**Family Leave Policies**

At [Organisation name] we want to ensure that all situations that relate to these policies are inclusive and apply to all staff. Family Policies are open to all eligible employees regardless of age, disability, race, ethnicity, religion or belief, sex, gender identity or gender expression, sexual orientation, marriage or civil partnership, pregnancy or pregnancy or any other equality characteristic.

For ease of locating, we have put these policies in alphabetical order.

Covered in this policy is:

* Adoption
* Assisted Conception
* Pregnancy /Pregnancy Rights & Benefits
* Parental Leave
* Paternity/Second Parent Leave
* Surrogacy

Your Line manager is your main point of contact in relation to these policies.

**Adoption Rights and Benefits**

This policy sets out the rights for our staff to statutory adoption leave and pay.

Adoption leave is open to all eligible employees regardless of age, disability, race, ethnicity, religion or belief, sex, gender identity or gender expression, sexual orientation, marriage or civil partnership or any other equality characteristic.

Providing you adopt a child through an approved adoption agency you are entitled to up to 52 weeks' adoption leave. This leave applies to the primary adopter. The other parent will be able to take paternity leave. However, shared paternal rights apply to adoption situations. Please ask for details.

You may take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The maximum entitlement is therefore to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to following the correct notification procedures as set out below.

**Who qualifies for statutory adoption pay and how much will the employee receive?**

Employees who take adoption leave will also qualify for statutory adoption pay, if you have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions.

**[Organisation name] Adoption Pay** is payable for up to 39 weeks and will be paid as:

6 weeks 90% of your usual pay

33 weeks which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings if that is lower than the Government's rate).

If you decided to take 52 weeks off work then the remaining 13 weeks will be unpaid.

If you become eligible for a pay rise between the start of the original calculation period and the end of your adoption leave (whether ordinary leave or additional leave), the higher or standard rate of statutory pay will be recalculated to take account of the pay rise, regardless of whether statutory pay has already been paid. This means that your statutory pay will be recalculated and increased retrospectively, or that you may qualify for statutory pay if you did not previously. You will be paid a lump sum to make up any difference between statutory pay already paid and the amount payable as a result of the pay rise.

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take adoption leave.

Statutory adoption pay is treated as earnings and is subject to PAYE and national insurance deductions.

**Timing of adoption leave**

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

To make administration as easy as possible, you need to discuss the timing of the adoption leave with your immediate manager/HR as early as possible.

**Notice requirements**

To be entitled to take adoption leave and receive statutory adoption pay, you are required to give [Organisation name] written notification of your intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice will need to be in writing and will need to specify the date the child is expected to be placed with you for adoption and the date you intend your adoption leave to start.

You are allowed to bring forward the adoption leave start date, but you will need to advise [Organisation name] in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone the adoption leave start date, if you advise [Organisation name] in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. You will need to provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

Within 28 days of receiving the notice of intention to take adoption leave, [Organisation name] will write to you confirming the latest date on which you will have to return to work after adoption leave.

**Time off to attend adoption appointments**

Anyone who is adopting a child is entitled to take time off to attend adoption appointments.

If you are adopting a child alone, you are entitled to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). Where you are part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take paid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996). However, at [Organisation name] we will allow paid leave up to five appointments in all cases.

The purpose of the appointment is to enable you and your partner to have contact with the child (for example, to bond with them before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment will normally have been arranged by or at the request of the adoption agency. The time off usually needs to be taken before the date of the child's placement for adoption with the employee.

[Organisation name] will require to see proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

If you are adopting jointly, [Organisation name] will ask you to sign a declaration, to be submitted alongside the documentary evidence, confirming that you have elected to exercise your right under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. [Organisation name] will ask for the declaration only on the first occasion on which you ask for time off to attend an adoption appointment.

**Rights during adoption leave**

During ordinary adoption leave and additional adoption leave, all terms and conditions of your contract of employment except normal pay will continue. Salary/wages will be replaced by statutory adoption pay if you are eligible for it.

This means that, while sums payable by way of wages/salary will cease/change all other benefits will remain in place. For example, holiday entitlement will continue to accrue, and pension contributions will continue to be paid. You will remain in the life assurance and private medical insurance schemes if this is provided.

You are encouraged to take any outstanding holiday due to you before the commencement of adoption leave.

Employees are reminded that holiday should normally be taken in the year that it is earned.

**Contact during adoption leave**

[Organisation name] will want to maintain reasonable contact with you during adoption leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or to update you on developments at work during your absence.

**Keeping-in-touch days**

You can agree to work for [Organisation name] or to attend training for up to 10 days during the adoption leave without that work bringing the adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

[Organisation name] has no right to require you to carry out any work and you have no right to undertake any work during the adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and [Organisation name]. You will be paid your normal salary for any work undertaken on “keeping in touch” days.

**Returning to work after adoption leave**

You can return to work at any time during ordinary adoption leave or additional adoption leave, but for operational reasons we will need you to give the appropriate notification. Alternatively, you can take the full period of adoption leave entitlement and return to work at the end of this period. If you wish to return before the full period of adoption leave has elapsed, you will need to give at eight weeks' notice in writing to [Organisation name] of the date on which you intend to return.

You have the right to resume working in the same job if returning to work from ordinary adoption leave. If, however, you return to work after a period of additional adoption leave, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on the same terms and conditions.

If you do not return to work by the end of adoption leave (without a valid reason) we will have no alternative but to treat this period as unauthorised absence If you are unwell you will need to produce a medical certificate before the end of the adoption leave period.

If you decide during the adoption leave that you do not wish to return to work, you should give written notice of resignation to [Organisation name] as soon as possible and in accordance with the terms of your contract of employment.

**Transfer of adoption leave** - **Shared parental leave**

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.

Shared parental leave will need to be taken in blocks of at least one week. You can request to take shared parental leave in one continuous block (in which case [Organisation name] is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of separate blocks of leave (in which case you will need [Organisation name] agreement).

To be able to take shared parental leave, an employee and their partner will need to meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the adopter curtailing their adoption leave.

We recommend that you also refer to [Organisation name] policy on shared parental leave, where you will find full details of the eligibility requirements, as well as instructions as to how the adopter's adoption leave can be curtailed. [Organisation name] policy on shared parental leave sets out the notice periods with which employees need to follow and what evidence you will need to provide to [Organisation name]. The policy also contains more details on employees' entitlement to statutory shared parental pay/[Organisation name] shared parental pay scheme.

The adopter and the partner will need to liaise with their own employer when making requests for shared parental leave. So that everyone is informed, communication is key.

**Assisted Conception**

As an organisation we would like staff to feel able to discuss any treatment with their Line manager. All such information will be handled sensitively and with the upmost confidentiality.

Our aim is to provide you with whatever support you require during this period.

You will be allowed reasonable paid time off to attend appointments.

**Pregnancy /Pregnancy Rights and Benefits**

This policy sets out the rights of employees to pregnancy leave and pay.

[Organisation name] recognises that, from time to time, employees may have questions or concerns relating to their pregnancy rights. It is [Organisation name] policy to encourage open discussions with employees to ensure that questions and problems can be resolved as quickly as possible. As the pregnancy provisions are complex, if an employee becomes pregnant they should clarify the relevant procedures with their Line manager to ensure that they are understood and followed.

The following definitions are used in this policy:  
  
The legal term for this type of leave is widely known as ‘maternity leave’ – however, for the purpose of inclusivity we will refer to pregnancy leave throughout the policy as ‘pregnancy leave’. For the avoidance of doubt both terms have the same legal meaning.

"Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects the birth to happen.

"Qualifying week" means the 15th week before the expected week of childbirth.

All pregnant employees (regardless of length of service) have the right to take up to 26 weeks' ordinary pregnancy leave and up to a further 26 weeks' additional pregnancy leave and to resume work afterwards. The employee is therefore entitled to a total period of 52 weeks' pregnancy leave. Additional pregnancy leave follows on immediately from the end of the period of ordinary pregnancy leave.

All employees who take pregnancy leave have the right to return to work at any time during either ordinary pregnancy leave or additional pregnancy leave (except during the first two weeks from the day of childbirth), subject to their following the correct notification procedures as set out below.

**How much pregnancy pay will you receive?**

Employees who have been continuously employed by [Organisation name] for at 26 weeks at the end of their qualifying week and are still employed during that week, will qualify for statutory pregnancy pay, providing that:

* you are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth).
* you have provided a MAT B1 form stating the expected week of childbirth; and
* your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

**[Organisation name] Pregnancy Pay** is payable for up to 39 weeks and will be paid as:

6 weeks at 90% of your usual pay

33 weeks which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings, if that is lower than the Government's rate it is treated as earnings and is therefore subject to PAYE and national insurance deductions.  
  
If you decided to take 52 weeks off work then the remaining 13 weeks will be unpaid.

If you become eligible for a pay rise between the start of the original calculation period and the end of your pregnancy leave (whether ordinary pregnancy leave or additional pregnancy leave), the higher or standard rate of statutory pregnancy pay will be recalculated to take account of the pay rise, regardless of whether statutory pregnancy pay has already been paid. This means that your statutory pregnancy pay will be recalculated and increased retrospectively, or that you may qualify for statutory pregnancy pay if you did not previously. You will be paid a lump sum to make up any difference between statutory pregnancy pay already paid and the amount payable as a result of the pay rise.

Payment of statutory pregnancy pay cannot start prior to the 11th week before the expected week of childbirth. It can start from any day of the week in accordance with the date you start your pregnancy leave.

Statutory pregnancy pay is payable whether or not you intend to return to work after your pregnancy leave.

Employees who are not entitled to statutory pregnancy pay may be entitled to receive pregnancy allowance payable directly by the Government. If you are not entitled to statutory pregnancy pay, [Organisation name] will provide you with an SMP1 form to allow you to pursue a claim for ‘pregnancy allowance’.

**Timing of pregnancy leave**

Ordinary pregnancy leave can start at any time after the beginning of the 11th week before the expected week of childbirth (unless your child is born prematurely before that date in which case it will start earlier). Pregnancy leave will start on whichever date is the earlier of:

* Your chosen start date.
* the day after you give birth; or
* the day after any day on which you are absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If you give birth before your pregnancy leave was due to start, you will need to notify [Organisation name], ideally in writing, of the date of the birth as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks of pregnancy leave immediately after the birth of the child.

**Notice requirements**

On becoming pregnant, you should tell your Line manager as soon as possible. This is important as there are health and safety considerations for [Organisation name]. We will need to assess your work and environment to ensure your welfare and health & safety needs are taken care of.

After notification has been received your Line manager will undertake a pregnancy planner that will also include health and safety risk assessments.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, you are required to inform [Organisation name] in writing of:

* the fact that you are pregnant.
* your expected week of childbirth; and
* the date on which you intend to start your pregnancy leave.

You are required to provide a MAT B1 form, which is a certificate you will receive from a doctor or midwife confirming the expected week of childbirth. The form will need to have either the doctor's name and address or the midwife's name and registration number on it.

You are allowed to bring forward your pregnancy leave start date, provided you advise [Organisation name] in writing 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You can also postpone your pregnancy leave start date, provided that you advise [Organisation name] in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

[Organisation name] will formally respond in writing to this notification usually within 28 days, confirming the date on which you are expected to return to work if you take your full 52-week entitlement to pregnancy leave.

You are required to give 28 days' notice of the date that you want your statutory pregnancy pay to begin. If it is not possible for you to give 28 days' notice, for example if the baby arrives early, you should tell [Organisation name] as soon as reasonably practicable.

**Time off for antenatal care**

Once you have advised [Organisation name] that you are pregnant, you will be allowed paid time off work to attend antenatal appointments as advised by a doctor, registered midwife or registered health visitor.

Except in the case of the first appointment, you may need to produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care can include relaxation and parent craft classes that your doctor, midwife or health visitor has advised you to attend, in addition to medical examinations.

For operational reasons it would be helpful if you could give your Line manager as much notice as possible of antenatal appointments.

An individual who has a qualifying relationship with the employee, which includes the employee's spouse or civil partner, the second parent and / or father of the expected child, or a friend, is eligible to take paid time off for up to five antenatal appointments. The individual with the qualifying relationship should ask their Line manager for more details of this right.

**Health and Safety**

[Organisation name] has a duty to take care of the health and safety of all employees. We are required to carry out additional risk assessments to assess the workplace risks to staff who are pregnant, have recently given birth or are breastfeeding / chest-feeding to ensure that the work is not of a kind that could involve a risk of harm or danger to their health and safety or the health and safety of the baby. This can be the actual work undertaken, processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, [Organisation name] will provide you with information as to any risks identified in the risk assessment. If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal job duties, [Organisation name] will take such steps as are reasonably necessary to avoid those risks, such as altering the working conditions. In some cases, this may mean offering you suitable alternative work (if available) on terms and conditions that are the same.

If it is not possible for [Organisation name] to alter the working conditions to remove the risks to your health and there is no suitable alternative work available to offer you on a temporary basis, [Organisation name] may need to remove you from the risk identified in the work environment on pregnancy grounds until such time as there are no longer any risks to your health. This may be for the remainder of the pregnancy until the commencement of your pregnancy leave. If this happens your employment will continue during this period it does not in any way affect your statutory or contractual employment and pregnancy rights. You will be entitled to your normal salary and contractual benefits during the period of not being in the work environment unless you have unreasonably refused an offer of a suitable alternative arrangement.

**Sickness absence**

If you are absent from work during pregnancy owing to sickness, you will receive normal statutory and contractual sick pay in the same manner as you would during any other sickness absence provided that you have not yet begun ordinary pregnancy leave. If, however, you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your expected week of childbirth, your pregnancy leave will start automatically.

If you are absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, you will need to notify [Organisation name], ideally in writing, of this as soon as reasonably practicable.

**Rights during pregnancy leave**

During ordinary pregnancy leave and additional pregnancy leave, the terms and conditions of your contract except normal pay will continue. Salary/wages will be replaced by statutory pregnancy pay if you are eligible for it. This means that, while sums payable by way of wages/salary will cease or change but other benefits such as holiday entitlement will remain in place.

[Organisation name] pension contributions will continue based on your normal pay during ordinary pregnancy leave and paid additional pregnancy leave. However, [Organisation name] pension contributions will cease during any periods of unpaid additional pregnancy leave. You will remain in the life assurance and private medical insurance schemes if these are provided.

You are encouraged to take any outstanding holiday due to you before the commencement of pregnancy leave. You are reminded that holiday should normally be taken in the year that it is earned.

**Contact during pregnancy leave**

[Organisation name] would like to maintain reasonable contact with you during pregnancy leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or to update you on developments at work during your absence.

**Keeping-in-touch days**

You can agree to work for [Organisation name] (or to attend training) for up to 10 days during your pregnancy leave without that work bringing the pregnancy leave to an end and without loss of a week's statutory pregnancy pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

[Organisation name] has no right to require you to carry out any work and you have no right to undertake any work during their pregnancy leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days will be paid at your normal rate.

**Returning to work after pregnancy leave**

You can return to work at any time during ordinary pregnancy leave or additional pregnancy leave. For operational reasons we will need you to give the appropriate notification. Alternatively, you can take your full period of pregnancy leave entitlement and return to work at the end of this period. If you wish to return before the full period of pregnancy leave has elapsed, you will need to give at eight weeks' notice in writing to [Organisation name] of the date on which you intend to return.

You have the right to resume working in the same job if returning to work from ordinary pregnancy leave. If you return to work after a period of additional pregnancy leave, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on the same terms and conditions.

If you do not return to work by the end of pregnancy leave we will have no alternative but to treat this as unauthorised absence unless you are sick and produce a medical certificate before the end of the pregnancy leave period.

If you decide during pregnancy leave that you do not wish to return to work, you should give written notice of resignation to [Organisation name] as soon as possible and in accordance with the terms of your contract of employment.

**Ordinary Pregnancy leave**

Approximately 11 weeks after your Ordinary Pregnancy leave commences, [Organisation name] will write to you and ask whether you still wish to return to work. You should reply in writing as soon as possible and in any case within two weeks of receiving the request. If you do not return to work on the due date as notified to you by [Organisation name] without good reason, it will be assumed that you no longer wish to continue your employment.

As long as you fulfil the requirement for Ordinary Pregnancy leave, you will automatically be entitled to return to work. However, the following conditions will need to be fulfilled:

* If you wish to return to work before the expiry of your Ordinary Pregnancy leave, you should write to [Organisation name] giving seven days’ notice of your early return. If you do not give notice of an early return [Organisation name] may postpone the return to a date seven days from the date the notice was given. However, for legal reasons you will not be permitted to return to work during the two-week period following the actual date of birth.
* Reinstatement will be to the job in which you were employed before your absence, on the same terms and conditions.
* All terms and conditions of employment, except remuneration will continue to apply during your Ordinary Pregnancy leave.

**Additional Pregnancy leave**

Your right to return to work is governed as follows:

* For operational reasons, [Organisation name] will need to write to you whilst on Pregnancy leave and ask whether you wish to return to work. The letter will be sent approximately 15 weeks after the commencement of your leave. You should reply in writing as soon as possible and in any case within two weeks of receiving the request. You will be asked to confirm the date of birth of your baby, as this date is used to calculate the 52-week period.
* Nearer the time that you intend to return to work, we will need you to write giving eight weeks’ notice of your proposed date of return.
* You can postpone your date of return by up to a maximum of four weeks at the end of your 52-week period. A medical certificate will need to be sent to [Organisation name] confirming that you are incapable of work on the notified date of return and intend to defer your return date. On receipt of this notice your Additional Pregnancy leave will be extended.
* You can return to work with [Organisation name] at any time before the end of the period of 52 weeks, but we will need you to comply with the minimum period of notice required. However, for legal reasons you will not be permitted to return to work during the two-week period following the actual date of birth.
* If the week of confinement is different from the previously expected week of confinement, you will be advised by your Line manager of an amended latest date of return.
* Reinstatement will be under your original Contract of Employment, on the same terms and conditions. Wherever possible this will be to the same job otherwise a suitable alternative will be offered.

**Benefits during Pregnancy leave**

**Continuous Service**

The period of Pregnancy leave is treated as continuous service.

**Holidays Prior to Pregnancy leave**

Wherever possible, any outstanding holiday entitlement due is required to be taken prior to the commencement of Pregnancy leave.

**Holidays During Pregnancy leave**

Holiday entitlement for any calendar year will continue to accrue for the period of Pregnancy leave (Ordinary and Additional). On return from Pregnancy leave, if this is in the same calendar year, the individual may choose to either be paid in lieu for the accrued holidays or subject to agreement with the manager, take the holidays before or when they return.

Holiday entitlement for the calendar year in which your return to work occurs, will be proportionate to the number of complete months remaining from the date of your return.

If the period of Pregnancy leave overlaps two calendar years, then any holidays accrued will be paid in lieu, subject to the holiday policy.

During Additional Pregnancy leave, entitlement to statutory holiday under the Working Time Regulations 1998 will continue to accrue, but all further contractual holiday entitlement will cease. Contractual annual leave accrual will recommence when you return to work after Additional Pregnancy leave.

**Transfer of pregnancy leave**

**Shared parental leave**

Shared parental leave enables individuals to end their pregnancy leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from pregnancy leave and opt in to shared parental leave and pay at a later date.

Shared parental leave will need to be taken in blocks of at least one week. You can request to take shared parental leave in one continuous block (in which case [Organisation name] is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of separate blocks of leave (in which case you need [Organisation name] agreement).

To be able to take shared parental leave, an employee and their partner will need to meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the birth parent curtailing their pregnancy leave.

Employees can refer to [Organisation name] policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the birth parent’s pregnancy leave can be curtailed. [Organisation name] policy on shared parental leave sets out the notice periods with which employees needs comply and what evidence they need to provide to [Organisation name]. The policy also contains more details on employees' entitlement to statutory shared parental pay/[Organisation name] shared parental pay scheme.

Each employee should ensure that they liaise with their own employer when making requests for shared parental leave. Communication is key so that all parties are aware.

**Parental Leave – Time off for Dependants**

An employee is allowed to up to 18 weeks' unpaid parental leave per child which can be taken over many years if they are the birth or adoptive parent of a child who is under 18 years of age. To qualify for ordinary parental leave, employees will need to have completed one year's continuous service with [Organisation name].

"Ordinary parental leave" should not be confused with **shared parental leave**. Shared parental leave enables individuals to commit to ending their pregnancy or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from pregnancy leave and opt in to shared parental leave and pay at a later date. [Organisation name] provides separate guidance within this policy on shared parental leave.

**Rights during "ordinary" parental leave**

Qualifying employees will be entitled to a maximum of 18 weeks' ordinary parental leave to be taken up until the child's 18th birthday. During ordinary parental leave, the employee will remain employed, although pay and most contractual benefits will usually be suspended. Each case will be judged on individual circumstances. The right to accrue statutory holiday entitlement will, however, remain in place in all cases. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

* notice of termination.
* redundancy compensation; and
* disciplinary or grievance procedures.

Employees taking ordinary parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

* notice of termination.
* disclosure of confidential information.
* the acceptance of gifts or other benefits; and
* participation in any other business.

**Conditions of "ordinary" parental leave**

[Organisation name] has adopted the default scheme for the taking of ordinary parental leave and the following conditions apply.

An employee may not exercise any entitlement to ordinary parental leave unless they have complied with any request made by [Organisation name] to produce evidence of parenthood or parental responsibility. This could be in the form of a birth certificate or adoption papers.

The employee should give proper notice of the period of leave that they propose to take unless the need for leave is an unexpected emergency. This notice should ideally be 21 days before the date on which leave is to start and will need to specify the dates on which the period of leave is to begin and end.

Where possible if the employee requests ordinary parental leave to begin when a child is born, notice will need to specify the expected week of childbirth and the duration of the period of leave. The employee will need to give this notice at least 21 days before the expected week of childbirth.

Where the ordinary parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice will need to be given to [Organisation name] 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It will need to specify the week in which the placement is expected to occur and the duration of the period of ordinary parental leave requested.

[Organisation name] can postpone a period of ordinary parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where [Organisation name] considers that its operational needs would be unduly disrupted if the employee were to take leave during the period requested. In such a case, [Organisation name] will allow the employee to take an equivalent period of ordinary parental leave beginning no later than six months after the commencement of the period originally requested. [Organisation name] will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given seven days after the employee's notice request was given to [Organisation name].

Employees will not normally take ordinary parental leave in blocks of less than one week (except in relation to a child who is disabled or an emergency).

Employees will not normally be allowed to take more than four weeks' leave in respect of any individual child in any one year. For these purposes, a year is the period of 12 months beginning when the employee first becomes entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

**Return from "ordinary" parental leave**

An employee who returns to work after a period of ordinary parental leave is entitled to return to the job in which they were employed prior to the absence if it was an isolated period of leave lasting four weeks or less. If the period of parental leave followed on immediately from another period of statutory leave, the employee's right to return depends on the length of leave taken.

The employee has the right to return to the same job if the ordinary parental leave was the last of two or more consecutive periods of leave that did not include:

* a period of ordinary parental leave lasting more than four weeks; or
* any period of statutory leave that, when added to any other period of statutory leave (excluding ordinary parental leave) taken in relation to the same child, means that the total amount of statutory leave taken in relation to that child totals more than 26 weeks.

An employee who returns to work after a period of ordinary parental leave that does not fall into the above description, for example because it follows ordinary and additional pregnancy leave lasting more than 26 weeks, is entitled to return to the job in which they were employed prior to the absence, or, if that is not reasonably practicable, to another job that is both suitable and appropriate in the circumstances.

**Time Off for Dependants**

**Entitlement**

You are entitled to a reasonable amount of unpaid time off during working hours in order to deal with emergencies or other situations affecting dependants. You have no contractual or statutory right to be paid for absences relating to family emergencies, but each occasion will be judged individually. Any payment of salary during time off is made at the absolute discretion of [Organisation name].

The right arises where you need to take action, which is necessary:

1. to provide assistance when a dependant falls ill, gives birth, is injured or assaulted
2. to make arrangements for the provision of care for a dependant who is ill or injured
3. due to unexpected disruption or termination of the arrangements for the care of a dependant
4. to deal with an incident involving a child during the time when an educational establishment has the care of that child.

**Conditions**

* You will need to notify your Line manager of the reason for the absence as soon as is reasonably practicable and, other than in cases where you are unable to notify your Line manager until you return to work, you will need to tell your Line manager for how long you expect to be absent.
* Unpaid time off is granted for the care of dependants. A ‘dependant’ is defined in law as a spouse, a partner, a child, a parent or a person who lives in the same household as you, other than a tenant, lodger, boarder or your employee.
* In addition, in the case of a) or b) above, a dependant also includes anyone such as a friend who reasonably relies on you for assistance or care on the occasion of illness, injury, and in the case of c) above, it extends to anyone who relied on you to arrange the provision of care. This may be where you are the primary carer or the only person who can help in an emergency.
* The amount of time off allowed is that which is reasonable.
* Time off for dependants is usually unpaid but each case will be decided individually.

In the event of a family emergency occurring while you are at work, you should immediately inform your Line manager of the nature of the emergency and advise that you need to leave work early. In the event of a family emergency occurring outside your normal hours of work which will prevent you from reporting to work at your normal start time, you should contact [Organisation name] and speak to your Line manager at the earliest possible opportunity and as close to the normal start time as possible. In any event, this ideally should be no later than two hours after your normal start time. If you are unable to speak to your Line manager personally, you should speak to another manager. You should give details of the nature of the emergency, the reason for your absence and how long you expect to be absent from work. Where the emergency is ongoing, you need to keep your Line manager informed and usually on a daily basis. You will need to update your Line manager on the reason for the ongoing absence and how long you expect it to continue. For practical and operational reasons, we will need you to inform your Line manager as soon as possible of any change in the date of your anticipated return to work.

[Organisation name] envisages that the amount of leave taken will, in most cases, be one or two days. The leave to which you are entitled is enough to help you cope with the immediate crisis. You will in some cases need to actively seek alternative longer-term care arrangements for the care of a dependent as soon as you can of the emergency occurring. Should it not be possible to make such arrangements, you will need to contact your Line manager and explain why further absence is required. Authorisation of such continued absence will be at the absolute discretion of your Line manager. The right to time off under these rules is intended to cover unforeseen family emergencies. If you know in advance that you are going to need time off, then you should speak to your Line manager about the possibility of taking such time as part of your annual leave entitlement.

[Organisation name] are committed to being as supportive as we can so being kept informed is vital.

[Organisation name] may, in exceptional circumstances, ask you to provide supporting evidence of the family emergency on your return to work. You are reminded that it is a disciplinary offence to knowingly provide false information on a Family Emergencies Absence matter or to dishonestly claim a right to time off to deal with a family emergency that is not genuine. Any offence will be dealt with in accordance with [Organisation name]’ disciplinary procedure and, depending on the circumstances, could amount to gross misconduct leading to dismissal.

In the event of a dispute between you and your Line manager about whether a particular incident or occurrence falls under the terms of these rules, another manager of [Organisation name] shall be responsible for determining whether the request for time off made by you relates to a genuine family emergency. Their decision shall be final.

**Paternity/Second Parent Leave**

**Introduction**

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity/second parent leave. [Organisation name] recognises that, from time to time, employees may have questions or concerns relating to their paternity/second parental rights. It is [Organisation name] policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the paternity/second parent provisions are complex, employees should clarify the relevant procedures with their Line manager and that they are followed.

**Paternity/Second Parent leave**

An employee whose spouse, civil partner, partner or surrogate gives birth to a child, or who is the non-birth parent and/or biological father of the child, can take four weeks' paternity/second parent leave provided that they have 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Paternity/second parent leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either of the adoptees can take paternity leave where the other adoptive parent has elected to take full adoption leave. To be eligible for paternity/second parental leave, the employee will need to have 26 weeks' continuous service ending with the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for paternity/second parent leave, the employee will also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child.

Paternity/second parent leave is granted in addition to an employee's normal annual holiday entitlement. Paternity/second parent leave will normally be taken in a single block of four weeks or two blocks of two weeks and taken within eight weeks of the birth or adoption of the child. If the child is born early, it will be taken from the time of the birth but within eight weeks of the expected date of childbirth. Paternity/second parent leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

Employees who wish to take both paternity/second parent leave and shared parental leave will have to take their period of paternity/second parent leave first. An employee cannot take paternity/second parent leave if they have already taken a period of shared parental leave in relation to the same child.

**Notification of paternity leave**

Where an employee wishes to request paternity/second parent leave in respect of a birth child, they will need to give their Line manager 15 weeks' written notice of the date on which the baby is due, the length of paternity/second parent leave they wish to take and the date on which they wish the leave to commence.

In the case of an adopted child, the employee will need to give written notice of their intention to take paternity/second parent leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice should specify the date the child is expected to be placed for adoption, the date the employee intends to start paternity/second parental leave, the length of the intended paternity/second parent leave period and the date on which the adopter was notified of having been matched with the child.

If an employee subsequently wishes to change the timing of the paternity/second parent leave, they will need to give 28 days' written notice of the new dates. The employee, if so requested, complete and sign a self-certificate declaring that they are entitled to paternity/second parent leave and paternity pay.

**Statutory paternity/second parent pay**

For employees who have the length of service to qualify will receive two weeks full pay.

For employees who do not have the required length of service to qualify pay during paternity/second parent leave will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity/second parental pay.

Paternity/second parent pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Paternity/second parent pay can start from any day of the week in accordance with the date the employee starts the paternity leave.

**Time off for antenatal care**

Employees have the right to take time off to accompany a pregnant person with whom they are having a child (this also includes surrogacy situations) for up to five antenatal appointments. This time off will be paid.

To be eligible to take this form of time off, the employee should be the spouse or civil partner of the pregnant birth parent or could be living with the pregnant birth parent in an enduring family relationship (this also includes surrogacy situations). In addition, the employee will be eligible for the time off if they are the non-birth parent and/or biological father of the expected child. The antenatal appointment will normally be made on the advice of a registered medical practitioner, midwife or nurse.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should in the first instance contact their Line manager.

The employee should endeavour to give their Line manager as much notice as possible of when they need the time off for the antenatal appointment and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

**Time off to attend adoption appointments**

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take paid time off to attend up to two adoption appointments under s.57ZL of the Employment Rights Act 1996 However, at [Organisation name] you will be allowed to attend up to five adoption appointments.

The purpose of the appointment is to enable the employee to have contact with the child (for example, to bond with them before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment will normally have been arranged by or at the request of the adoption agency. The time off will normally need to be taken before the date of the child's placement for adoption with the employee.

[Organisation name] may ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

[Organisation name] will normally ask the individual to sign a declaration confirming that they have elected to exercise their right under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. [Organisation name] will ask for the declaration only on the first occasion on which the individual asks for time off to attend an adoption appointment.

**Surrogacy** – the same provision as above will apply in these circumstances

**Shared parental leave**

Shared parental leave enables individuals to commit to ending their pregnancy or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.

An employee can choose to take both paternity/second parental leave and shared parental leave, but the period of paternity/second parent leave will need to come first. An employee cannot take paternity/second parent leave if they have already taken a period of shared parental leave in relation to the same child.

Shared parental leave should ideally be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case [Organisation name] is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the individual needs [Organisation name] agreement).

To be able to take shared parental leave, an employee and their partner will need to meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the curtailing pregnancy leave, or adopter curtailing adoption leave.

Employees can refer to [Organisation name] policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the pregnancy leave can be curtailed. [Organisation name] policy on shared parental leave sets out the notice periods with which employees will need to comply with and what evidence they need to provide to [Organisation name]. The policy also contains more details on employees' entitlement to statutory shared parental pay/[Organisation name] shared parental pay scheme.

The birth parent/adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

**Adoptions from overseas**

If an employee has adopted a child from overseas, they may still be entitled to paternity/second parent leave and shared parental leave. Special rules apply in these circumstances. For further information, please speak to a Line manager

**Surrogacy**

[Organisation name] will be supportive of all individuals who intend to either become a surrogate or engage with a surrogate arrangement.

Individual are entitled to all the usual statutory rights associated with pregnancy and pregnancy .

Intended parents will be eligible for the same leave and pay as adoptive parents on production of satisfactory evidence provided to [Organisation name].

[Organisation name] Surrogacy Pay is payable for up to 39 weeks and will be paid as:

6 weeks 90% of usual pay

33 weeks which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings if that is lower than the Government's rate).

If you decided to take 52 weeks off work then the remaining 13 weeks will be unpaid.