
FAMILY LEAVE POLICY

(Maternity, Paternity, Adoption, Shared Parental & Parental Bereavement Leave)



J & E Hall Limited

Policy Owner – Director of HR

Document History

Issue	Date	Amendment Comment
Issue 1	July 2018	General Issue
Issue 2	March 2020	Revised Issue – Parental Bereavement Leave
Issue 3	November 2022	Review, General Issue

Document Authorisation

Description	Name	Position	Sign
Prepared By:	Lauren Mann	HR Advisor	
Reviewed By:	Hindu Kibira	HR & Payroll Advisor	
Authorised By:	Martin Jefkins	Director of HR	

Policy aims and objectives

This policy is intended to summarise your statutory rights to all types of Family Leave.

This includes your right to attend antenatal appointments (yourself, or as the mother's partner), receiving maternity and paternity leave and pay, your statutory right to take adoption leave, receive adoption pay as well as the right to take time off to attend pre-adoption appointments. You may also be eligible to take shared parental leave and receive shared parental pay which is also outlined in this policy.

Employees who are the intended parents of a child via surrogacy arrangement, or who have a foster child placed with them by a local authority under a foster-to-adopt arrangement, may also be eligible to take adoption leave and receive adoption pay and/or shared parental leave/pay. Such employees should contact HR to establish their entitlement in their specific circumstances.

- Maternity Leave
- Paternity Leave
- Adoption Leave
- Shared Parental Leave
- Parental Bereavement Leave
- Appendices - Forms

1. Maternity Leave

Eligibility

The Maternity leave and pay part of this policy applies to all employees who qualify for maternity leave.

Antenatal care

Wherever possible, you should arrange appointments outside of working hours. If this is not possible, they should be arranged for a time when disruption to the business is minimised, usually at the start or end of the working day. You should try to give us as much notice as possible of appointments.

You are entitled to request paid time off work to keep appointments for antenatal care prescribed by a doctor or midwife. You may be asked to provide evidence of appointments and/or that you are pregnant.

Health and safety

Following receipt of your MATB1 we will carry out a risk assessment and consider whether any adjustments to your job are necessary.

Maternity leave and pay

You can take up to 52 weeks' maternity leave regardless of your hours of working or length of service. This is divided into:

- Ordinary maternity leave of 26 weeks (OML)
- Additional maternity leave of 26 weeks immediately following OML (AML)

When on maternity leave you will qualify for statutory maternity pay (SMP) for 39 weeks, as long as:

- you have 26 weeks' continuous service by the end of the qualifying week (QW) (see below)
- your normal weekly earnings in the eight weeks up to and including the QW (see below) are not less than the lower earnings limit for the payment of National Insurance contributions
- you are still pregnant 11 weeks before the start of the expected week of childbirth (EWC) (or you have given birth).

The QW is the 15th week before the EWC. The EWC is the week in which your baby is due. A week for this purpose runs from Sunday to Saturday, so if your baby is due on a Wednesday your EWC starts on the Sunday before. Your GP or midwife will supply you with a MATB1 form which will confirm your EWC.

The lower earnings limit is reviewed annually. We will inform you if your normal weekly earnings are below the lower earnings limit.

For the first six weeks of your maternity leave, SMP is paid at the rate of 90% of your normal weekly earnings. For the remaining 33 weeks, SMP is paid at a flat rate prescribed by the government each year or 90% of normal weekly earnings, whichever is the lower. The prescribed flat rate is reviewed on an annual basis HR will confirm the flat rate before you go on maternity leave.

You will be paid SMP on your normal pay day, subject to deductions for tax and National Insurance contributions.

If you are not entitled to SMP we will give you a form explaining why not. This form can be used to apply for Maternity Allowance through your local Job Centre Plus.

Sickness absence

If you are absent from work during pregnancy owing to sickness, you will receive normal sick pay as you would during any other absence, provided you have not started your OML.

However, if you are absent for a pregnancy-related illness after the start of the fourth week before your EWC, your OML will start automatically.

Notice requirements

To qualify for maternity leave you must give notice of your EWC and your chosen maternity leave start date by the end of the QW (or as soon as possible afterwards) by completing **Appendix 1** and providing your MAT B1 (available from your midwife) to your Line Manager and HR.

To claim SMP, you must give us 28 days' notice of the date you want this to start. In practice it is usually easiest if you give this notice at the same time as notifying us of the date you want your maternity leave to start.

When you can start maternity leave

You can choose to start your maternity leave at any time from the 11th week before the EWC.

Maternity leave and SMP will start on the day you have chosen, unless:

- your baby is born before the date you have chosen as the start of your maternity leave. In this case, your maternity leave and SMP will start on the day after the birth of your child. You must let us know the date of the birth in writing as soon as possible or you risk losing your rights.
- you are absent from work for a pregnancy-related reason in the four weeks before your EWC. In this case, your maternity leave and SMP will start on the day after your first day of pregnancy-related absence. Again, you must let us know that you are absent for a pregnancy-related reason as soon as possible so as not to risk losing your rights.

You must take two weeks OML immediately after the birth, or four weeks in a factory setting.

Changing the start of maternity leave

You can bring forward the date you want to start your maternity leave by giving us written notice at least 28 days before the new start date or, if this is not possible, as much notice as you reasonably can.

You can postpone your intended start date by giving us written notice at least 28 days before the original intended start date or, if this is not possible, as much notice as you reasonably can.

Return to work

Once we know the date you intend to start your maternity leave we will write to you within 28 days to inform you of the date of the last day of your maternity leave. If you change the day you want to start your maternity leave or your maternity leave is automatically triggered by your child's birth or by a pregnancy-related absence in the four weeks before the EWC, the last day of your maternity leave will change. In this case we will write to you again advising you of the new end date.

We will assume that you will take the full 52 weeks maternity leave when calculating the end date. You can return sooner than this if you wish, but you must give us at least eight weeks' written notice.

Keeping in touch during maternity leave

We may be in touch with you occasionally during your maternity leave, for example to update you on the situation at work or to discuss arrangements for your return.

You can also work or attend training for up to ten days during your maternity leave without affecting your rights to SMP or interrupting your maternity leave, except for the two/four weeks after the birth.

Job on return

If you return to work within 26 weeks, you are entitled to return to the same job. If you return to work after 26 weeks, or after a period of at least 4 weeks' parental leave on top of a period of ordinary maternity leave, and it is not reasonably possible for you to return to the same job, you are entitled to an alternative position on no less favourable terms and conditions.

If you are unable to return to work following the end of your maternity leave for medical reasons you will need to submit a medical certificate.

If you are interested in applying for different working arrangements on your return to work, you should refer to the company's **Flexible Working Policy**. If you want the changes to start on your return from maternity leave, you need to ensure that you make your application in good time.

Resignation

If you wish to resign from the company, you must give the correct amount of notice which is due under your contract of employment. You will retain your full entitlement to SMP unless you start working for a new employer after your baby is born.

Benefits during leave

We will maintain your benefits during maternity leave (but please speak to HR in regards to pension benefits), although you will not be entitled to any wages or salary.

Holiday during maternity leave

If the holiday year is due to finish during your maternity leave or shortly after it ends you should plan with us to use your holiday entitlement before starting your maternity leave. Alternatively, you might consider ending your maternity leave early and transferring onto paid holiday in order to use up your entitlement.

2. Paternity Leave

Eligibility

This policy applies to all employees who qualify for paternity leave/time off to attend antenatal appointments. Paternity leave is available to qualifying employees on the birth or adoption of a child. It gives qualifying employees the right to take either one week or two consecutive weeks leave at or around the time of the birth/placement.

Time off for accompanying a pregnant woman to antenatal appointments

You may take unpaid time off from work to accompany a partner to an antenatal appointment (made on the advice of a registered medical practitioner, midwife or nurse) if you are the baby's father or the spouse/civil partner/partner of the child's mother.

You may take time off to accompany a pregnant partner to up to two antenatal appointments in relation to each pregnancy.

You must not take off more than six and a half hours for each appointment, including travelling and waiting time.

If you would like to make a request for time off for this purpose, please inform your Line Manager, whilst observing the Company's notice period in relation to booking leave.

Qualifying for paternity leave and pay

You will qualify for paternity leave and pay if:

- you are either the father of the child or the spouse/civil partner/partner of the child's mother or adopter;
- you have or expect to have responsibility, or main responsibility, for the upbringing of the child;
- you are taking the paternity leave to care for the child or to support the child's mother or adopter in caring for the child; and

- you have 26 weeks' continuous service by the end of the qualifying week (QW). The QW is defined in detail in the company's maternity policy and adoption leave policy but, broadly speaking, it is 15 weeks before the baby is due or you are notified of being matched with a child for adoption.

Note that if you have exercised your right to paid time off for pre-adoption meetings, you will not be entitled to paternity leave.

You will qualify for paternity pay if your normal weekly earnings in the 8 weeks up to and including the QW are not less than the lower earnings limit for the payment of National Insurance contributions.

The lower earnings limit is reviewed annually. We will inform you if your normal weekly earnings are below the lower earnings limit. If you are not entitled to paternity pay, we will give you a form explaining why not. This form can be used to apply for income support.

Paternity pay is paid at the same flat rate as SMP. The flat rate is reviewed on an annual basis; HR will inform you of this rate before you commence paternity leave.

You will be paid paternity pay on your normal pay day, subject to deductions for tax and National Insurance contributions.

Length and timing of paternity leave

You can take either one week or two consecutive weeks' paternity leave. You are not entitled to take two separate one-week periods of leave or a period of leave which is less than one week in duration.

Paternity leave cannot be taken before the child is born or placed for adoption and must be taken within 56 days of the child's birth or placement. If the child is born prematurely, paternity leave can be taken up to 56 days after the first day of the expected week of childbirth (EWC).

Within these limits you have three options available to you when choosing when to start paternity leave:

- the actual day the child is born or placed (whether this is earlier or later than expected). If you are at work on this day, your paternity leave and paternity pay will start the following day.
- a specified number of days after the child is born or placed (for example, two weeks after the child is born or placed for adoption) whether this is earlier or later than expected.
- a fixed date of your choice, which must be later than the first day of the EWC or the expected placement date (EPD).

If you choose to start your paternity leave on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can.

You must confirm in writing the actual date of the child's birth/placement as soon afterwards as you reasonably can.

Note that, if you take shared parental leave, you will not be able to subsequently take paternity leave in respect of the child. Therefore, if you want to take both shared parental leave and paternity leave, you should take paternity leave first.

Notice requirements – paternity leave

In the case of a birth, you must give notice of your intention to take paternity leave by the end of the QW. You should complete **Appendix 2** and submit to your Line Manager and HR.

In the case of adoption, you must give notice of your intention to take paternity leave no more than seven days after the child is matched. You can use the same form.

Changing the dates of paternity leave

Where you are to take OPL, you can vary the start date specified in your original notice by giving us written notice to vary. This must be given to us as follows:

- where you now wish your leave to start on the day of the child's birth or placement, at least 28 days before the first day of the EWC or EPD as appropriate;
- where you now wish your leave to start a specified number of days after the child's birth or placement, at least 28 days (minus the specified number of days) before the first day of the EWC or EPD; or
- where you now wish to vary your leave to start on a specific date, or a different date to that originally specified, at least 28 days before that date.

If you cannot give us 28 days' written notice to vary as set out above, you should give us written notice of the change as soon as you can.

Benefits

We will maintain your benefits during paternity leave (but please speak to HR in regards to pension benefits), although you will not be entitled to any wages or salary.

3. Adoption Leave

Eligibility

This adoption policy applies to all employees who qualify for adoption leave and/or to take time off to attend pre-adoption meetings.

Time off for pre-adoption meetings

You can take time off work in order to attend pre-adoption appointments which have been arranged following notification by an approved adoption agency, i.e. a local authority or a registered adoption society/agency in England and Wales, or a registered adoption service in Scotland ('Adoption Agency'), that a child will be or is expected to be placed with you for adoption.

The amount of time you are entitled to take off work and whether you are entitled to be paid for this time will depend on whether you are adopting a child alone or jointly.

If you are the sole adopter

You will be entitled to paid time off to attend up to five pre-adoption appointments (of up to six and a half hours for each appointment).

If you are jointly adopting

Only one adopter can exercise the right to take paid time off work to attend pre-adoption appointments. This is the case even if you work for different employers. The other adopter will be entitled to take time off work to attend up to 2 pre-adoption appointments (again, up to six and a half hours for each adoption), but will not be statutorily entitled to be paid for this time.

You and your co-adopter must therefore decide between you which of you wish to exercise the statutory right to take paid time off work to attend pre-adoption meetings.

Note: An employee who elects to exercise the right to be paid for time off work to attend pre-adoption appointments in relation to a child's placement for adoption cannot subsequently elect to take ordinary paternity leave in relation to that child. (See 'Paternity leave' for further details). However, they may still be able to take adoption leave and, if eligible, receive adoption pay (see below).

Please notify us as soon as possible if you wish to take either paid or unpaid time off to attend a pre-adoption meeting.

If we receive such a request, we may ask you to provide written confirmation/evidence of

- the date and time of the appointment(s)
- that the appointment(s) has been arranged by, or at the request of an Adoption Agency
- if you are a joint adopter – your election to take paid or unpaid time off.

The right to take time off work only applies in relation to meetings which take place before a child is placed with you for adoption, (or if more than one child is being placed with you as part of the same arrangement, the placement of the first child). There is no additional entitlement where more than one child is being adopted as part of the same arrangement.

Qualifying for adoption leave

If eligible, you can take up to 52 weeks' adoption leave. This is divided into:

- Ordinary adoption leave of 26 weeks (OAL)
- Additional adoption leave of 26 weeks – taken immediately following OML (AAL)

You will be eligible to take adoption leave if;

- You are adopting a child via an Adoption Agency
- You have been notified by the Adoption Agency that you been matched with a child for adoption and you have agreed to that child being placed with you for adoption on an agreed date of placement ('the Expected Placement Date')
- You have complied with the applicable notification requirements (see below)

If you are adopting a child from overseas, you must also have received permission from the relevant UK authority, usually the Secretary of State that you can adopt from abroad ('Official Notification').

If you are jointly adopting with your partner, only one of you can elect to take adoption leave (even if you have different employers). So, you must elect which of you will be the 'primary adopter' for the purpose of

taking adoption leave and, if eligible, receipt of adoption pay. The other adopter may however be eligible to take paternity leave and receive paternity pay. (See 'Paternity leave').

Qualifying for adoption pay and rate of payment

You will qualify for statutory adoption pay (SAP) whilst on adoption leave for up to 39 weeks if you have been continuously employed for 26 weeks or more by the end of the week in which you are notified by the Adoption Agency that you have been matched with the child for adoption (the 'Qualifying Week') and your normal weekly earnings in the eight weeks before the end of the Qualifying Week ('the Relevant Period') are not less than the lower earnings limit for the payment of National Insurance contributions.

The lower earnings limit is reviewed annually. We will inform you if your normal weekly earnings are below the lower earnings limit.

For the first six weeks of your adoption leave, SAP is paid at the rate of 90% of your normal weekly earnings. For the remaining 33 weeks, SAP is paid at a flat rate prescribed by the government each year or 90% of normal weekly earnings, whichever is the lower. The prescribed flat rate is reviewed on an annual basis, HR will confirm the flat rate before you go on adoption leave.

You will be paid SAP on your normal pay day, subject to deductions for tax and National Insurance contributions.

If you are not entitled to SAP, we will supply you with a form explaining why this is the case. This form can be used to apply for income support.

Notice requirements for adoption leave and starting adoption leave

Please let us know as soon as possible if you are seeking to adopt, so we can plan together to accommodate your needs and if applicable plan for your adoption leave.

In order to exercise your right to take statutory adoption leave, you must comply with the following notification

Adopting from within the UK

Within 7 days of the Adoption Agency notifying you that it has matched you with a child for adoption (or where that is not reasonably practicable as soon as is reasonably practicable), you must give us written notice of your intention to take adoption leave, the Expected Placement Date and your intended start date for adoption leave ('Intended Start Date').

Once you have received a matching certificate from an Adoption Agency, you must provide us with a copy.

You can give us the required notifications by completing **Appendix 3** and submitting to your Line Manager and HR.

Adopting from overseas

With 28 days of receiving Official Notification, you must give us written notice of your intention to take adoption leave, the date you received the Official Notification and the date the child is expected to arrive in Great Britain.

You must also give us 28 days' notice in writing of your Intended Start Date. (This can be the date the child arrives in Great Britain or a date within 28 days of the child's arrival). You must in any event notify us of the date of the child's arrival in Great Britain within 28 days.

We may ask for a copy of the Official Notification and evidence of the child's arrival in Great Britain.

You can give us the required notifications by completing the applicable form attached to this policy.

Notice requirements for SAP

To claim SAP, you must give us 28 days' notice of the date when you would like this to start. In practice (if timescales allow) it is usually easiest if you give us this notice at the same time as notifying us your Intended Start Date for adoption leave.

You can give us the required notifications by completing **Appendix 4** and submitting to your Line Manager and HR.

Changing your start date

You are entitled to change your Intended Start Date so long as you give 28 days' written notice of the new date. If it is not reasonably possible to give 28 days' notice, you must give as much notice as you reasonably can.

Return to work

Once we know your Intended Start Date, we will write to you within 28 days to tell you when your leave will end. If your Intended Start Date changes, the last day of your adoption leave will also change. In this case we will write to you again to advise you of the new end date.

We will assume that you will take the full one year's adoption leave entitlement when calculating the end date. You can return to work sooner than this if you wish, but you must give us at least eight weeks' notice in writing.

Disrupted placement

If you are notified after you have started your adoption leave that the placement will not go ahead, or the placement is disrupted during your leave, you must notify us as soon as you reasonably can. Your entitlement to adoption leave and SAP will continue for a further eight weeks. In such circumstances, we will approach returning to work on a case-by-case basis.

Interaction with shared parental leave

If a child is placed with you for adoption, you and/or the other adopter may, subject to eligibility requirements, choose to opt into the shared parental leave regime. See below 'Shared parental leave' or speak to HR for further details.

Keeping in touch during adoption leave

We may be in touch with you occasionally during your adoption leave, for example to update you on a situation at work or to discuss arrangements for your return. Please discuss with your line manager the level of contact you would like and how you would prefer us to make such contact.

You can work or attend training for up to ten days during your adoption leave without affecting your rights to SAP or interrupting your adoption leave. We will aim to agree with you in advance an appropriate rate of pay for any such days.

Job on return

If you return to work within 26 weeks, you are entitled to return to the same job. If you return to work after 26 weeks, or after a period of at least 4 weeks' parental leave on top of a period of OAL and it is not reasonably possible for you to return to the same job, you are entitled to an alternative position on no less favourable terms and conditions.

If you are interested in applying to work flexibly on your return to work, you should refer to our **Flexible Working Policy**. If you want the changes to start when you return from adoption leave, please make your application in good time.

Resignation during adoption leave

If you wish to resign, you must give the proper amount of notice which is due under your contract of employment. You will retain your full entitlement to SAP unless you start working for a new employer after the Qualifying Week.

Benefits during adoption leave

We will maintain your benefits during maternity leave (but please speak to HR in regards to pension benefits), although you will not be entitled to any wages or salary. You may be entitled to receive SAP (see above).

Holiday during adoption leave

If the holiday year is due to finish during your adoption leave or shortly after it ends you should plan with us to use your holiday entitlement before starting your adoption leave. Alternatively, you might consider ending your adoption leave early and transferring onto paid holiday in order to use up your entitlement.

4 Shared Parental Leave

SPL is a flexible statutory leave entitlement. If eligible, parents can share up to 50/48 weeks of SPL between them during the first year following the birth or adoption of a child, in order to care for that child. Employees taking SPL may also be eligible to receive up to 37 weeks of ShPP (Shared Parental Pay) between them.

Employees with 26 weeks service or more will normally qualify for SPL - so long as the other parent is 'economically active' (be that via employment or self-employment) - and they comply with the relevant statutory notification requirements. This policy sets out the statutory SPL eligibility requirements.

Parents can also refer to www.gov.uk/shared-parental-leave-and-pay/eligibility which provides an interactive calculator for employees seeking to assess their entitlement to SPL and ShPP.

Eligible parents can take SPL on their own or can share leave between them. If sharing SPL, parents can take leave at the same time or at different times. Periods of SPL can also be interspersed with periods of work.

A mother or primary adopter (i.e. an employee exercising their right to statutory adoption leave ('SAL') is under no obligation to curtail their statutory maternity leave ('SML')/SAL entitlement and opt into the SPL regime. An eligible employee remains entitled to the full 52 weeks SML/SAL entitlement and up to 39 weeks' statutory maternity pay ('SMP') maternity allowance/statutory adoption pay ('SAP') entitlement.

SPL is in addition to the statutory right to two weeks' paid paternity leave. However, paternity leave must be taken before SPL; if not, the entitlement will be lost.

Are you eligible to take SPL in relation to the birth of a child?

Mother

If you are the mother of a child, in order to take SPL, you must:

- share the main responsibility for caring for your child along with the child's father or your Partner
- have 26 weeks' continuous employment with us as at the end of the Qualifying Week
- still be employed by us in the week before SPL is to be taken
- be entitled to SML (which, as our employee, you will be)
- have returned to work from SML or have 'curtailed' your SML entitlement (see below)
- have given us the required statutory notifications and supplied any requested evidence (see below)

In addition, as a mother, for you to qualify for SPL, the father/your Partner must be 'economically active,' defined as;

- have worked either as an employee or self-employed earner in Great Britain, for 26 out of 66 weeks before the EWC, and
- have average weekly earnings of at least £30 per week gross for any 13 of those 26 weeks

Father/mother's Partner

If you are the father, or the Partner of a mother, in order to take SPL, you must:

- share the main responsibility for caring for the child along with the child's mother
- have 26 weeks' continuous employment with us as at end of the Qualifying Week
- still be employed by us in the week before SPL is to be taken
- have given the required notifications and supplied any requested evidence (see below)

In addition, as the father/mother's Partner, for you to qualify for SPL, the mother must be 'economically active,' defined as;

- have worked either as an employee or self-employed earner in Great Britain, for 26 weeks out of the 66 weeks before the EWC, and
- have average weekly earnings of at least £30 per week gross for any 13 of those 26 weeks, and she must
- be entitled to SML, SMP or maternity allowance, and
- have returned to work or curtailed her SML/SMP/maternity allowance

If you qualify for SPL, you can take it even if the other parent does not qualify for SPL in their own right, maybe because they are not employed or they do not have sufficient continuous employment with their employer.

Therefore, sometimes only one parent will be eligible for SPL, sometimes both and sometimes neither.

If you and the other parent are both eligible for SPL and wish to share any SPL/ShPP entitlement between you, you will have to decide how you wish to do so and notify us accordingly (see below).

Are you eligible to receive ShPP?

You will be eligible to receive ShPP if you are eligible to take SPL and have normal weekly earnings in the eight weeks up to and including the Qualifying Week of not less than the lower earnings limit for the payment of National Insurance contributions.

The amount of ShPP available to share between eligible parents is the number of weeks' pay left after a mother has curtailed her SMP/maternity allowance period. Effectively therefore once a mother has taken her two weeks compulsory SML (for which she is entitled to SMP), there will be a maximum of 37 weeks ShPP available to share.

The lower earnings limit is reviewed annually. We will inform you if your normal weekly earnings are below the lower earnings limit.

You will be paid ShPP on your normal pay day, subject to deductions for tax and National Insurance contributions. ShPP is paid at the same flat rate as SMP and SPP. The flat rate is reviewed on an annual basis and will be confirmed by HR before your SPL commences.

Notice requirements to take SPL/receive ShPP

Before you can take SPL and, if eligible, receive ShPP (or allow the other parent to take SPL/receive ShPP), you must both comply with specific statutory notifications. We summarise these below.

Mother must end/curtail her maternity leave/pay entitlement

In order for either parent to take SPL (and if eligible receive ShPP), the mother must have either returned to work from SML/ended her SMP/maternity allowance or given notice to end (i.e. 'curtail') her SML/SMP/maternity allowance.

If you are a mother on SML and/or receiving SMP and you and/or the other parent are eligible for and wish to take SPL (and receive ShPP), you must give us at least 8 weeks' written notice of the date you wish your SML and/or SMP period to end ('the curtailment date'). You can use the Shared parental leave - Maternity leave/pay curtailment notice (**Appendix 5**) to give your Line Manager and HR notice of curtailment.

If you wish to take SPL, you must also provide us with a notice of entitlement and intention to take SPL (Shared parental leave - Opt-in notice (**Appendix 6** must be completed and submitted to your Line Manager and HR)) at the same time as your Maternity leave/pay curtailment notice. Even if you are curtailing SML/SMP only in order to allow the other parent to take SPL and you will not be taking SPL yourself, you must still provide us with a written declaration that the other parent has given their own employer a notice of entitlement and intention to take SPL.

You can provide a Maternity leave/pay curtailment notification before or after the birth of your child, but your curtailment date cannot be until at least two weeks after the birth.

A Maternity leave/pay curtailment notice is usually binding and can only be revoked if your SML has not already ended and one of the following applies:

- You provided the Maternity leave/pay curtailment notice *before giving birth*. In this case you can revoke it in writing up to 8 weeks after it was given, or up to six weeks after the birth of your child, whichever is later.
- If you revoke your Maternity leave/pay curtailment notice in these circumstances, you may submit a second Maternity leave/pay curtailment notice and opt into the SPL regime at a later date.
- You realise that neither you nor the other parent are in fact eligible for SPL. In which case you can revoke your Maternity leave/pay curtailment notice in writing up to eight weeks after it was given.
- The other parent dies. In which case you can elect to revoke your Maternity leave/pay curtailment notice within a reasonable period.

In either of these latter two cases you will not be entitled to submit a further Maternity leave/pay curtailment notice and opt into the SPL regime at a later date.

Notice of entitlement and intention to take SPL (Opting in to SPL)

All employees wishing to take SPL (mother or father/mother's Partner), must supply us with a notice of entitlement and intention to take SPL at least eight weeks before their first proposed period of SPL.

Completing our 'Shared parental leave - Opt-in notice' (**Appendix 6**) will ensure you provide us with the required statutory information, including:

- The total amount of SPL and ShPP available and how much of that will be allocated to you and how much to the other parent, if eligible. (You do not have to use your full allocations and you can change these allocations later by written notice)
- An indication of the pattern of SPL and ShPP you are thinking of taking, including suggested start and end dates. (Again, although this indication is not binding at this stage, you should try to give us as much accurate information as you can about your future intentions).
- A declaration that the other parent has met the applicable eligibility requirements for you to qualify for SPL.

A mother wishing to take SPL must provide her Opt-in notice at the same time as her Maternity leave/pay curtailment notification (above).

Period of leave notice (Booking SPL)

Finally, before taking a period of SPL, you must provide us with a period of leave notice, setting out the start and end dates of your intended SPL and if and when you intend to claim ShPP. You can use our 'Shared parental leave - Period of leave notice' (**Appendix 7**) to notify us of your intended SPL dates and dates on which you wish to receive ShPP.

- A Period of leave notice can be supplied at the same time as your Opt-in notice (and, if applicable, your Maternity leave/pay curtailment notice), or later, so long as we receive it at least eight weeks before the start of a period of SPL.
- You are entitled to submit up to *three* Period of leave notices – entitling you to take up to three periods of SPL. (In exceptional circumstances, we may agree to accept more than three Period of leave notices – but will be taken on a case by case basis).
- You can cancel or change a period of SPL by notifying us in writing. Any new start date cannot be sooner than eight weeks from the date of the variation request. Any variation or cancellation will count as one of your three Period of leave notices (unless the reason for the variation is your child

being born earlier or later than the EWC, we have requested the variation or we have refused a request from you for discontinuous leave and you withdraw your Period of leave notice (see below)).

How will we deal with your Period of leave notice

How we deal with a submitted Period of leave notice will depend on the pattern of leave you request.

Continuous period of leave

We envisage that most Period of leave notices will be for a single continuous block of SPL. If this is the case, you are entitled to take the leave as specified in your notice. We will however aim to confirm your SPL booking and any other arrangements in relation to your leave within 14 days of receipt of your Period of leave notice.

Discontinuous/split periods of leave

If your Period of leave notice contains a request for more than one period of SPL – i.e. discontinuous/split periods of SPL (of at least a week each), with periods of work in-between, and we are unable to agree to this request immediately, there will be a two week discussion period, during which we will consider your request.

At the end of this discussion period, we will confirm in writing our decision on your request.

If we have to reject your initial requested pattern of discontinuous leave and have been unable to agree alternative dates with you, you may withdraw your Period of leave notice within 15 days of submitting it. Withdrawing your leave notice in these circumstances will not be counted as one of your three Period of leave notices.

Alternatively, you may choose to take the full amount of SPL requested in your Period of leave notice in one continuous block. (For example, if you requested three separate periods of three weeks SPL, each interspersed with a month of work, and we rejected your request, you would be entitled to take one nine week block of SPL.) You have 5 days from the end of the two week discussion period in which to notify us of a new start date for this continuous period of leave (which must be at least eight weeks after the date of your original Period of leave notice).

If you fail to withdraw your Period of leave notice within 15 days of submitting it and/ or fail to provide us with a new start date (as above), then your continuous period of SPL will start from the first start date initially proposed in your initial Period of leave notice.

Note: We strongly suggest that before submitting a Period of leave notice, you discuss your proposed request with your Line Manager and HR as this will give you the best chance of having a desired discontinuous leave pattern approved.

Evidence we are entitled to ask for in relation to SPL entitlement/requests

On receipt of an Opt-in notice (**Appendix 6**), we are entitled to ask you for the following information. If we ask for this information, you must supply it within 14 days of our request.

- A copy of your child's birth certificate (or if prior to birth, a signed declaration)
- The name and address of the other parent's employer (or a declaration that they have no employer).

Keeping in touch during SPL/SPLIT days

We may be in touch with you occasionally during SPL, for example to update you on the situation at work or to discuss arrangements for your return. Please discuss with your line manager how you would prefer this contact to be made and the level of contact you would like.

You can also work or attend training for up to 20 days during your SPL without bringing your SPL to an end. These 20 'shared parental leave keeping in touch days' ('SPLIT days') must be agreed in advance and are in addition to any entitlement a mother may have to keeping in touch days ('KIT days') during SML. (We will aim to agree an appropriate rate of pay with you in advance for any SPLIT days taken).

Returning to work/extending SPL

If you want to end a period of SPL early, you must give us eight weeks' prior notice of your new return date. Please provide this notice in writing.

If you want to extend a period of SPL (and assuming that you still have SPL entitlement remaining and have not already submitted three Period of leave notices), you must submit a new Period of leave notice at least eight weeks before the date you were originally due to return to work from SPL.

If you return to work from SPL and your total amount of SPL, SML, or paternity leave taken amounts to 26 weeks or less in aggregate, you are entitled to return to the same job.

If you return to work from SPL and the total amount of leave taken, when added to any other period of SPL, SML or paternity leave is more than 26 weeks, or if you took SPL consecutively with more than four weeks of parental leave, and it is not reasonably practicable for you to return to the same job, you are entitled to return to an alternative similar job on no less favourable terms and conditions.

If you are interested in applying for different working arrangements on your return to work, you should refer to our Flexible Working Policy. If you want to make changes to your working arrangements on your return from SPL, you need to ensure that you make such an application in good time.

Benefits during SPL

We will maintain your benefits during maternity leave (but please speak to HR in regards to pension benefits), although you will not be entitled to any wages or salary. However, you may be entitled to receive ShPP (see above).

Holiday during SPL

If the holiday year is due to finish during a period of SPL, or shortly after the end of a period of SPL, you should plan with us to use your holiday entitlement before starting SPL. Alternatively, you might consider ending your SPL early and then transferring onto paid holiday in order to use up your entitlement.

Resignation

If you resign from the company, you must give the correct amount of notice which is due under your contract of employment. You will retain your full entitlement to ShPP unless you start working for a new employer.

Status of this policy

This policy does not give contractual rights to individual employees. The company reserves the right to alter any of its terms at any time although we will notify you of any changes.

5 Parental Bereavement Leave

Eligibility

In addition to compassionate leave, parents who lose a child also have the right to statutory parental bereavement leave and pay. We explain the conditions for exercising this statutory right, which we refer to as parental bereavement leave, below.

This policy applies to working parents who lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy, this is irrespective of length of service. It gives employees the right to take a single block of two weeks leave or two separate blocks of one weeks leave, each taken at different times across the first year after their child's death.

Qualifying for parental bereavement leave

You will qualify for parental bereavement leave if:

- you are an employee, however long you have worked for us; and
- you are a parent of the child – which includes a biological parent, an adoptive parent, prospective adopter, intended parent under a surrogacy arrangement, a parent 'in fact' (someone looking after the child in their own home for the last 4 weeks), or that person's spouse, partner, or civil partner.

Qualifying for parental bereavement pay

You will qualify for parental bereavement pay if:

- you are an employee; you have 26 weeks' continuous service and your normal weekly earnings in the 8 weeks up to and including the qualifying week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions.
- you are a parent of the child – which includes a biological parent, an adoptive parent, prospective adopter, intended parent under a surrogacy arrangement, a parent 'in fact' (someone looking after the child in their own home for the last 4 weeks), or that person's spouse, partner, or civil partner.

Parental Bereavement pay is paid at a flat rate set by the government, or 90% of your normal weekly earnings if this is lower.

The lower earnings limit is reviewed annually. We will inform you if your normal weekly earnings are below the lower earnings limit.

You will be paid parental bereavement pay on your normal pay day, subject to deductions for tax and National Insurance contributions.

Note that you can take parental bereavement leave in addition to other family leave that you may be entitled to, such as maternity leave, paternity leave, shared parental leave or parental leave. Speak to HR for further information.

Length and timing of parental bereavement leave

You can take a maximum of two weeks leave, which can be taken as, either one singular week, two consecutive weeks or as two separate weeks at different times.

You can take parental bereavement leave at any time in the first 56 weeks after your child's death.

If more than one child has died or is stillborn, employees are entitled to a separate period of leave in relation to each child.

Please note that parental bereavement leave pay is only payable for a week. A week can start on any day of the week. Please be aware that if you do take less than a week, it will count as a whole week against your statutory entitlement and will affect your right to statutory parental bereavement leave pay. You may instead prefer to use a different type of leave to cover absences of less than a week (see Other types of time off below).

Notice requirements – parental bereavement leave

In order to request parental bereavement leave, you will need to inform your line manager and HR of the date you wish it to start, whether you would like to take one or two weeks of parental bereavement leave and the date of your child's death (as this is a statutory requirement).

The length of notice required varies as follows:

We recognise that it may not always be possible to request parental bereavement leave in advance. However, where you are in a position to do so, please give us advance notice of your request to take parental bereavement leave by contacting your line manager and HR, for example if you intend to take some parental bereavement leave around the anniversary of your child's death.

The notice you give your line manager or HR to start your parental bereavement leave does not have to be in writing. You can speak to your line manager or HR in person or by telephone if you prefer.

However, you may find it easier to use the request form attached to this policy to inform your line manager and HR of your intention, particularly if you are also claiming statutory parental bereavement leave pay, since you will need to complete the form to confirm evidence of your entitlement to such pay – see Requesting parental bereavement leave pay, below

Requesting parental bereavement leave

In order to request parental bereavement leave, you will need to inform your line manager and HR of the date you wish it to start, whether you would like to take one or two weeks of parental bereavement leave and the date of your child's death (as this is a statutory requirement). The necessary form is attached to this Policy in **Appendix 8**.

Ideally, we would ask you to give us this form either when you first request your parental bereavement leave, or within 28 days of the first day of your parental bereavement leave.

Cancelling and rescheduling parental bereavement leave and pay

If you wish to cancel a period of parental bereavement leave and, if you qualify for it, parental bereavement leave pay, you must inform us that you wish to do this before the leave has started. You can reschedule it by informing your line manager and HR as if you were requesting the leave and pay for the first time.

Notice to cancel parental bereavement leave and pay must be provided in writing, which can be in the form of an email.

Benefits

We will maintain your benefits during parental bereavement leave (but please speak to a member of HR team in regards to pension benefits), although you will not be entitled to any wages or salary.

Other types of time off

If you have exhausted your compassionate leave and/or your parental bereavement leave, or you do not want to use parental bereavement leave, for example because you do not wish to take a whole week's leave, other types of time off are available and may be suitable, depending on your circumstances. These include:

- Annual holiday
- Emergency time off to help dependants
- Maternity, paternity, parental or other family leave and speak to HR for information on when these different types of leave may be combined with a period of parental bereavement leave.
- Sickness absence if you are unable to work because you are unwell (see our Sickness Absence Policy)]
- Unpaid leave. This is at the company's discretion. Please consult with HR.

Support for bereaved employees

You may wish to contact our Employee Assistance Programme, or The Bereavement Counselling Service that is available to our employees and their immediate families in the event of a death. Please contact HR for more information.

Appendix 1 - Request for maternity leave and statutory maternity pay

To qualify for maternity leave you must complete and return this form to HR by the end of the 15th week before your EWC. This form will also cover your notice requirements if you wish to claim SMP (in respect of which you are obliged to give 28 days' notice)

Full Name	
Department	

My dates for pay and leave

I am expecting a baby on	
I would like my maternity leave to start on	
I would like my SMP to start on	

I will / will not be taking _____ weeks / days holiday before starting maternity leave*

I enclose my MAT B1 certificate / I do not yet have my MAT B1 certificate but will provide it as soon as possible*

NB: We will assume that you will take the full one year's maternity leave when calculating the end date. You can return sooner than this if you wish, but you must give us at least eight weeks' written notice.

I confirm that the information given above is true and accurate. I understand that [HR] will keep a record of my maternity leave in my personnel file.

Name _____

Signature _____

Date _____

** delete as appropriate*

Appendix 2 - Notice of intention to take paternity leave

Full Name

Department

My dates for pay and leave

I am expecting a baby on
I would like to take;
one week OR two consecutive weeks paternity leave.
I would like my paternity leave to start on

I enclose my MAT B1 certificate / I do not yet have my MAT B1 certificate but will provide it as soon as possible*

I confirm that the information given above is true and accurate. I understand that HR will keep a record of my maternity leave in my personnel file.

Name _____

Signature _____

Date _____

** delete as appropriate*

Appendix 3 - Notice to take statutory adoption leave and receive statutory adoption pay (UK adoptions)

To qualify for adoption leave and pay you must complete and return this form to HR no later than seven days after the day you are notified of being matched with a child for the purpose of adoption and at least 28 days before you wish to start receiving adoption pay.

Before completing this form please read the attached Policy – adoption leave and time off to attend pre-adoption appointments.

Full Name	
Department	

I hereby give notice that I intend to take adoption leave in respect of a child who has been matched with me for adoption

My dates for adoption leave and pay

Dates

I was notified of being matched with a child for the purpose of adoption on	
I am expecting the child to be placed with me for adoption on, OR	
If the child has been placed, please enter the actual date of placement	
I would like my adoption leave to start on	
I would like my adoption pay to start on	

I will / will not be taking _____ weeks / days holiday before starting adoption leave*

I enclose my matching certificate from the Adoption Agency and Official Notification
Yes/No* (if 'No' please state the reason)

NB: We will assume that you will take the full one year's maternity leave when calculating the end date. You can return sooner than this if you wish, but you must give us at least eight weeks' written notice.

I declare that I believe I am entitled to receive statutory adoption pay in relation to the above adoption and have elected to receive statutory adoption pay rather than statutory maternity / paternity pay and I confirm that the information given above is true and accurate.

Name _____

Signature _____

Date _____

* delete as appropriate

Appendix 4 - Notice to take statutory adoption leave and receive statutory adoption pay (overseas adoption)

To qualify for adoption leave and pay you must complete and return this form to HR no later than seven days after the day you are notified of being matched with a child for the purpose of adoption and at least 28 days before you wish to start receiving adoption pay.

Before completing this form please read the attached Policy – adoption leave and time off to attend pre-adoption appointments.

Full Name	
Department	

I hereby give notice of my intention to take statutory adoption leave in respect of a child adopted from overseas in respect of whom I have received Official Notification.

***Note:** Notwithstanding the date you elect to commence your adoption leave and pay, you must ensure that you inform us of your receipt of Official Notification and the date on which a child actually enters Great Britain within 28 days the relevant event. (In some circumstances this may require you to provide a separate written confirmation prior to submission of this form).

My dates for pay and leave

Dates

I received Official Notification on
I expect the child to enter Great Britain on **OR**
If the child has entered Great Britain, the date of entry
I would like my adoption leave to start on
I would like my adoption pay to start on

I will / will not be taking _____ weeks / days holiday before starting adoption leave*

I enclose a copy of my Official Notification and evidence of the date the child entered the UK (if applicable)
Yes/No* (if 'No' please state the reason)

NB: We will assume that you will take the full one year's maternity leave when calculating the end date. You can return sooner than this if you wish, but you must give us at least eight weeks' written notice.

I declare that I believe I am entitled to receive statutory adoption pay in relation to the above adoption and have elected to receive statutory adoption pay rather than statutory maternity / paternity pay and I confirm that the information given above is true and accurate.

Name _____

Signature _____

Date _____

** delete as appropriate*

Appendix 5 - Shared parental leave - Maternity leave/pay curtailment notice

Before signing and returning this Maternity leave/pay curtailment notice please refer to the attached policy in full to ensure you are aware of the implications of serving a Maternity leave/pay curtailment notice. There are limited circumstances in which, once served, you can revoke a Maternity leave/pay curtailment notice. You must give us at least eight weeks' notice of the curtailment date of your maternity leave and maternity pay period. This curtailment date must be at least two weeks after the birth of your child.

If you are curtailing your maternity leave/pay entitlement in order to take shared parental leave ('SPL') and, if eligible, receive shared parental pay ('ShPP'), you must also submit a signed and completed **shared parental leave - Opt-in notice** (Appendix 6).

Note: If it is only the father of your child or your partner who is seeking to take SPL, (and if eligible to receive ShPP), you must still submit a written declaration that they have provided their own employer with an applicable opt-in notice.

The Opt-in notice or the written declaration must be supplied at the same time as this Maternity leave/pay curtailment notice.

Full Name
Department

I confirm that I wish to curtail my entitlement to maternity leave and I wish my maternity leave to end on:

I confirm that I wish to curtail my entitlement to maternity pay and I wish my maternity pay period to end on:

Name _____

Signature _____

Date _____

Appendix 6 - Shared parental leave - Opt-in notice

Before completing this form, please refer to the attached shared parental leave policy to check your eligibility to take shared parental leave (SPL) and receive shared parental pay (ShPP).

You must submit a duly signed and completed copy of this Opt-in form to HR and your Line Manager at least eight weeks before the intended start date of your first period of SPL.

Before taking SPL you must also submit a signed **SPL - Period of leave notice** (Appendix 7) to HR and your Line Manager at least eight weeks before the date you wish a period of SPL to start.

Note: If you are a mother on maternity leave seeking to take SPL you must ensure that at the same time as submitting this Opt-in notice you also submit a **Maternity leave/pay curtailment notice** (Appendix 5).

Section 1 – Basic details and maternity information

Full Name	
I am (please tick)	
The child’s mother	
The child’s father	
The mother’s partner	
Child’s expected date of birth	
Child’s actual date of birth (if known)	
Start date of mother’s statutory maternity leave *	
End date of mother’s statutory maternity leave *	

**If the mother is not entitled to statutory maternity leave, provide the start and end dates of the mother’s entitlement to statutory maternity pay/allowance.*

Section 2 – Details of Shared parental leave - SPL

Total number of weeks of SPL available*	
Number of weeks of SPL you intend to take	
Number of weeks of SPL the other parent intends to take	
Indication of the start and end dates of SPL you intend to take **	

** The total amount of SPL available is 52 weeks, minus the number of weeks’ maternity leave (or if the mother is not entitled to maternity leave, maternity pay/allowance) taken by the mother, as per the start and end dates specified in Section 1*

*** This indication of your proposed pattern of SPL is non-binding, but you should try to give as accurate an indication as possible. Before taking a period of SPL (which must be at least a week in duration) you must submit a separate **SPL - Period of leave notice**. [You can submit up to 3 separate Period of leave notices].*

Section 3 – Details of Shared parental pay (ShPP)

Total number of weeks* ShPP available	
Number of weeks' ShPP you intend to claim	
Number of weeks ShPP the other parent intends to claim	
Indication of start and end dates of your ShPP periods**	

**The total amount of ShPP available is 39 weeks minus the number of weeks' pay taken by the mother as maternity pay/allowance*

*** This indication of your proposed pattern of receipt of ShPP is non-binding. Your **SPL - Period of leave notice** will also include your notice to receive ShPP during a period of SPL.*

Section 4 – Employee's declaration

I confirm that I meet the following conditions

- I am the child's mother/child's father/mother's Partner (*delete as appropriate*)
- I expect to share with the other parent the main responsibility for the care of the child and I am taking SPL in order to care for the child
- I have at least 26 weeks continuous service at the 15th week before the expected week of birth ('the Qualifying Week') and remain in employment
- If I am claiming ShPP, I confirm that I have average weekly earnings equal to the 'Lower Earnings Limit' over the eight-week period ending with the Qualifying Week, currently [£112].
- I agree that I will inform the company immediately if I cease to meet the above conditions entitling me to SPL or ShPP.

In addition, **if I am the mother**, I also confirm

- I have returned to work from statutory maternity leave, or I have submitted a maternity leave/pay curtailment notice

The information I have given in this notice is true and accurate.

Name _____

Signature _____

Date _____

Section 5 – Other parent’s declaration

Full Name	
Address	
National Insurance Number	
Employer’s name (if employed)	
Employer’s address (if employed) or business address if self-employed	

I confirm that I meet the following conditions

- I am the child’s mother/child’s father/mother’s Partner (*delete as appropriate*)
- I expect to share the main responsibility for the care of the child with your employee
- I have worked (either on an employed or self- employed basis) for at least 26 of the 66 weeks prior to the 15th week before the expected week of birth (‘the relevant week’)
- I have average weekly earnings of at least £30 during at least 13 weeks of the 66 weeks prior to the relevant week.
- I agree to inform your employee named in this form immediately, should I cease to meet the above conditions
- I agree to your employee taking SPL and ShPP as set out in Sections 1 and 2 above

In addition, **if I am the mother**, I also confirm

- I was entitled to statutory maternity leave or, if not, statutory maternity pay/maternity allowance. I have curtailed my maternity leave/maternity pay or maternity allowance.
- The information I have given in this notice is true and accurate.

I consent to you processing the information about me contained in this notice.

Name _____

Signature _____

Date _____

Appendix 7 - Shared parental leave - Period of leave notice

Before completing this form please refer to the attached Shared parental leave policy which explains how we will deal with your Period of leave notice once submitted. This will depend on the pattern of leave requested – continuous or discontinuous.

You must submit a signed Period of leave notice to HR and your Line Manager at least eight weeks before the start of any period of shared parental leave ('SPL'). Please use a separate form for each period of SPL. You may submit up to three period of leave notices.

Note: In order to submit a Period of leave notice, you must have submitted a signed **SPL Opt-in notice** (Appendix 6) confirming your entitlement to take SPL (and if applicable statutory shared parental pay ('ShPP')). If this is your first Period of leave notice, you can submit your Opt-in notice at the same time.

Full Name	
Department	

I am requesting a *continuous* period of SPL

SPL start date	SPL end date	Number of weeks of SPL

ShPP (if applicable)

ShPP start date	ShPP end date	Number of weeks of ShPP ShPP

Or

I am requesting a *discontinuous* pattern of SPL, as below

SPL start dates	SPL end dates	Number of weeks of SPL

ShPP (if applicable)

ShPP start dates	ShPP end dates	Number of weeks of ShPP

Name _____

Signature _____

Date _____

Appendix 8 - Parental Bereavement Leave and receive bereavement pay

Before completing this form please read the attached Policy – parental bereavement leave.

Full Name	
Department	

I hereby give notice that I intend to take parental bereavement leave and receive statutory parental bereavement leave pay.

- My child died on (date).
- I would like to take (select as appropriate):
 - one week / two consecutive weeks' (delete as applicable) parental bereavement leave, commencing on (date) OR
 - two separate weeks' parental bereavement leave, commencing on (date) and (date), respectively.
- I would like to receive parental bereavement leave pay during my parental bereavement leave.

I declare that I am eligible to receive parental bereavement leave pay as the [biological parent/ adoptive parent/ prospective adopter/ intended parent under a surrogacy arrangement/ parent 'in fact' (as I have been looking after the child in my own home for at least the last 4 weeks)/ spouse, partner, or civil partner of the child's parent]*. I confirm that the information given above is true and accurate.

Name _____

Signature _____

Date _____

* delete as appropriate