

Family Leave

• 1. Introduction and purpose

It is our policy to ensure that, as far as possible, employees are able to combine their career and family responsibilities. This policy and procedure provide details on the following topics:

- Maternity leave
- Adoption leave
- Partner/paternity leave
- Shared parental leave
- Unpaid parental leave
- Parental bereavement leave

For information on flexible working options and other varieties of leave please refer to the flexible working and authorised absence policies and procedures respectively.

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2. Scope

This procedure applies to all our employees.

3. Amendments

We reserve the right to amend this policy, including to reflect new or changed legislative requirements and will consult with employees and or their representatives as appropriate.

4. Principles

- a) We recognise and support the need for work-life balance for all our employees and will adopt policies to achieve this wherever possible.
- b) Our guidelines and approach to family leave for all employees will be made clear and accessible to all.
- c) In dealing with employees' applications for family leave, we will treat each case consistently, following a fair and equitable process, taking individual circumstances into account.
- d) This procedure has been developed in line with current legislation and principles set out in the relevant guidance.
- e) The line manager will usually be the person initially managing the family leave of an employee however you may also need to seek approval from the appropriate Head of/Director/Executive Director (for example in respect of shared parental leave and long-term unpaid parental leave).
- f) No employee will be subject to detrimental treatment or penalised for exercising their statutory rights under this policy.
- g) Employees are expected to cooperate with this procedure including providing the necessary information and documentation to assist in managing their absence.

- h) Any leave taken will not affect the continuous service of the employee or benefits other than pay to which the employee is entitled.
- i) To ensure fair treatment in the application of this policy and procedure employees should raise any equality or diversity issues which may be relevant.

5. Responsibilities

a) Employees are responsible for:

- i) requesting family leave at the appropriate time and in line with the relevant procedures and agreeing this with their line manager
- ii) familiarising themselves with our family leave policy and procedure, complying with it and co-operating with managers
- iii) ensuring they meet their obligations under our Health and Safety policy, particularly with regard to maternity leave
- iv) ensuring that if they feel that this procedure has not been applied consistently, or have any concerns, that they raise them with their line manager in the first instance or a member of the People Services team.

b) Managers are responsible for:

- i) familiarising themselves with this procedure and its requirements
- ii) acting as the 'gateway' for all requests for family leave
- iii) dealing appropriately with employees who request family leave or long term unpaid parental leave
- iv) ensuring full and appropriate communication with employees and ensuring that employees feel appropriately supported through periods of absence for family leave
- v) seeking advice from People Services if there are issues relating to applications for family leave
- vi) implementing clear action plans in their area to cater for absence due to family leave and maintaining accurate records of relevant discussions and actions taken

- vii) ensuring regular contact is maintained with employees who are on long term family leave, taking advice from People Services as appropriate
- viii) ensuring all employees are aware of the procedure's existence and requirements
- ix) ensuring they meet their obligations under our health and safety policy
- x) ensuring any equality and diversity issues raised during the implementation of this policy and procedure are adequately addressed.

c) The People Services team are responsible for:

- i) providing advice and guidance to managers, supporting them in taking action in accordance with the agreed procedure
- ii) reviewing the continued relevance and appropriateness of the procedure on a regular basis in line with our policy review schedule
- iii) ensuring that all managers are trained on how to apply this procedure consistently and fairly
- iv) ensuring that this procedure is implemented and operated appropriately, and that appropriate monitoring is undertaken
- v) identifying and encouraging good management practice
- vi) advising and supporting managers and employees dealing with the impact of family leave
- vii) ensuring consistency in the way the procedure is applied to employees.

6. Maternity and adoption leave

a) Background

- i) The law provides certain minimum rights and types of maternity/adoption leave for employees regardless of length of service. All employees are entitled to statutory maternity or adoption leave provided they comply with notification requirements set out below.

ii) Leave is divided into:

- (1) ordinary maternity or adoption leave of 26 weeks (OML or OAL)
- (2) additional maternity or adoption leave of a further 26 weeks immediately following OML or OAL (AML or AAL).

iii) There is further guidance on the statutory provisions in the childcare and parenting section of the [direct.gov](https://www.direct.gov.uk) website.

iv) All pregnant women and those adopting are entitled to 52 weeks leave regardless of length of service providing they give the correct notice. 39 weeks of this leave will be paid, depending on eligibility, and employees are entitled to the same terms and conditions of employment during their OML and AML that would have applied with the exception of remuneration.

v) Adoption leave and pay are available to individuals who adopt, but to only one member of a couple who adopt jointly. In this case, the couple may choose which partner takes adoption leave. Couples can choose who takes adoption leave and who takes paternity leave. The individual who chooses to take the adoption leave is known as the 'adopter'.

The adopter can opt to share their leave under the provisions for shared parental leave which are set out below.

vi) In the case of multiple births or adoptions, only one period of leave and pay will apply, that is not per child.

vii) For those who meet certain eligibility criteria, as set out in this policy, we provide our own maternity/adoption leave scheme which incorporates the minimum statutory entitlements and gives additional benefits. It is recommended that employees first check to see whether they qualify for our scheme.

6a. Statutory ordinary and additional maternity leave

a) OML can commence at any time from the 11th week before the expected week of childbirth (EWC). Any unpaid maternity leave will count towards the overall maximum of 52 weeks maternity leave (paid and unpaid) allowed.

b) If the employee intends to take AML it must be taken immediately after the end of OML.

c) OML and AML may not extend beyond a total of 52 weeks. If there is a medical reason as to why an employee is unable to return to work after their AML, this must be supported by a doctor's certificate.

d) Following OML and AML, if an employee wishes to take any further time off work they should discuss this with their manager. Information on taking a career break can be found in our authorised absence policy.

6b. Compulsory maternity leave

a) An employee may not work for the Commission or another employer immediately after the birth of their baby for at least two weeks from the date of childbirth.

6c. Notification and commencement of maternity leave

a) Employees who are pregnant should inform us as soon as possible, but not later than the 15th week before the EWC (the week, starting on a Sunday, in which their doctor or midwife expects the employee to give birth). The earlier we are informed about the pregnancy the better since there may be health and safety considerations which we will need to address in the interests of the employee and/or other colleagues.

b) An employee must formally give their manager notice no later than the end of the 15th week before their EWC, of the fact that they are pregnant, the date of their EWC and when they intend to start their maternity leave.

c) The employee must at the same time provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming the EWC. This will be added to the People Portal.

d) Maternity leave can normally begin at any time from 11 weeks before the EWC. The employee should give 28 days' notice of when they intend to commence their period of maternity leave. The date leave commences can be changed as long as 28 days' notice is given. If it is not possible to give 28 days' notice then it should be as soon as is reasonably practicable.

e) OML will start automatically if:

i) the baby is born before maternity leave has commenced; or

ii) the employee is sick due to a continuing pregnancy related illness after the beginning of the fourth week before EWC.

f) Within 28 days of receipt of the notification of their pregnancy and intention to take maternity leave, we will notify the employee of the end date of their maternity leave. It is assumed that the employee will take the full amount of statutory maternity leave that is 52 weeks, unless they inform us otherwise in the first instance.

6d. Statutory maternity pay and state maternity allowance

a) Employees may be entitled to Statutory Maternity Pay (SMP) if:

i) the employee has been continuously employed by the Commission for at least 26 weeks at the end of the 15th week before the week the employee expects to give birth (qualifying week) and is still employed by the Commission during that week

ii) the employee's average weekly earnings during the eight weeks ending with the qualifying week (the relevant period) are not less than the lower earnings limit set by the government

iii) the employee provides us with a doctor's or midwife's certificate (MAT B1 form) stating the EWC, no later than the end of the 15th week before the EWC (unless, exceptionally, this is not possible because the employee was unaware of the pregnancy)

iv) the employee gives at least 28 days' notice (or, if that is not possible, as much notice as the employee can) of the employee's intention to take maternity leave

v) the employee is still pregnant 11 weeks before the start of the EWC or has already given birth.

b) SMP is calculated as follows:

i) first six weeks: SMP is paid at the earnings-related rate of 90% of the employee's average weekly earnings calculated over the relevant period

ii) remaining 33 weeks: SMP is paid at the prescribed rate which is set by the

government for the relevant tax year, or the earnings-related rate if this is lower.

c) If an employee does not qualify for SMP they may be eligible for state maternity allowance (SMA) of up to 39 weeks payable by the Department for Work and Pensions at the statutory rate per week or, if less, 90% of normal pay. The employee will need to have worked and paid full rate National Insurance contributions for at least 26 of the 66 weeks immediately before their EWC. SMA is only payable for the time someone is not at work. Once we have identified that an employee is not eligible for SMP, they will be provided with a completed SMP1 form from People Services. They will then need to contact Jobcentre Plus to make a claim for maternity allowance.

d) They may also be entitled to other statutory benefits eg Incapacity Benefits or Working Family Tax Credit. Employees should contact the Benefits Agency for details of entitlement and claims.

6e. Maternity Leave Scheme

a) We offer an enhancement to SMP under our maternity leave scheme. In order to benefit from our maternity leave scheme an employee must comply with the following conditions:

i) they must have completed at least one year's paid continuous employment when they start their maternity leave (this may have been as a full-time or part-time employee or a combination of the two).

ii) they must confirm in writing when they apply for maternity leave that they intend to return to work for the Gambling Commission (or a Civil Service employer) after their maternity leave or at the end of any shared parental leave taken immediately after maternity leave, or at the end of any agreed special leave for at least one month. Please note that by giving written confirmation the employee will be agreeing that if they do not return to work they agree to repay any salary paid during maternity leave, less any SMP. The employee will not be expected to refund this money if their return is delayed by sickness and providing they eventually resume work for a period of at least one month.

iii) they must provide the original maternity certificate (MATB1) from a registered doctor or midwife showing the EWC before they wish to start their OML.

iv) they must give the relevant notice of their intention to take maternity

leave.

b) If the employee satisfies those conditions they will be entitled to:

i) 26 weeks' OML - full normal pay (note that this will incorporate their entitlement to SMP (which includes the higher SMP rate of 6 weeks at 90%) and they may not claim this in addition)

ii) 26 weeks' AML - paid at the statutory maternity pay rate for 13 weeks or 90% of your average weekly earnings, whichever is lower. The remaining 13 weeks of AMP will be unpaid.

c) Please note that OML/AML can be given up and shared with another person under the right to take Shared Parental Leave (SPL). Please refer to the section below on SPL.

d) Employees who are employed on fixed-term contracts which expire before they are due to return from maternity leave should contact People Services to discuss their entitlements.

6f. Ante-natal appointments

a) Pregnant employees are entitled paid time off for ante-natal care. This may include ante-natal relaxation classes and parent-craft classes as long as attendance at such classes has been advised by a registered doctor or midwife. Except in the case of the first appointment, the employee's line manager may wish to see the certificate confirming they are pregnant or their appointment card as evidence.

b) If possible appointments should be made at the beginning or end of the normal working day to minimise disruption and the time taken to attend the appointment.

c) Fathers/partners of a pregnant employee are entitled to attend two ante-natal appointments. There is no entitlement to pay for attending these appointments but employees will be paid whilst attending these appointments.

6g. Sickness absence during pregnancy and maternity leave

- a) If an employee is ill up to the fourth week before their EWC, then they should follow the normal sickness absence procedures and produce either a self-certificate or doctor's certificate. When providing a self-certificate or a certificate via the doctor it should be made clear whether the illness is pregnancy related. Short periods of absence for pregnancy-related reasons will not be counted towards any review of sickness absence or trigger absence management procedures.
- b) If the employee is off work because of a continuous pregnancy related illness on or after the start of the fourth week before the EWC, then the maternity pay period (both under our maternity leave scheme or the statutory scheme) will start on whichever is the later of:
- i) the beginning of the period of sick absence
 - ii) the fourth week before the EWC.
- c) There is no entitlement to sick pay under the rules while on maternity or adoption leave, including the period when the employee is receiving SMP/SAP.
- d) If an employee becomes sick and is unable to return to work on their notified date of return their maternity leave will be regarded as having ended and they will be treated as if they have returned to work and are absent due to sickness, with effect from their notified date of return. A medical certificate must be provided and if someone is certified sick from the date of their return, sickness absence will be paid, depending on entitlement, from the date of an employee's return.

6h. Still birth

- a) In the sad event that employee gives birth to a stillborn baby at any time after 24 weeks of pregnancy, they will remain entitled to maternity leave and appropriate maternity pay, which will start from the day that the childbirth occurred. If a still birth occurs before completing 24 weeks of pregnancy, the employee will not be entitled to maternity leave. However, sickness absence, assuming they wish to take some time off work, may be the appropriate option.
- b) We recognise that this will be a very difficult time for the employee and their family. There is an Employee Assistance Programme in place and employees are encouraged to contact this service throughout the procedure so that they are fully supported by an independent organisation if they wish. Please contact People Services, designated trade union representatives or refer to the intranet for further details.

6i. Neonatal leave

- a) Parents may be eligible for neonatal care leave if:
 - i) the baby is admitted to neonatal care within 28 days of birth
 - ii) the baby has been in neonatal care for at least 7 full and consecutive days
 - iii) they are the baby's parent or partner of the birth parent, and have caring responsibility for the baby
- b) Parents can take 1 week of leave for each full week the baby spends in neonatal care up to a maximum of 12 weeks'.
- c) Eligible parents may take neonatal care leave regardless of how long they've worked for the Commission.

6j. Health and safety

- a) People Services must be made aware that an employee is pregnant as soon as possible to ensure the health and safety of both expectant mother and child are protected. It is our duty to make assessments and reasonable adjustments to the working conditions of the employee if necessary. When an employee notifies their manager of their pregnancy, their manager should update the facilities team so that they can carry out a work station assessment.

7. Statutory ordinary and additional adoption leave

- a) Ordinary adoption leave (OAL) can commence from the date of the child's placement from a fixed day which can be up to 14 days before the expected date of placement. Any unpaid adoption leave will count towards the overall maximum of 52 weeks adoption leave (paid and unpaid) allowed.
- b) If the employee intends to take additional adoption leave (AAL) it must be taken immediately after the end of OAL.
- c) OAL and AAL may not extend beyond a total of 52 weeks.
- d) Following OAL and AAL, if an employee wishes to take any further time off work they should discuss this with their line manager. Information on taking a

career break can be found in our authorised absence policy.

e) If a child's placement ends during adoption leave, the employee will be able to take up to eight weeks' adoption leave after the end of the placement.

7a. Notification and commencement of adoption leave

a) Commencement of adoption leave can be:

- i) from the date of the child's placement (whether this is earlier or later than expected)
- ii) from a fixed date which can be up to 14 days before the expected date of placement.

b) An employee must give notice of their intention to take adoption leave within seven days of being notified by their adoption agency that they have been matched with a child. They must also provide documentary evidence of their entitlement to adoption leave/pay in the form of a matching certificate. This certificate should be forwarded to People Services along with the application to take adoption leave.

c) Employees on adoption leave who meet the qualifying requirements will be entitled to enhanced pay under our adoption leave scheme. If the employee does not qualify they may be entitled to statutory adoption pay or an adoption allowance.

7b. Statutory adoption pay

a) Employees may be entitled to statutory adoption pay (SAP) if:

- i) the employee has been continuously employed by the Commission for at least 26 weeks by the week they were matched with the child
- ii) the employee's average weekly earnings during the 'relevant period' are not less than the lower earnings limit set by the government
- iii) the employee has provided proof of the adoption or surrogacy.

b) SAP is calculated as follows:

- i) first six weeks: SAP is paid at the Earnings-Related Rate of 90% of the employee's average weekly earnings calculated over the 'relevant period'

ii) remaining 33 weeks: SAP is paid at the Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.

c) If an employee is not eligible for SAP we will provide them with an SAP1 form explaining why.

7c. Adoption Leave Scheme

a) We offer an enhancement to SAP under our Adoption Leave Scheme. In order to benefit from the scheme, an employee must comply with the following conditions:

- i) be newly matched with a child for adoption
- ii) have completed at least one year's paid continuous employment when they start their adoption leave. This may have been as a full-time or part-time employee or a combination of the two
- iii) intend to return to work for us after their adoption leave for a minimum of one calendar month either at the end of their adoption leave period or at the end of any additional adoption leave taken immediately after adoption leave
- iv) give relevant notice of their intention to take leave.

b) If the employee meets the above criteria they are entitled to:

- i) 26 weeks' ordinary adoption leave with full pay, two weeks of which may be taken before assuming full care of the child for meetings and to help to get to know the child (note that this will incorporate their entitlement to SAP and they may not claim this in addition)
- ii) 26 weeks' additional adoption leave paid at the statutory adoption pay rate for 13 weeks. The remaining 13 weeks of AAP will be unpaid.

c) Please note that OAL/AAL can be given up and shared with another person under the right to take Shared Parental Leave (SPL). Please refer to the section below on SPL.

7d. Annual leave

a) An employee will accrue their full contractual annual leave and bank holiday entitlement during the 52 weeks maternity/adoption leave. They can take any accrued or anticipated annual leave before or after their maternity/adoption leave.

b) Leave may be taken before maternity/adoption leave begins from any annual leave the employee may have already earned or any anticipated leave, which will accrue from the 26 weeks OML/OAL and 26 weeks AML/AAL. Alternatively, outstanding annual leave may be taken after maternity/adoption leave.

c) It must follow directly a period of maternity or adoption leave; it cannot be taken between ordinary and additional maternity or adoption leave. If one holiday year ends and another begins during maternity/adoption leave, annual leave cannot normally be carried over. It is therefore necessary to ensure that any leave that will accrue during one holiday year is taken before maternity/adoption leave commences, and then any leave accrued in the following holiday year can be taken on return from maternity/adoption leave. If it is not possible to take the leave it will be carried forward to ensure the employee is not disadvantaged. Generally, an employee will not be entitled to any payment in lieu of accrued or unused annual leave at the starting date of their maternity/adoption leave or return to work date. In exceptional circumstances, and to meet business needs, payment in lieu of leave may be granted.

d) Once annual leave has started immediately following the end of maternity / adoption leave the employee is deemed to have returned to work and their maternity/adoption leave is finished.

e) Annual leave arrangements should be agreed between the employee and their line manager in the usual way following the Authorised Absence Policy guidelines.

7e. Contact during maternity/adoption leave

a) Reasonable contact between the employee and their line manager is encouraged to facilitate communication. Under legislation, either the employee or their line manager is entitled to initiate contact during the maternity/adoption leave period (for example to discuss return to work or potential work-related issues that may concern the employee). Such contact does not bring the maternity/adoption leave period to an end.

b) Line managers will ensure employees are kept up to date with current issues by sending copies of weekly news and relevant communications.

c) Employees and line managers may wish to agree both method and frequency of contact prior to the commencement of maternity or adoption leave.

7f. Keeping in touch (KIT) days

- a) An employee may, with the agreement of their line manager, carry out up to ten days work during a maternity/adoption leave period without bringing their leave to an end. In accordance with legislation, any work carried out on any day shall count as one of the ten days allowed. This provision does not apply during the two week period commencing on and including the day on which childbirth occurs.
- b) Work means any work done under the contract of employment and may include training, attending meetings or any activity undertaken for the purposes of keeping in touch with us.
- c) This provision does not confer any right on us to require any work to be carried out during the maternity/adoption leave period, nor any right on the employee to request work during this period. There is no obligation on the Commission or the employee to make use of these days. Any days' work carried out will not have the effect of extending the total statutory maternity/adoption leave period.
- d) A KIT day will normally be paid at the current hourly or daily rate of pay (and will include any pay rise awarded to them during the period of maternity/adoption or shared parental leave). Managers are responsible for ensuring KIT days are approved via the People Portal so that appropriate payment can be made.
- e) In addition to ten KIT days to which the employee is entitled during maternity / adoption leave, a further twenty days can be taken as part of shared parental leave, known as SPLIT days. Please refer to the section below on shared parental leave.

7g. Return to work

- a) An employee is normally entitled to return to their original job and working hours, after their maternity or adoption leave and it is assumed they will unless they have personally stated they will not. However, if after taking AML, AAL or more than four weeks parental leave and, it is not reasonably practical for the employee to return to their original job we may instead offer the employee another suitable and appropriate alternative job which will be on no less favourable terms and conditions than the employee's original job. Unless an employee wishes to apply for a different post of their own choice, our policy is that they will return to a position which is as close as reasonably possible to the position they held when they went on maternity or adoption leave, but there may

be circumstances in which it is only possible for them to return to a position at their level elsewhere.

b) The following notice provisions apply in relation to returning to work:

- i) No prior notice of the intended return date is required if the employee intends to take their full entitlement to 26 weeks OML and 26 weeks AML or full adoption leave.
- ii) If an employee wishes to return early from maternity/adoption leave or change the date from that originally notified they must give at least 8 weeks written notice of the day on which they propose to return.
- iii) The statutory right is to return to work on the same hours as before maternity/adoption leave. However, an employee can request to work a different pattern of hours on their return eg a change from full to part time. We will endeavour to accommodate requests but cannot guarantee to do so. It is helpful to give as much notice as possible of such requests and preferably no later than the notification of the intention to return to work. Further information on this can be found in the Flexible Working policy.
- iv) If an employee is unable to return by the end of their maternity/adoption leave because the health of the baby/child requires continuous attention, repayment of our enhanced maternity/adoption pay under the Maternity/Adoption Leave Scheme may be waived at our discretion if medical evidence is produced.
- v) If an employee takes up to 4 weeks unpaid parental leave immediately after taking OML or 26 weeks adoption leave they will retain their entitlement to their original job. If they take more than 4 weeks parental leave immediately after the end of OML, AML, adoption or Shared Parental Leave, or if they take parental leave immediately after taking AML or 52 weeks adoption leave, they will be entitled to return to their original job unless that is not reasonably practical, in the event of which they will be offered to return to a suitable and appropriate alternative role.
- vi) If an employee resigns instead of taking maternity/adoption leave, but at some point during their notice period or the 52 week period that would have been classified as maternity/adoption leave changes their mind because of a change in circumstances, there is no absolute right to return to work. However, they may be allowed to do so if there is suitable vacancy for which they can be considered provided it is before the end of the 52 weeks.

c) It is advisable that the employee and their manager meet and discuss return to work plans as soon as practical, particularly if the employee wishes to adjust their hours. The line manager should consider any support necessary to enable a smooth and successful return to work and ensure that People Services are notified of any agreed changes to hours, working patterns or role.

7h. Childcare vouchers

- a) Employees who are receiving childcare vouchers through a salary sacrifice scheme, and they wish to continue receiving the vouchers, are entitled to for the full 52 week period. Any contractual maternity/adoption pay (paid above SMP) will continue to be subject to salary sacrifice. As SMP/SAP cannot be subject to salary sacrifice then the Commission will be responsible for the cost of the vouchers during any period of AML/AAL.
- b) Applications to join the childcare voucher scheme or increase the value of the vouchers being received will be refused after commencement of any maternity leave, unless someone is applying for a current child who has already been born – i.e. not the child covered by the current period of maternity leave.
- c) The traditional Child Care Vouchers (CCV) scheme administered by employers was closed by the Government with only those employees still making monthly contributions as at October 2018 eligible to continue.
- d) The now closed CCV scheme has been replaced with the governments new tax-free childcare scheme. The new scheme available isn't administered by employers as this is done by the individual themselves.
- e) Details on the new scheme can be found at: www.gov.uk/tax-free-childcare

7i. The effect of maternity/adoption leave on pay

- a) Pay progression is on the basis of performance. On an annual basis we will agree the percentage uplifts that will be applied within each of the performance assessment categories. Once they have been agreed and the outcome of the employee's performance assessment is known, we will apply it to an employee's pay.
- b) In some circumstances, because of the timing of maternity/adoption leave it will not be possible to assess performance during the whole year. Pay

arrangements will then be considered individually and will depend upon the timing of commencement of leave in relation to the timing of the pay increase.

c) Further information on how our pay and performance management system operates can be found in the policy on pay and performance on the People Portal.

8. Shared parental leave

a) Shared Parental Leave (SPL) enables both parents to consider how best to care for their child during the first 12 months. A mother or adopter eligible for maternity/ adoption leave may now opt to curtail the 52 weeks leave entitlement and share the remaining leave as SPL. SPL can only be shared with one other person and the two people sharing can take leave at the same time or separately providing the total leave taken between them does not exceed 52 weeks. SPL must be taken within the 52 weeks immediately following the birth or matching of the child.

b) The childcare and parenting section of the gov.uk website has a useful calculator to help you determine your eligibility for SPL.

8a. Eligibility

a) Shared parental leave can be used by both biological and adoptive parents. Applicants will need to meet certain eligibility criteria before they can take SPL.

b) For the mother or adopter they must:

- i) Be the woman giving birth to the child or the adopter
- ii) Have a partner i.e. the biological father, joint adopter, spouse, civil partner or in an enduring relationship with the mother/adopter and child
- iii) Have primary responsibility for the child
- iv) Comply with notification requirements regarding pregnancy or adoption
- v) Show they are entitled to maternity/adoption leave and associated pay
- vi) Confirm they intend to care for the child
- vii) Have been continuously employed for at least 26 weeks at the end of the fifteenth week before the week the employee expects to give birth and still employed by the Commission during that week, or, in the case of adoption, been employed for at least 26 weeks prior to being matched with the child.
- viii) Given notice to curtail maternity/adoption leave
- ix) Have given notice of intention to take SPL and complied with the

evidential requirements set out below

x) Have given a period of leave notice (see further below).

c) For the mother's or adopter's partner they must:

i) Be an employee

ii) Have been continuously employed for at least 26 weeks at the end of the fifteenth week before the week the employee expects to give birth, or in the case of adoption, 26 weeks before the matching date, and still employed by the Commission during that week

iii) Confirm they are the father/parent or husband, partner or civil partner

iv) Share primary responsibility for the child and with the child's

mother/adopter have the main responsibility for the upbringing of the child

v) Ensure the mother/adopter has given notice to curtail maternity/adoption leave

vi) Have given notice of intention to take SPL and complied with the evidential requirements set out below

vii) Have given a period of leave notice (see further below).

d) In addition, there is also an employment and earnings test which applies to both parties before SPL can be taken. If an employee wishes to take SPL in addition to meeting the eligibility requirements set out above the person they intend to share SPL with must have worked at least 26 weeks in the 66 weeks leading up to the expected week of childbirth and earned a specific average weekly wage in 13 of any of the 66 weeks. . The amount will be the statutory amount specified each year or as notified from time to time. Therefore it may be that only one person is eligible for SPL and not both. For example, they may not meet the eligibility criteria but may pass the employment and earnings test so their partner could qualify.

e) The partner sharing the parental leave can take leave during which time they will have primary responsibility for the child and will care for the child. They cannot take leave for any other reason eg they cannot take SPL, put their child into a nursery and use the free time for other purposes.

f) If either party ceases to be eligible they must notify the other party and the Commission (or both employers if each is employed by a different company).

8b. How can SPL be taken?

a) SPL can be taken by the person sharing the leave alongside the mother taking maternity/adoption leave or at a separate time. SPL can be taken as a continuous block of leave or as up to three blocks of discontinuous leave.

b) A maximum of three separate applications for SPL can be made by each of the people sharing the leave which can commence on any day of the week. The three applications can be made at the same time or at different times and a request to vary leave already notified and agreed will count as one request. SPL can commence on any day of the week and must be taken in complete weeks, eg Wednesday to Tuesday.

c) All requests for continuous leave will be accepted. A period of continuous leave is where someone applies for a prolonged period of leave eg six months and then swaps with their partner who takes the next period of six months.

d) Discontinuous periods are where an employee applies for shorter periods of leave in one application eg a period of two weeks or more but then return to work and/or swap with their partner. Discontinuous periods will be considered as far as possible but may be declined if they are impractical and too disruptive to the organisation.

e) If discontinuous leave is requested there will be a discussion period of 14 calendar days to review the request. We will endeavour to comply with an employee's request(s). However, we reserve the right to refuse discontinuous periods which may impact on resourcing or services and an employee may therefore be asked to take one period of continuous SPL. If discontinuous leave is not agreed the start and finish dates will default to a continuous period of leave unless the request is withdrawn.

f) In order to take SPL three notices must be given:

i) the mother/adopter must send a maternity/adoption leave "Curtailed Notice" setting out when they propose to end their leave or pay entitlement (unless they have already returned to work). That end date must be after the period of compulsory leave in the case of maternity; at least 8 weeks after the curtailment notice is given and be at least 1 week before the end of AML or AAL

ii) the employee (either the mother/adopter, the child's other parent or both if both intend to take SPL) must give their employer a notice of entitlement and intention to take SPL at least 8 weeks before the proposed start of SPL giving an initial, non-binding indication of each period of SPL that s/he is requesting together with evidence of the other parent's consent to the splitting of SPL

iii) the employee (either the mother/adopter, the child's other parent or both if both intend to take SPL) must give their employer a "period of leave

notice" at least 8 weeks before the proposed start of SPL setting out the start and end dates of each period of shared parental leave that s/he is requesting.

8c. Notice curtailing maternity/adoption leave

a) If the employee is the child's mother/adopter and wants to opt into the SPL scheme, they must give us at least eight weeks' written notice to end maternity/adoption leave (a 'Curtailment Notice' before SPL can be taken. The Curtailment Notice must state the date the employee's leave will end. In the case of maternity, a Curtailment Notice can be given before or after birth, but an employee cannot end her maternity leave until at least two weeks after birth.

b) The curtailment notice is binding and cannot usually be revoked. An employee can only revoke a Curtailment Notice if maternity/adoption leave has not yet ended and one of the following applies:

- i) the employee realises that neither parent is in fact eligible for SPL or Shared Parental Pay (SPP), in which case the Curtailment Notice can be revoked in writing up to eight weeks after it was given
- ii) the Curtailment Notice was given before giving birth, in which case it can be revoked in writing up to six weeks after birth
- iii) the other parent has died.

c) If the employee is not the mother/adopter, but they are still on maternity/adoption leave or claiming SMP/SAP or MA, the employee will only be able to take SPL once the mother/adopter has either:

- i) returned to work
- ii) given the employer a Curtailment Notice to end maternity/adoption leave
- iii) given the employer a Curtailment Notice to end SMP/SAP
- iv) given Jobcentre Plus a Curtailment Notice to end her MA (if she is not entitled to maternity leave or SMP).

d) The mother/adopter does not have to have ended maternity/adoption leave but the Curtailment notice must have been given.

8d. Notice of intention to take SPL

a) If an employee wishes to take SPL, whether they are the mother or the partner, they must notify us of their entitlement and intention to take SPL not less than 8

weeks before the date the employee intends to take SPL. That notice of intention must include the following information:

- i) the employee's name and the name of the other parent
- ii) if the employee is the child's mother, the start and end dates of her maternity leave
- iii) if the employee is the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period
- iv) the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken
- v) how many weeks of the available SPL will be allocated to the employee and how many to the other parent (allocations can be changed by giving the Commission a further written notice (up to a maximum of 3), and employees do not have to use their full allocation)
- vi) if the employee is claiming statutory shared parental pay (SPP), the total SPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken
- vii) how many weeks of available SPP will be allocated to the employee and how much to the other parent. The employee can change the allocation by giving the Commission a further written notice, and employees do not have to use their full allocation
- viii) an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but employees are requested to give as much information as they can about their future intentions
- ix) declarations by the employee and the other parent that they both meet the statutory conditions to take SPL.

b) We reserve the right also to request the birth certificate of the child and the name and address of the mother's employer.

8e. Booking SPL – period of leave notice

- a) Employees must book their SPL by giving us a period of leave notice. This may be given at the same time as the notice of intention to take SPL or later, provided it is given at least eight weeks before the start of a period of SPL.
- b) The period of leave notice can either give the dates the employee wants to take SPL or, if the child has not been born yet, it can state the number of days after birth that the employee wants the leave to start and end. This may be particularly useful if the employee intends to take paternity leave starting on the date of birth and wishes to take SPL straight afterwards.
- c) SPL must be taken in blocks of at least one week and, in general, a period of leave notice should set out a single continuous block of leave. The period of leave notice should set out the start and end dates of each period of shared parental leave requested and can be for discontinuous periods.
- d) Employees should discuss how they would like to take their SPL with their manager and People Services in good time before formally submitting their period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with the employee from the start.
- e) If the employee wants to request split periods of SPL, they must set out the requested pattern of leave in their period of leave notice. We will either agree to the request or start a two week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if the employee requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, the employee may:
- i) choose a new start date (which must be at least eight weeks after the original period of leave notice was given), and tell us within five days of the end of the two-week discussion period
 - ii) withdraw the period of leave notice within 15 days after the period of leave notice was given (in which case the notice will not be counted and the employee may submit a new one).
- f) As mentioned above an employee can make up to 3 requests for SPL during the SPL period. They should discuss this with their line manager so that plans can be made to provide cover for any absence. The application should be made using the SPL application form available on the intranet.
- g) In summary the timing of SPL is as follows:

- i) Notice of curtailment of maternity leave must be given in writing setting out the date the employee's maternity leave will end. That date must be after the employee's period of compulsory maternity leave; at least 8 weeks after the maternity leave curtailment notice is given; and be at least 1 week before the end of the employee's additional maternity leave
- ii) Notice of entitlement and intention to take SPL must be given at least 8 weeks in advance
- iii) A period of leave notice must be given at least 8 weeks before the proposed start of SPL setting out the start and end dates of each period of shared parental leave that the employee is requesting
- iv) Up to 3 applications for SPL can be made by each employee, 8 weeks' notice must be given of each request
- v) A response to the period of leave notice will be given within 14 days
- vi) If the request is for discontinuous leave there will be a 14 day discussion period
- vii) If the request is agreed there is no default position and the leave will go ahead as notified
- viii) If the application is refused or there is no response the employee can withdraw the request on or before the 15th day after the request was originally made and it will not count as one of the three notifications. If no withdrawal is made the leave will automatically default to a period of continuous leave
- ix) The continuous leave can then begin at least 8 weeks after the date on which the period of SPL notice is given, however, notice of that start date must be given within 5 days of the end of the two week discussion period i.e. 19 days after the period of SPL notice. If the employee does not give notice to vary the start date during this period SPL will start on the first discontinuous date given in the original notification
- x) A request to vary SPL outside of the circumstances set out above requires 8 weeks' notice and counts as one of the 3 applications that can be made.

8f. Notification of withdrawal/changing dates

a) If an employee wants to cancel or change the dates of their leave they must give 8 weeks' notice. A notice to change or cancel a period of SPL will count as one of the three periods of leave notices.

b) If notice to take SPL was given before birth it may be withdrawn without a reason up to 6 weeks following the birth.

8g. Continuous service and benefits

a) An employee's service will be continuous and their benefits other than pay and pension will be unaffected during Shared Parental Leave.

8h. Shared parental leave – pay

a) In addition to the entitlement for leave, employees may also be entitled to Shared Parental Pay (SPP). The employee may be able to claim SPP of up to 39 weeks (less any weeks of SMP or MA claimed by the employee or the employee's partner) if the employee has at least 26 weeks' continuous employment with the Commission at the end of the 15th week before EWC and the employee's average earnings are not less than the lower earnings limit set by the government each tax year. SPP is paid by employers at a rate set by the government each year.

b) The number of weeks pay available will be determined by the amount of SMP/SAP/MA taken by the partner. Therefore if a mother takes 26 weeks SMP and then returns to work, then the partner can take 13 more weeks classified as SPP taking the shared pay to a total of 39 weeks. The mother/adopter must give permission to share the pay to which they are entitled.

c) SPP is not repayable if the mother/adopter does not return to work.

d) The employee should tell us in their period of leave notice(s) whether they intend to claim SPP during their SPL (and if applicable, for what period). If it is not in the employee's period of leave notice the employee must tell us in writing, at least eight weeks before they want SPP to start.

8i. Shared parental pay

a) Employees will be entitled to full pay for SPL if they are sharing leave providing they have completed at least one year's paid continuous employment when they

start their shared parental leave and intend to return to work for at least one month at the end of their period of leave and pay. This may have been as a full time or part-time employee or a combination of the two.

b) The maximum amount of pay available is 37 weeks, 26 weeks of which will be at full pay.

c) Where an employee's partner works for another employer, the employee will be able to have 26 weeks at full pay, providing sufficient paid leave is remaining from the 37 weeks pay which partners have the option to share.

d) Where both individuals work for the Commission, both the maternity/adoption and shared parental leave schemes will allow for a maximum 26 weeks at full pay for each individual. The total amount of enhanced pay combined for both individuals will not be more than 26 weeks.

8j. Contact during SPL – shared parental leave in touch (SPLIT) days

a) Any employee taking SPL should discuss maintaining contact whilst on leave with their line manager. Both parties can then take 20 SPLIT days between them. This is in addition to the 10 KIT days which can be taken by the mother/adopter.

8k. Holidays

a) An employee will accrue their full contractual annual leave entitlement during periods of shared paternal leave. They can take any accrued or anticipated annual leave before or after their SPL.

b) Leave may be taken before SPL begins from any annual leave the employee may have already earned or any anticipated leave, which will accrue during the period of SPL. Alternatively, outstanding annual leave may be taken after the period of SPL, providing this falls within the same leave year.

c) If one holiday year ends and another begins during shared parental leave, annual leave cannot normally be carried over. It is therefore necessary to ensure that if a period of shared parental leave coincides with the end of an employee's holiday year that any leave is taken prior to the commencement of leave. Generally, an employee will not be entitled to any payment in lieu of accrued or unused annual leave at the starting date of their maternity/adoption leave or

return to work date. In exceptional circumstances, and to meet business needs, payment in lieu of leave may be granted.

d) Once annual leave has started immediately following the end of shared parental leave the employee is deemed to have returned to work and their shared parental leave is finished.

e) Annual leave can be taken in between periods of discontinuous shared parental leave.

f) Annual leave arrangements should be agreed between the employee and their line manager in the usual way following the Authorised Absence Policy guidelines.

8l. Returning to work

a) An employee is expected to return to work at the end of the period of SPL they have requested and has been agreed. They are entitled to return to the same role if the combination of SPL and any maternity/paternity/adoption leave does not exceed 26 weeks or if SPL has been taken with four or less weeks of parental leave.

8m. Notification of not returning to work

a) If an employee decides not to return to work after SPL they must give their contractual notice. If the mother decides not to return to work and their partner has taken SPL they must give a withdrawal notice as soon as possible as they will cease to be eligible for SPL.

9. Partner/paternity leave

a) Background

i) The law provides that eligible employees (see 8.1.2) are entitled (in addition to shared parental leave) to take either one or two weeks' paternity leave which must be taken within 52 weeks of the birth of a baby or the placement of a child for adoption. The leave can either be taken as 2 consecutive weeks of leave or 2 separate blocks of 1 week. We provide our own partner/paternity leave scheme which incorporates the minimum

statutory entitlements and gives additional benefit in pay depending on length of service.

ii) This policy defines partner leave as paternity leave. Paternity leave is also available to employees who are not the biological father of the child but are a partner, husband or civil partner of the mother and who will have responsibility for the upbringing of the child.

iii) Partner leave is also available when adoption to individuals who meet the criteria and are not the adopter as set out in the adoption leave section.

iv) In order to apply for paternity leave please complete the Family Leave Application Form and return it to People Services along with evidence of the pregnancy, birth or matching.

v) Employees wishing to take paternity leave must give their manager four weeks notice of taking each period of leave, except for in cases of domestic adoption, where the notice period is within seven days of the primary adopter receiving notice of the match. Actual dates of childbirth are difficult to predict, and notice to take paternity leave can take one of two forms:

(1) to commence immediately following the birth or placement (or) to commence on a specified date.

9a. Partner/paternity leave scheme

a) Employees will qualify for partner/paternity leave scheme provided that they:

- i) have or expect to have responsibility for the child's upbringing
- ii) are the biological father or the mother's husband or partner (includes same sex partner)
- iii) have completed one year's paid continuous employment when the baby is born.

b) If an employee meets the above criteria they are entitled to up to 10 days' paid paternity leave at full pay. This can be taken as either two consecutive weeks or 2 separate blocks of 1 week, which must be taken within 52 weeks of the birth/adoption of the child.

9b. Statutory paternity leave

a) Fathers and partners who do not qualify for the Paternity Leave Scheme may have a statutory right to take two weeks' paternity leave on the birth of a baby or placement of a child for adoption (paternity leave allows a total of two weeks in the case of multiple births, not per child).

b) To be entitled to statutory paternity pay an employee must:

- i) have 26 weeks' service by the end of the 15th week before the baby is due or child placed for adoption
- ii) earn more than the lower earnings limit (fathers/partners who earn less than this may still take leave; however it will be unpaid)
- iii) be the biological father of the child or the mother's husband or partner (includes same sex partner)
- iv) have or expect to have responsibility for the child's upbringing.

c) Statutory Paternity Pay is paid at the current statutory rate or 90% of the employee's average earnings, whichever is lesser. Only one payment of paternity pay is due, regardless of how many different employers the employee works for.

9c. Bereaved partners paternity leave

a) Bereaved partner's paternity leave is for the partner of someone who has died.

b) It can be used when someone dies within the first year of their child's life or adoption. The person who's died must be either:

- i) the mother or parent who gave birth
- ii) the primary adopter
- iii) an intended parent having a baby through surrogacy

c) The father or partner can take up to 52 weeks' unpaid leave to care for their child. Leave must be taken as consecutive weeks and in one continuous block.

10. Statutory parental leave

a) In order to apply for parental leave [please complete the Family Leave Application Form](#) and submit to the team via a People Service Support Request.

10a. Eligibility

a) Employees are eligible to take Parental Leave if they have a child under the age of 18. It can be taken by either parent but is limited to 18 weeks per child and is a stand - alone entitlement which could be combined with shared parental leave if required.

10b. Length of leave

a) A total of 18 weeks leave may be taken for each child. Entitlement will be pro-rated for part time hours. An employee can take Parental Leave in short or long blocks depending on what has been agreed with their line manager. The law allows for a maximum of four weeks parental leave to be taken in any one year and parental leave is available for each child, so in the case of multiple births, or where a parent is responsible for more than one child, the amount of leave will reflect this. Any Parental Leave taken with a previous employer will be taken into account when calculating the total entitlement and we reserve the right to seek confirmation of leave taken.

10c. Returning from parental leave

a) At the end of parental leave an employee is entitled to return to work in the same job on the same terms and conditions of employment.

10d. Pay

a) Parental leave is unpaid so employees will receive no salary during the period of parental leave.

10e. Taking parental leave

a) An employee can choose to take parental leave any time up until the child's 18th birthday. This means that in the first 52 weeks the 4 weeks allowed in a year can be combined with any other periods of leave set out in this policy, providing the correct notice is given.

b) Leave must be taken in blocks of either one week or multiples of one week, except in the case of disabled children where leave can be taken in blocks or

multiples of one day. In all other cases, part weeks taken will normally be counted as full weeks.

c) At least 21 days' notice must be given in writing to the employee's line manager giving the dates when the leave is to start and finish. We may ask the employee to confirm that they are the parent or the person who is legally responsible for the child. Any such request will be reasonable and we will not check on entitlement on every occasion on which leave is asked for.

10f. Postponement of parental leave

a) If the employee's line manager considers that their absence would unduly disrupt the business, then we can postpone the leave for up to six months. This should be discussed and the postponement arrangements confirmed in writing no later than seven days after notice has been given to take leave. This will state the reason for the postponement and set out the new dates of parental leave. The length of the leave will be equivalent to the original request.

b) When an employee applies to take parental leave immediately after the birth or adoption of a child then we cannot postpone the leave. At least 21 days' notice must be given before the beginning of the expected week of childbirth (expectant mothers will be able to provide this information). In the case of adoption, at least 21 days' notice must be given of the expected week of placement. In rare cases where this is not possible, notice should be given as soon as is reasonably practicable.

11. Parental bereavement leave

a) In the very sad event of the death of a child parental bereavement leave may be taken following:

- i) the death of a child under the age of 18
- ii) the death of a baby who only lives for a short time after birth – this can be at any stage of pregnancy
- iii) a stillbirth after 24 weeks' pregnancy
- iiii) an abortion after 24 weeks – this can happen in limited circumstances if the mother's life is at risk or the baby would be born with a severe disability

b) An employee may choose to take either 1 or 2 weeks leave. Where 2 weeks leave is taken, this can be taken consecutively or if required as two separate weeks. Leave should end within 56 weeks of the child's death with the first day of the 56 weeks being the date of death.

c) We recognise that this will be a very difficult time for the employee and their family. There is an Employee Assistance Programme in place and employees are encouraged to contact this service throughout the procedure so that they are fully supported by an independent organisation if they wish. Please contact People Services, designated trade union representatives or refer to the intranet for further details.

12. Right of appeal

a) Should an employee believe that they have suffered a detriment, as a result of exercising or seeking to exercise their right to take family leave they should speak to their line manager in the first instance. Alternatively they may wish to raise their concerns with People Services or their trade union representative.

13. Data protection and confidentiality

a) We will aim to keep the fact and circumstances of any process carried out in line with this procedure confidential. However, that may not always be fully possible where, for example, someone requests shared parental leave or to job share on return from maternity leave.

b) Wherever possible, all the records will be treated as confidential to the parties concerned. A complete record of the process and outcome will be kept on the personal file of the employee and will be confidentially stored in People Services.

14. Related documents

a) At any time during the implementation of this procedure it may be appropriate to refer to the following procedures:

- i) Sick Pay guidance
- ii) Flexible Working policy
- iii) Health and Safety policy
- iv) Authorised Absence policy.

15. Record keeping

a) It is very important and in the interests of all parties to keep full records regarding requests and discussion in relation to family leave. Records should be

available to all parties. People Services will record details of any family leave taken and statutory payments made.

b) Records should be stored in accordance with the Retention Schedule.

16. Monitoring and review

a) This policy and procedure is maintained by People Services and will be reviewed on a regular basis and in the event there are changes to employment legislation.

b) The Joint Negotiating Committee will be consulted about any proposed changes.

c) The effective implementation of this policy and procedure will be monitored by People Services in conjunction with the Joint Negotiating Committee.

17. Impact on equality assessment

a) We aim to design and implement policies and procedures that meet the diverse needs of our service populations and workforce, ensuring that none are placed at a disadvantage over others.

b) As part of its development, this policy and procedure and its impact on equality have been assessed. The assessment is to minimise and, if possible, remove any disproportionate impact on employees on the grounds of their race, sex, disability, age, sexual orientation, religion or belief, marital or civil partnership status. No detriment was identified.

18. Version Control

Version	Author/Reviewed by	Date	Description of change
1	People Services	1 February 2018	n/a
1.1	People Services	1 March 2024	Amendment to paternity leave due to statutory changes.

Version	Author/Reviewed by	Date	Description of change
1.2	People Services	19 August 2026	Removal of one years qualifying service eligibility for unpaid parental leave in line with the Employment Rights Act 2025 Inclusion of neonatal leave rights (section 6i) in line with the Employment Rights Act 2025 Inclusion of parental bereavement leave (section 11) in line with the Employment Rights Act 2025 Inclusion of bereaved partners leave (section 9c) in line with the Employment Rights Act 2025 Removal of reference to "Resource" manager and replaced with "Line" manager Removal of reference to "Programme" director and replaced with "Head of/director"

Appendix 1

Levels of authority

1. Managers are authorised to manage family leave at the following levels:

Level of Management	Authorised Manager
Management of absence Consideration and response to requests for leave	Line managers (an alternative manager may be appointed in respect of shared parental leave and long-term unpaid parental leave)
Management of absence Consideration and Appeal	Two members of the Leadership Team not previously involved

2. This table is to be used as a guide.

Related content

Download form - Expectant Mothers
Risk Assessment

Download Form - Family Leave
Application