your partner jointly adopt a child, one may take adoption leave and the other parent may be able to take paternity leave or shared parental leave.

Adoptive Parent's rights

2. If you are the main adopter, you will be able to take paid time off for up to five adoption appointments. Your partner will be entitled to take unpaid time off for up to two appointments.
 - a) Adoption leave is a "day one" right; there is no qualifying period.
 - b) Statutory Adoption Pay - the first six weeks will be paid at 90% of your normal earnings.
 - c) Some surrogate parents will become eligible for adoption leave.

Statutory Adoption Leave

3. Adoption leave may be taken:
 - a) When your child starts living with you or up to 14 days before the placement date (UK adoptions).
 - b) When you have been matched with a child by a UK adoption agency.
 - c) When the child arrives in the UK or within 28 days (overseas adoption).
4. Your partner, or the secondary adopter if a couple are adopting jointly may be entitled to paternity leave and pay or shared parental leave.

Telling Diss Town Council

5. You must give Diss Town Council documentary proof to show that you have the right to paid Statutory Adoption Leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK.

Starting your Adoption Leave

6. Statutory adoption leave can start either:
 - a) from the date the child starts living with the employee
 - b) up to 14 days before the date the child is expected to start living with the employee.
7. You should tell Diss Town Council within seven days of being told that you have been matched with a child, if this is not possible you must tell Diss Town Council as soon as possible.

Statutory Adoption Pay

8. Statutory adoption pay (SAP) will be payable if you have:
 - a) been working continuously for Diss Town Council for at least 26 weeks by the week you were matched with a child
 - b) average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.
9. SAP is payable for 39 weeks. For the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower.
10. Please refer to the Responsible Finance Officer who will be able to provide you with up to date figures.

Keep in touch days

11. Both parties should agree when and how the employer will keep in contact, this may be via email, telephone contact etc. Employees should also agree with Diss Town Council if they will work the "keeping in touch" days; these can be used for training days, team events etc.
12. Up to ten keeping in touch days can be worked, and there is no provision for these days to be paid, this should be agreed between the employee and Diss Town Council. Statutory Adoption Pay may be paid or this may be off set against any contractual pay agreed.

Returning to work

13. When returning to work after Ordinary Adoption Leave (the first 26 weeks) you have a right to the same job and the same terms and conditions you left.
14. When returning after Additional Adoption Leave the Council may show that it is not reasonably practical for you to return to your old job e.g. the job no longer exists, however, you must be found alternative work with the same or better terms and conditions you left. You will be consulted with about these changes.
15. If you take the full entitlement of 52 weeks you do not have to give notice of your return, but it is a good idea to do so.
16. If you wish to return earlier, you must give us 8 weeks' notice that you intend to return early and the date of your return.
17. If you decide not to return to work at all you must give the Council notice in the usual way.

Flexible working

1. Parents of children aged 16 and under, or of disabled children aged 18 and under, are entitled to request a flexible working pattern to assist with the work/caring balance.
2. You must make your request in writing and the Council must consider your request and reply to you in writing, giving reasons for any refusal.

Ordinary Paternity Leave Procedure

1. As an employee of Diss Town Council you are entitled to Ordinary Paternity Leave provided that you have been employed by the Council for at least 26 weeks by either:
 - a) The end of the 15th week before the start of the week when the baby is due
 - b) The end of the week you are notified that you are matched with your child
2. You must also be either the:
 - a) Biological father of the child
 - b) Mother's husband or partner (including same sex relationships)
 - c) The child's adopter
 - d) Husband or partner (including same sex relationships) of the child's adopter.

Attendance of antenatal appointments

3. Prospective fathers or the mother's spouse or partner, has the right to take unpaid leave to attend up to two antenatal appointments with the expectant mother under the Children & Families Act 2014.
4. By virtue of the Children & Families Act 2014 your Line Manager can ask you to provide a declaration confirming:
 - a) That you have a qualifying relationship with the expectant mother (that you are the father of the child or the woman's spouse or partner)
 - b) That the reason for requesting time off is to attend an antenatal appointment
 - c) That the appointment has been made on the advice of a medical practitioner registered midwife or registered nurse
 - d) The date and time of the appointment.

Length of ordinary paternity leave

5. As long as you meet the conditions you can take either 1 or 2 weeks Ordinary Paternity Leave. If you take 2 weeks off, they must be taken together. You cannot take odd days off.

Taking your ordinary paternity leave

6. To qualify for Ordinary Paternity Leave you must tell your Line Manager:
 - a) When the baby is due or when the child is expected to be placed with you for Adoption
 - b) Whether you wish to take 1 or 2 weeks leave
 - c) When you want your leave to start.
7. You must give your Line Manager the correct amount of notice in writing telling them:
 - a) At least 15 weeks before the beginning of the week when the baby is due OR
 - b) Within 7 days of being told by the Adoption Agency that you have been matched with a child.
8. Your Ordinary Paternity Leave can start on any day of the week (but not before the baby is born). It must finish within 56 days of the baby's birth. If the baby is born before the week in which it was due, your leave must finish within 56 days of the first day of that week.
9. You can change the date that your Ordinary Paternity Leave starts as long as you give the Council 28 days' notice.
10. You can still take Ordinary Paternity Leave if your baby is stillborn after 24 weeks of pregnancy or born alive at any point of the pregnancy.

Parental Leave Procedure

Entitlement

1. Parental leave is for employees to take time off work to look after a child's welfare; this leave is normally unpaid. If you have a child aged under 18 you may have the right to parental leave.
2. To qualify you must:
 - a) Have at least 1 year's continual service with the Council and
 - b) Be named as the parent on the child's birth certificate or
 - c) Be named on the child's adoption certificate or
 - d) Have legal parental responsibility for the child.
3. If you are separated and you do not live with your child, you still have the right to parental leave if you still have parental responsibility for your child.
4. The Council will ask for evidence that you are entitled to parental leave:
 - a) Your child's birth certificate
 - b) Papers confirming your child's adoption or the date of placement in adoption cases
 - c) The award of disability living allowance for your child.

How much leave can be taken?

5. Each parent (biological, adoptive or with legal parental responsibility) can take up to a total of 18 weeks' (no more than 4 weeks per year) parental leave for each child up to their 18th birthday.
6. If your child is disabled (that is receiving disability living allowance) each parent has the right to take 18 weeks' parental leave until the child's 18th birthday.
7. Parental leave is an individual right and you cannot transfer leave between parents
8. Parental leave applies to each child, not the individual's job. If part has been used with a previous employer, the balance is carried forward.

Pay during parental leave

9. Statutory parental leave is unpaid.

Process

10. Twenty-one days' notice must be given by the employee before the intended start date and if requested both the start and return date must be given in writing
11. A leave application form must be submitted to your Line Manager and approved by a senior manager
12. Unless it is an emergency, the agreed timescales under the Annual Leave procedure must be adopted
13. Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless agreed with your Line Manager or the child is disabled. Employees cannot take off more than four weeks during a year. A week is based on an employee's working pattern.

Shared Parental Leave

1. Shared Parental Leave can give you more flexibility in how you share the care of your child in the first year following birth or adoption.
2. Parents can share up to 50 weeks of leave and up to 37 weeks of pay and choose to take the leave and pay in a more flexible way (each parent can take up to 3 blocks of leave, more if their employer allows, interspersed with periods of work).
3. Eligible parents can be off work together for up to 6 months or alternatively stagger their leave and pay so that one of them is always at home with their baby in the first year.

Who can apply for Shared Parental Leave?

4. To trigger the right to SPL for one or both parents, the mother/adopter must:
 - a) have a partner
 - b) be entitled to:
 - i. maternity/adoption leave
 - ii. to statutory maternity/adoption pay
 - iii. maternity allowance (if not eligible for maternity/adoption leave)
 - c) have curtailed, or given notice to reduce, their maternity/adoption leave, pay or allowance.
5. A parent who intends to take SPL must:
 - a) be an employee
 - b) share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption
 - c) have properly notified their employer of their entitlement and have provided the necessary declarations and evidence.
6. In addition, a parent wanting to take SPL is required to satisfy the 'continuity of employment test' and their partner must meet the 'employment and earnings test'.

Continuity of Employment test	Employment and earnings test
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The individual has worked for Diss Town Council for at least 26 weeks at the end of the 15 th week before the child's expected due date/matching and is still working for Diss Town Council at the start of each leave period.	In the 66 weeks leading up to the baby's expected due date/matching date, you have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 weeks.
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7. Sometimes only one parent will be eligible. For example, a self-employed parent will not be entitled to SPL themselves, but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.
8. If both parents are employees and meet the qualifying requirements then there will be a joint entitlement. The parents will have to decide how to divide the leave entitlement once the mother/adopter has decided to curtail their maternity/ adoption leave.

Shared Parental Pay

9. If the mother or adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used up their statutory entitlement to 39 weeks' pay, then Statutory Shared Parental Pay could be claimed for any remaining weeks. For example, if a mother curtailed their maternity pay after 30 weeks, 9 weeks would still be remaining, and this could become Statutory Shared Parental Pay.
10. To be able to claim any remaining weeks as Statutory Shared Parental Pay, a parent must:
 - a) pass the continuity of employment test
 - b) have an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions for the 8 weeks' prior to the 15th week before the expected due date or matching date.
11. The other parent in the family must also meet the employment and earnings test.

How to apply for leave and pay

12. Having an early and informal discussion can provide an opportunity for both the employee and Diss Town Council to talk about their preference regarding when Shared Parental Leave is taken.
13. It can also be an opportunity to discuss when any discontinuous leave can be best accommodated if appropriate.

14. If you wish to take Shared Parental Leave you must notify Diss Town Council of your entitlement at least eight weeks before the start of any Shared Parental Leave starts.

APPROVED AT AN EXECUTIVE COMMITTEE MEETING ON 4TH MARCH 2020.