



## **Family Friendly Policy**

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## **Family Friendly Policy**

The policies below apply to all employees. They do not form part of any employee's contract of employment and may be amended at any time.

### **TIME OFF FOR DEPENDANTS**

You have the right to take a reasonable period of time off work to deal with an emergency involving a dependant.

This right is to enable you to deal with an unexpected or sudden problem and make any necessary longer term arrangements:

- if a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically;
- to make longer term care arrangements for a dependant who is ill or injured;
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when the child-minder or nurse fails to turn up;
- To deal with an incident involving the employee's child during school hours; for example, if the child has been involved in a fight or is being suspended from school.

A dependant is your partner, child or parent, or someone who lives with you as part of your family. For example, this could be an elderly aunt or grandparent who lives in the household. It does not include tenants or boarders living in the family home, or somebody who lives in the household as an employee, for example, a live-in housekeeper.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on you for assistance. This may be where you are the primary carer or the only person who can help in an emergency.

In most cases, the amount of leave which the law entitles you to will be one or two days at the most, but this will depend on individual circumstances. You may be able to take a longer period of leave if we agree.

The right to time off for dependants does not include a right to be paid during your time off. You must tell us as soon as possible about your absence, the reason for it and how long you expect to be away from work. If you are prevented from telling us due to the nature of the emergency you must explain the reason for the absence on your return to work.

This right is intended to cover unforeseen matters. If you know in advance that you are going to need time off, you may be able to arrange to take this time as part of your annual holiday entitlement. Suspected abuse of this policy will be dealt with as a disciplinary issue under our Disciplinary Procedure.

### **PARENTAL LEAVE**

The right to parental leave is a day one right. It allows parents to take 18 weeks of parental leave to care for each child. Your right to take the leave lasts until the child's 18th birthday.

The right applies to mothers and fathers and to a person who has obtained formal parental responsibility for a child under the Children Act or its Scottish equivalent. Parents are able to start taking parental leave when the child is born or placed for adoption or from the first day of their employment, whichever is later.

The key elements of parental leave are:

- 18 weeks of parental leave for each child;
- A right to take the leave which lasts until the child's 18th birthday;
- You will remain employed while on parental leave but you do not have the right to be paid during parental leave;
- You are normally entitled to return to work following parental leave to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent. However, where your period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave, it might not be possible in some cases for you to return to the same job. In such circumstances, we will offer you a suitable and appropriate alternative position on no less favourable terms.
- During parental leave you will remain bound by your obligation of good faith towards us, any contractual terms relating to the giving of notice, and any contractual restrictions on the disclosure of confidential information, the acceptance of gifts and benefits, or participation in another business (for example, by working for a third party).

You can take parental leave:

- in blocks or multiples of one week;
- after giving 21 days' notice to your employer;
- Up to a maximum of four weeks leave in a year.

You must give your line manager notice of your intention to take parental leave. It would be helpful if you can give this notice in writing. The following notice requirements apply:

- If you wish to take parental leave commencing immediately on the birth or adoption of a child, you should give notice of this intention at least 21 days before the start of the expected week of childbirth or placement. If this is not possible, you must give as much notice as you can. The notice must specify the expected week of childbirth or placement and the duration of the period of leave required.
- In all other circumstances, you must give notice of your intention to take parental leave at least 21 days before you intend the leave to start. The notice must specify the dates on which the period of leave is to begin and end.

If you wish to take a period of parental leave immediately after a period of ordinary paternity leave, it would be helpful if you could give your line manager notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, you should give as much notice as you can. If you do not give notice at least seven days before your period of ordinary paternity leave starts, we might not allow you to take the period of parental leave requested. However, we shall consider each case on its merits.

Before you take a period of parental leave under this policy, we may ask to see evidence of:

- your responsibility or expected responsibility for the child, such as a birth certificate, adoption or matching certificate, parental responsibility agreement or court order.
- the child's date of birth or date of adoption placement.

We can postpone your parental leave for up to six months where it would cause serious disruption to the business, but leave cannot be postponed when you give notice to take it immediately after the time the child is born or is placed with the family for adoption. If we need to postpone your request for parental leave, we will consult with you about alternative dates.

If you are the parent of a disabled child you have the flexibility to take leave a day at a time or longer if you wish. A disabled child is a child for whom disability living allowance is awarded.

Any parental leave taken while working for another employer counts towards the 18-week entitlement. When you begin your employment we may make enquiries of your previous employer or seek a declaration from you about how much parental leave you have already taken.

Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue.

## **MATERNITY LEAVE**

### **Antenatal appointments**

We will not unreasonably refuse you time off work in order to attend an appointment for antenatal care which has been made on the advice of your doctor or midwife or health visitor. You may also be required to produce your antenatal appointment card. Time off should only be requested if it is not possible to arrange the antenatal appointment outside working hours.

All employees are entitled to up to 52 weeks' maternity leave which is divided into:

- (a) Ordinary maternity leave of 26 weeks.
- (b) Additional maternity leave of a further 26 weeks immediately following ordinary maternity leave, provided they comply with the notification requirements

### **Ordinary maternity leave**

You are entitled to ordinary maternity leave if, when you are pregnant:

- (a) By at least the end of the 15th week before the week in which your baby is expected to be born or, if that is not reasonably practicable, as soon as is reasonably practicable, you notify us of –

- (i) Your pregnancy;
  - (ii) The expected week of childbirth, and
  - (iii) The date on which you intend your ordinary maternity leave period to start,

And

- (b) If requested to do so, you produce for inspection a certificate from –

- (i) A registered medical practitioner, or
  - (ii) A registered midwife,

Stating the expected week of childbirth.

This will normally be on a Maternity Certificate MAT B1, which shows the date the baby is due, which will be given to you by your doctor or midwife.

The notification of the date on which you intend your ordinary maternity leave period to start, should not specify a date earlier than the beginning of the eleventh week before the expected week of childbirth. You may change the date on which you intend your ordinary maternity leave period to start as long as you give us 28 days advance warning of the new date if it is reasonably practicable to do so.

Where your ordinary maternity leave period commences with the day that follows the first day after the beginning of the fourth week before the expected week of childbirth on which you are absent from work wholly or partly because of pregnancy you do not have to notify us of the start date of your intended ordinary maternity leave. But you are not entitled to ordinary maternity leave unless you do notify us as soon as is reasonably practicable that you are absent from work wholly or partly because of pregnancy.

Where your ordinary maternity leave period commences with the day on which childbirth occurs you do not have to notify us of the intended start date of your ordinary maternity leave but you are not entitled to ordinary maternity leave unless you notify us in writing as soon as is reasonably practicable after the birth of the fact that you have given birth and the date that this occurred.

We request that all notifications of your pregnancy and the intended date of your maternity leave should be made in writing using our Maternity Leave Notification Form. We will write to you within 28 days of receipt telling you the date when we expect you to return to work at the end of your additional maternity leave.

### **Additional maternity leave**

If you are entitled to ordinary maternity leave you are also entitled to additional maternity leave.

### **Notification of return to work**

If you wish to return to work at any time before the end of your additional maternity leave you must give us 8 weeks' notice (which does not have to be in writing). If you do not do so we can postpone your return so that 8 weeks' notice has been given provided that the postponed date of return is no later than the date that your maternity leave would otherwise have ended.

### **Commencement of maternity leave**

Ordinary maternity leave commences on the last date you notify us is your intended start date, or if earlier the day that follows the first day after the beginning of the fourth week before the expected week of childbirth on which you are absent from work wholly or partly because of pregnancy. If your ordinary maternity leave has not started when the birth occurs it commences on the day that follows the day on which the birth occurs. Additional maternity leave commences on the day after the last day of your ordinary maternity leave.

### **Continuation of your contract of employment**

During both ordinary and additional maternity leave your contract of employment continues and you are entitled to the benefit of those terms and conditions which would have applied to you had you not been absent on maternity leave except for your right to receive the monetary element of your wages or salary. You are also bound by your obligations under your contract of employment subject to your right to take maternity leave.

### **Keeping in Touch Days**

During your period of maternity leave you may by prior agreement come back to work for up to 10 days without it affecting your entitlement to maternity leave or SMP. Any work carried out on a particular day counts as a day's work for this purpose. These days are known as "Keeping in Touch Days". You are not obliged to work any keeping in Touch days nor are we obliged to allow you to do so. Any

arrangements for you to work any keeping in Touch days will be made with you during your maternity leave and confirmed in writing.

### **Return to work at the end of maternity leave**

After a period of ordinary maternity leave which was an isolated period of leave, or the last of two or more consecutive periods of statutory leave which did not include any period of parental leave of more than four weeks, or any period of statutory leave which when added to any other period of statutory leave (excluding 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, you are entitled to return to the job in which you were employed before your absence, on no less favourable terms than before with your seniority and pension rights preserved as if you had not been absent.

After a period of additional maternity leave or a period of ordinary maternity leave not falling within the description above, you are entitled to return to the job in which you were employed before your absence, or if it is not reasonably practicable for us to let you return to that job, to another job which is both suitable and appropriate for you, and on no less favourable terms than before with your seniority and pension rights preserved as if you had not been absent.

### **Redundancy during maternity leave**

If during your ordinary or additional maternity leave it is not practicable for us to employ you under your existing contract of employment due to redundancy you are entitled to be offered an alternative job at the end of your existing contract if there is a suitable vacancy for a job which is for work which it is appropriate for you to do and on terms no less favourable than your existing terms and conditions. The alternative job may be with a successor, an associated employer or us.

### **Pay during maternity leave**

You are not entitled to receive your wages or salary but you are entitled to Statutory Maternity Pay ("SMP") according to the following rules:

In order to qualify for SMP you must satisfy the following criteria:

- a) You must have completed 26 weeks continuous employment with us by the end of the fifteenth week before your expected week of childbirth.
- b) You must still be pregnant or have had your baby by then at the beginning of the eleventh week before the expected week of childbirth.
- c) Your earnings must be more than a lower earnings limit for National Insurance payment purposes.
- d) You must have started a period of maternity leave.
- e) You must have given us notification of your pregnancy.

SMP is payable for a maximum period of 39 weeks and is subject to deductions for tax, National Insurance and any of your deductions which we may legally make.

If you do not qualify for SMP you may claim state maternity allowance for the same period.

### **Pension contributions**

If you are a member of an occupational pension scheme your employer's contributions will continue during your maternity leave as if you were still at work earning your normal pay for so long as you are

entitled to SMP. However, any employee contribution that you make will be related to the actual SMP received.

### **Bonuses and changes in remuneration during your maternity leave**

If the remuneration for your job increases while you are on maternity leave your earnings related SMP (the first six weeks' pay) will be increased too and when you return to work you will receive the increase rate of pay. If you have a right to receive a bonus under your contract of employment then you will receive that bonus while you are on maternity leave so far as it relates to that part of the year when you were at work and entitled to remuneration.

### **Holidays and annual leave**

You will still have your paid holiday entitlement during maternity leave. Generally your holiday entitlement must be taken in the holiday year in which arises, so if you have not been taken all your holiday entitlement before you start your maternity leave where the relevant holiday year ends while you are on maternity leave you would lose it. If possible you should arrange to take all your holiday entitlement for the year in which you start your maternity leave before you go on maternity leave. However should you not be able to do so we will allow you to take it after you finish your maternity leave. In the holiday year in which you return to work you will be able to take all your entitlement for that year in total notwithstanding your absence.

### **Health and Safety**

If you are pregnant and employed in a position which has been identified as posing a risk to your health or to that of your unborn child you will be notified immediately and arrangements will be made to eliminate the risk.

For this reason you are required to notify us as soon as you are aware that you may be pregnant and arrangements will then be made to alter your working conditions or if that is not possible and such a job is available to offer you a suitable alternative job. If there is no suitable alternative job we have the right to suspend you on full pay until you are no longer at risk. The alternative arrangements may continue after the birth of the child if you return to work and are still considered to be at risk.

If you have concern about your own health or safety at any time, please consult our Safety Officer immediately.

Should it be necessary for you to be suspended from work then assuming that you qualify for the statutory rights mentioned above and comply with the notification obligations your period of maternity leave will normally start at the beginning of the sixth week before the expected week of childbirth? Assuming you are eligible, then at that stage, payments of SMP as opposed to normal salary will start.

### **Compulsory maternity leave**

We cannot permit you to work during the period of 2 weeks that commences on the day of childbirth (or 4 weeks if you are a factory worker).

### **Protection from detriment**

The law protects you from any detriment (or disadvantage) in employment because you are pregnant or have a child. You cannot be treated less well than any other employee because you take time off for maternity related reasons or take maternity leave.

## **TIME OFF WORK FOR ANTENATAL APPOINTMENTS - FATHERS AND PARTNERS**

If you are the father of an unborn child or the partner (including same sex partner) of a pregnant woman, you are entitled to take unpaid time off work to accompany the woman to up to two of her antenatal appointments. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her.

Employees accompanying the expectant mother to her ante-natal appointments are entitled to unpaid leave for up to two appointments. The maximum amount of time you are entitled to take off work is six and a half hours for each appointment.

If we ask you to do so, you must give us a signed declaration stating the date and time of the appointment, that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

## **PATERNITY LEAVE**

### **Who can take paternity leave?**

In order to qualify for paternity leave you must satisfy the following conditions:

- be the biological father of the child or the mother's husband or partner;
- where the child is adopted, be married to, or the partner of, the child's adopter;
- Have or expect to have responsibility (or if not the child's father, main responsibility apart from the mother) for the child's upbringing.

We require that you provide an SC3 or SC4 self-certificate as evidence that you meet these eligibility conditions.

You are not entitled to take paternity leave if:

- in birth cases if you have already taken any shared parental leave in respect of the child, or
- in adoption cases, if you have already taken any shared parental leave in respect of the child, if you have exercised your right to take to take paid time off work to attend adoption appointments in respect of the child, or if you have already taken paternity leave in relation to the child as a result of the child being placed with a prospective adopter who is at the time of the placement your spouse, civil partner or partner.

### **Length of paternity leave**

If eligible you are entitled to choose to take either one week or two weeks' paternity leave (not odd days). You decide whether to have just one week or a fortnight. This can be taken as two weeks together, or two separate blocks of one week.

You can choose to start the leave:

- after the date of the child's birth (whether this is earlier or later than expected), or
- From a chosen date.

Leave can start on any day of the week on or following the child's birth but must be completed:



- within 52 weeks of the actual date of birth of the child, or
- If the child is born early, within the period from the actual date of birth up to 52 weeks after the expected week of birth.

Only one period of leave will be available to you irrespective of whether more than one child is born as the result of the same pregnancy.

If there is a stillbirth or the baby dies soon after birth, the paternity rights still apply if the baby is:

- Stillborn after 24 weeks of pregnancy
- Born alive at any stage of the pregnancy but only lives for a short time.

You can take paternity leave at the time it was planned for if you had already booked it before the baby died or within 8 weeks of the baby's death if you had already not booked paternity leave.

### **Statutory Paternity Pay**

During paternity leave, most of you will be entitled to Statutory Paternity Pay ("SPP") from us. Statutory Paternity Pay will be paid for either one or two consecutive weeks as you have chosen. However if you have average weekly earnings below the Lower Earnings Limit for National Insurance purposes you will not qualify for SPP.

### **Notice of intention to take paternity leave**

You must tell us of your intention to take paternity leave by the fifteenth week before the baby is expected, or no more than seven days after the date that the adopter was notified of being matched with the child, unless this is not reasonably practicable. You must tell us as soon as it is reasonably practicable.

We need to know:

- the week the baby is due, or
- the date the child is expected to be placed with the adopter;
- whether you wish to take one or two weeks' leave;
- When you want the leave to start.

You can change your mind about the date on which you want the leave to start providing you tell us at least 28 days in advance (unless this is not reasonably practicable). We also need to know the date you expect any payments of SPP to start at least 28 days in advance, unless this is not reasonably practicable.

### **Self-certificate**

You must give us a completed SC3 or SC4 self-certificate as evidence of your entitlement to SPP and paternity leave. The self-certificate must include a declaration that you meet the eligibility conditions and provide the information specified above as part of the notice requirements. A self-certificate form is available on request from us. The SC3 applies where you are the child's father and if the child is adopted you should use an SC4.

## **Contractual benefits**

You are entitled to the benefit of your normal terms and conditions of employment, except for terms relating to wages or salary (unless your contract of employment provides otherwise) throughout your paternity leave. However, most of you will be entitled to SPP for this period.

## **Return to work after paternity leave**

After a period of paternity leave which was an isolated period of leave, or the last of two or more consecutive periods of statutory leave which did not include any period of parental leave of more than four weeks, or any period of statutory leave which when added to any other period of statutory leave (excluding 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, you are entitled to return to the job in which you were employed before your absence, on no less favourable terms than before with your seniority and pension rights preserved as if you had not been absent.

After a period of paternity leave not falling within the description above, you are entitled to return to the job in which you were employed before your absence, or if it is not reasonably practicable for us to let you return to that job, to another job which is both suitable and appropriate for you, and on no less favourable terms than before with your seniority and pension rights preserved as if you had not been absent.

## **Protection from detriment and dismissal**

The law protects you from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave.

## **SHARED PARENTAL LEAVE**

### **What is shared parental leave and pay?**

Shared parental leave is a new legal right that applies to a baby that is due or placed for adoption on or after April 5th 2015. A mother who is entitled to statutory maternity leave or pay (or maternity allowance), or an adopter who is entitled to statutory adoption leave or pay, can end that leave, pay or allowance period early, and allow the balance of the leave, pay, or allowance period to be shared by the mother or adopter and their partner. There are however other conditions for entitlement that must be satisfied.

### **Eligibility for shared parental leave**

To be eligible to take time off work as shared parental leave you must be an employee, and a new mother or adopter, or the partner of a new mother or adopter.

If you are a mother or adopter, you must qualify for statutory maternity leave or statutory adoption leave, have a partner with whom you share primary responsibility for the child, and have curtailed your maternity or adoption leave to be eligible to take shared parental leave.

If you are the partner of a mother or adopter you must share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption.

The partner, for the purposes of shared parental leave, means the father of the child, or the person who at the date of the child's birth or adoption is married to, or the civil partner or the partner of the mother. The word "partner" means a person (whether of a different sex or the same sex) who lives with the mother or adopter and with the child in an enduring family relationship but is not the mother's or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

All parents who wish to take shared parental leave must satisfy requirements for continuity of employment and their partners must meet an employment and earnings test.

The continuity of employment requirement is for 26 weeks of continuous employment at the end of the 15th week before the child's due date or date of matching for adoption. The employment and earnings test for partners is of having worked for 26 of the 66 weeks leading up to the child's due date or date of matching for adoption and having average weekly earnings of above a specified limit.

All parents who wish to take shared parental leave must have properly notified us in writing of their entitlement and have provided the necessary declarations and evidence.

### **Eligibility for shared parental pay**

To be eligible to receive statutory shared parental pay, you must, in addition to meeting the requirements for shared parental leave, have earned an average salary of the lower earnings limit or more for the eight weeks prior to the 15th week before the due date or date of matching for adoption. Statutory shared parental pay is paid at a statutory rate, which is the same as statutory maternity pay or statutory adoption pay, or 90 per cent of the parent's average weekly earnings, whichever is lower.

### **Amount of shared parental leave**

Shared parental leave may be taken at any time within the period which begins on the date the child is born (or, where more than one child is born as the result of the same pregnancy, the date on which the first child is born), and ends the day before the child's first birthday. In the case of adoption the period begins on the date the child is placed for adoption (or, where more than one child is placed for adoption through a single placement, the date of the placement of the first child), and ends the day before the first anniversary of the date on which the child was placed for adoption.

Once the mother has ended her maternity leave and pay (or maternity allowance) early, or the adopter has ended their adoption leave and pay early, the couple can take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as shared parental leave, and take the rest of the 39 weeks of pay or maternity allowance (up to a maximum of 37 weeks) as statutory shared parental pay.

A mother must take a minimum of two weeks of maternity leave following the birth (or four weeks, if she works in a factory). An adopter can end their period of adoption leave after two weeks.

### **How can shared parental leave be taken?**

- Shared parental leave must be taken in complete weeks;
- Shared parental leave may be taken as one continuous period or in separate discontinuous periods, but there is a limit of three notices of periods of leave or variation of periods of leave that can be given;
- The minimum period of shared parental leave which may be taken is one week.

### **Notifications of entitlement and intention to take shared parental leave**

You must give us written notice of entitlement and intention to take shared parental leave not less than eight weeks before the start date of the first period of shared parental leave to be taken.

1. If you are the mother, or adopter, you must give us a written notice telling us:

- your name;
- your partner's name;

- the start and end dates of any period of statutory maternity or adoption leave taken or to be taken by you;
- the total amount of shared parental leave available;
- the child's expected week of birth and date of birth, or;
- in adoption cases, the date that you were notified of having been matched for adoption with your child, and the date that your child is expected to be placed for adoption with you and the date of the placement;
- how much shared parental leave you and your partner each intend to take;
- An indication as to when you intend to take shared parental leave (including the start and end dates for each period of leave) the indication is non-binding and will not be treated as a period of leave notice unless otherwise indicated in the notice.

The notice should include a signed declaration that you are eligible for shared parental leave, that the information given is accurate and that you will immediately inform us if you cease to care for the child. The notice should include a signed declaration by your partner specifying their name, address and National Insurance number, that they are eligible for shared parental leave, that they are the father of the child, or the person who is married to or the civil partner or the partner of you, that they consent to the amount of leave which you intend to take, and that they consent to us processing the information in their declaration.

2. If you are the father or partner, you must give us a written notice telling us:

- your name;
- the mother's or adopter's name;
- the start and end dates of any period of statutory maternity leave taken by or to be taken by the mother; or the period in respect of which statutory maternity or adoption pay received or to be received by the mother or adopter (where statutory maternity or adoption leave was not taken or is not to be taken in relation to that period) is payable; or the period in respect of which maternity allowance received or to be received by the mother (where statutory maternity leave was not taken or is not to be taken in relation to that period) is payable;
- the total amount of shared parental leave available;
- the child's expected week of birth and date of birth, or;
- in adoption cases the date that the adopter was notified of having been matched for adoption with the child, and the date that the child is expected to be placed for adoption with them and the date of the placement;
- how much shared parental leave you and the mother each intend to take;
- An indication as to when you intend to take shared parental leave (including the start and end dates for each period of leave). The indication is non-binding and will not be treated as a period of leave notice unless otherwise indicated in the notice.

The notice should include a signed declaration by you that you are eligible for shared parental leave, that the information given is accurate and that you will immediately inform us if you cease to care for the child.

The notice should include a signed declaration by the mother or adopter specifying their name, address and National Insurance number, that they are eligible for shared parental leave, that they will immediately inform you if they cease to have ended any entitlement to statutory maternity leave, adoption leave, maternity or adoption pay or maternity allowance; that they consent to the amount of leave which you intend to take, and that they consent to us processing the information in their declaration.

In both cases, where a notice is given before the child is born or placed for adoption, you must give the child's date of birth, or date of placement for adoption, to us as soon as reasonably practicable after the birth or placement and, in any event, before the first period of shared parental leave to be taken by you.

### **Supplementary evidence**

We may ask you for additional evidence, including a copy of the child's birth certificate, or evidence of adoption, and the name and address of your partner's employer. This should be supplied within 14 days of the request.

### **Variation of notice of intention to take shared parental leave**

You can give us a written notice to vary how much shared parental leave you intend to take. The notice must contain:

- An indication as to when you intend to take shared parental leave, including the start and end dates for each period of leave (the indication is non-binding and will not be treated as a period of leave notice unless otherwise indicated in the notice);
- A description of the periods of shared parental leave that have been notified;
- A description of the periods of statutory shared parental pay that have been notified (where that pay was notified in relation to a period in which shared parental leave was not to be taken);
- A declaration signed by you and your partner that you both agree the variation.

### **Giving notice of periods of shared parental leave**

You may only be absent from work to take a period of shared parental leave if you give us a written notice which sets out the start and end dates of each period of shared parental leave requested. The notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested. The notice may be given at the same time as a notice of entitlement and intention to take shared parental leave is given. It can provide notice of more than one period of leave. You can take your entitlement to shared parental leave as one continuous period of leave, or as separate discontinuous periods of leave.

### **What happens after you give us notice of periods of shared parental leave?**

Where you give us a notice which requests one continuous period of shared parental leave, you are entitled to take that period of leave.

Where a notice requests separate discontinuous periods of shared parental leave, in the two weeks beginning with the date the notice was given to us, we may:

- agree to the periods of leave requested;
- propose alternative dates for the periods of leave to discuss with you; or
- Refuse the periods of leave requested without proposing alternative dates.

Where we agree to the periods of leave requested in that notice, or reach agreement with you for the alternative dates for the periods of leave proposed, you are then entitled to take the leave on the dates agreed.

Where no agreement is reached, you are entitled to take the total amount of leave requested in the notice as a continuous period of leave, and you must choose a start date for that leave, which is a date

after the period of eight weeks beginning with the date on which the period of leave notice was given, and you must notify us of that date within five days of the end of the two week period.

If you do not choose a start date, that leave must start on the start date of the first period of leave requested in the period of leave notice.

You can withdraw a notice which requests discontinuous periods of shared parental leave on or before the 15th day after the notice was given unless you and we have already agreed to periods of leave.

### **Variation of period of leave**

You can give a written notice to request a variation of a period of leave. The notice may vary the start date or the end date of any period of shared parental leave provided that the notice is given not less than eight weeks before both the date varied and the new date. It may request that a single period of leave become discontinuous periods of leave or vice versa. It may cancel the amount of leave requested, provided that the notice is given not less than eight weeks before any period of leave varied by the notice is due to commence.

The notice must state what periods of shared parental leave you are entitled to. The notice may not request leave with a start or end date which is outside of the period in which shared parental leave may be taken.

### **Limit of up to three period of leave notices or variations**

You can give a combined total of up to three notices of a period of leave, or to request a variation of a period of leave. That does not include any notice which is withdrawn within 15 days and before any agreement has been reached, given as a result of the child being born earlier or later than the expected week of birth, or given in response to a request from us that you vary a period of leave.

### **Modification of eight week requirement for notices where child born early**

Where the child is born before the first day of the expected week of birth, and you give a notice to vary the start date of the period of leave so that the period starts the same length of time following the child's date of birth as the period would have started after the first day of the expected week of birth, the requirement to give not less than eight weeks' notice is satisfied if the notice is given as soon as reasonably practicable after the child's date of birth, and you will be entitled to the period of leave requested in the notice (provided that the notice did not also request a variation of the length of the period of leave).

This exception applies where you have given a notice of entitlement and intention to take shared parental leave, but not given a period of leave notice; and the child is born eight or more weeks before the first day of the expected week of birth.

The requirement for a period of leave notice to be given not less than eight weeks before the start date of a period of leave will be treated as satisfied if the notice requests a period of leave with a start date in the eight weeks beginning with the date on which the child is born and the notice is given as soon as reasonably practicable after the child's date of birth. Where we have made a request for supplementary evidence and the 14 day period has not ended, the request will not apply.

Where you not given a notice of entitlement and intention to take shared parental leave; and the child is born eight or more weeks before the first day of the expected week of birth, the requirement for the notice of entitlement and intention to take shared parental leave to be given not less than eight weeks before the start date of a period of leave is to be treated as satisfied if the notice is given as soon as reasonably practicable after the child's date of birth.

The requirement for a notice of a period of leave to be given not less than eight weeks before the start date of a period of leave is to be treated as satisfied if the notice requests a period of leave with a start date in the eight weeks beginning with the date on which the child is born and the notice is given as soon as reasonably practicable after the child's date of birth; and there will not be a request for supplementary evidence.

### **Change of circumstances**

Where less than eight weeks before you are due to take a period of shared parental leave or during a period of leave you tell us that you have ceased to care for the child (and therefore will not be absent from work on shared parental leave), and it is not reasonably practicable for us to accommodate the change in circumstances by allowing you to work during the planned period of shared parental leave, we may require you to take a period of leave anyway. This does not apply the event of the death of mother, father or partner, or child.

Where you are not on a period of shared parental leave at the time that you inform of the change of circumstances, any leave that is required to be taken will start on the date on which the next period of shared parental leave was due to start; and end as soon as it is reasonably practicable for us to accommodate the change in circumstances by allowing you to work and, in any event, must end no later than the date on which the next period of shared parental leave was due to end, or eight weeks after we are informed of the change in circumstances, whichever is the earlier.

Where you are on a period of shared parental leave at the time that we are informed of the change of circumstances, any leave that is required to be taken must start on the date that we are informed of the change of circumstances; and end as soon as it is reasonably practicable for us to accommodate the change in circumstances by allowing you to work and, in any event, must end no later than the date on which that period of shared parental leave was due to end, or eight weeks after we are informed of the change in circumstances, whichever is the earlier.

### **Work during shared parental leave**

The law allows you to carry out up to 20 days of work for us during a period of shared parental leave without bringing the period of leave to an end, should you want to do so. This means any work done under your contract of employment, and it may include training or any activity undertaken for the purposes of keeping in touch with the workplace. Contact to discuss your return to work or any other reasonable contact from time to time does not constitute work. Any work carried out on any day constitutes a day's work. We have no right to require that any work be carried out by you during a period of shared parental leave, nor do you have any right to have to work during a period of leave. Any day's work carried out does not have the effect of extending the total duration of a period of shared parental leave.

### **Application of terms and conditions during shared parental leave**

During any period of shared parental leave you are entitled to the benefit of all of the terms and conditions of employment – with the exception of terms and conditions about remuneration – which would have applied if you had not been absent, and bound by any obligations arising under those terms and conditions.

### **Right to return after shared parental leave**

Where you return to work after a period of shared parental leave which, when added to any other period of relevant statutory leave taken by you in relation to the child, means that the total amount of relevant statutory leave taken by you in relation to the child is 26 weeks or less, you are entitled to return from leave to the job in which you were employed before the absence, except where it was the last of two or

more consecutive periods of relevant statutory leave which included a period of parental leave of more than four weeks, a period of additional maternity leave, or a period of additional adoption leave.

Where you return to work after a period of shared parental leave which when added to any other period of relevant statutory leave taken by you in relation to the child, means that the total amount of relevant statutory leave taken by you in relation to the child is more than 26 weeks, or it was the last of two or more consecutive periods of relevant statutory leave which included a period of parental leave of more than four weeks, a period of additional maternity leave, or a period of additional adoption leave, you are entitled to return from leave to the job in which you were employed before the absence, or, if it is not reasonably practicable for us to permit you to return to that job, to another job which is both suitable and appropriate for you to do in the circumstances.

### **Redundancy during shared parental leave**

If during your shared parental leave it is not practicable for us to employ you under your existing contract of employment due to redundancy you are entitled to be offered an alternative job at the end of your existing contract if there is a suitable vacancy for a job which is for work which it is appropriate for you to do and on terms no less favourable than your existing terms and conditions. The alternative job may be with a successor, an associated employer or us.

### **Protection from detriment and unfair dismissal**

The law protects you from any detriment (or disadvantage) in employment because you take or sought to take shared parental leave. You cannot be treated less well than any other employee because you take or sought to take shared parental leave. A dismissal where the reason or principal reason for dismissal is because an employee took or sought to take shared parental leave, or is believed likely to take shared parental leave, or undertook, considered undertaking, or refused to undertake work during shared parental leave, will be automatically unfair.

### **ADOPTION LEAVE**

You can also take paid leave when a child is newly placed for adoption in a similar way to the right of maternity leave.

Adoption leave will be available to:

- individuals who adopt;
- One member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay.

Both paid adoption leave and paid paternity leave are available where an approved adoption agency notifies the adopter of a match with a child.

To qualify for adoption leave, you must be newly matched with a child for adoption by an approved adoption agency.

Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.



You cannot take ordinary adoption leave in relation to a child if you have already taken a period of ordinary adoption leave as a result of that child being placed or expected to be placed, with you under section 22C of the Children Act 1989 (fostering to adopt).

Adopters are entitled to up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave - a total of up to 52 weeks' leave.

You can choose to start leave:

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

Leave can start on any day of the week.

Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

### **Notice of intention to take adoption leave**

You are required to inform us of your intention to take adoption leave within 7 days of being notified by their adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable.

We need to know:

- when the child is expected to be placed with you and
- When you want your adoption leave to start.

You can change your mind about the date on which you want leave to start providing you tell us at least 28 days in advance (unless this is not reasonably practicable).

We have 28 days in which to respond to notification of your leave plans and will then write to you, setting out the date on which we expect you to return to work if the full entitlement to adoption leave is taken.

### **Matching certificate**

You have to give us a 'matching certificate' – from the adoption agency as evidence of entitlement to SAP and adoption leave. You should ask their adoption agency for a matching certificate which will include basic information on matching and expected placement dates.

### **Pay during adoption leave**

You are not entitled to receive your wages or salary but you may be entitled to Statutory Adoption Pay ("SAP").

In order to qualify for SAP you must have completed 26 weeks continuous employment with us by the week you are matched with a child, and your earnings must be more than a lower earnings limit for National Insurance payment purposes.

You have to tell us the date you expect any payments of SAP to start at least 28 days in advance, unless this is not reasonably practicable.

SAP is payable for a maximum period of 39 weeks and is subject to deductions for tax, National Insurance and any of your deductions which we may legally make.

### **Contractual benefits**

You are entitled to the benefit of your normal terms and conditions of employment, except for terms relating to wages or salary (unless your contract of employment provides otherwise) throughout both the ordinary adoption leave period and the additional adoption leave period.

### **Keeping in Touch Days**

During your period of adoption leave you may by prior agreement come back to work for up to 10 days without it affecting your entitlement to adoption leave or SAP. Any work carried out on a particular day counts as a day's work for this purpose. These days are known as "Keeping in Touch Days". You are not obliged to work any keeping in Touch days nor are we obliged to allow you to do so. Any arrangements for you to work any keeping in Touch days will be made with you during your adoption leave and confirmed in writing.

### **Notification of return to work**

Adopters who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification to their employers.

Adopters who want to return to work before the end of their adoption leave period, must give 8 weeks' notice of the date they intend to return.

### **Return to work after adoption leave**

After a period of ordinary adoption leave which was an isolated period of leave, or the last of two or more consecutive periods of statutory leave which did not include any period of parental leave of more than four weeks, or any period of statutory leave which when added to any other period of statutory leave (excluding 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, you are entitled to return to the job in which you were employed before your absence, on no less favourable terms than before with your seniority and pension rights preserved as if you had not been absent.

After a period of additional adoption leave or a period of ordinary adoption leave not falling within the description above, you are entitled to return to the job in which you were employed before your absence, or if it is not reasonably practicable for us to let you return to that job, to another job which is both suitable and appropriate for you, and on no less favourable terms than before with your seniority and pension rights preserved as if you had not been absent.

### **Pension contributions**

If you are a member of an occupational pension scheme your employer's contributions will continue during your adoption leave as if you were still at work earning your normal pay for so long as you are entitled to SAP. However any employee contribution that you make will be related to the actual SAP received.

## **Bonuses and changes in remuneration during your adoption leave**

If the remuneration for your job increases while you are on adoption leave your earnings related SAP (the first six weeks' pay) will be increased too and when you return to work you will receive the increase rate of pay. If you have a right to receive a bonus under your contract of employment then you will receive that bonus while you are on adoption leave so far as it relates to that part of the year when you were at work and entitled to remuneration.

## **Holidays and annual leave**

You will still have your paid holiday entitlement during adoption leave. Where holidays must be taken in the holiday year in which they accrue, then you will lose holidays that have not been taken before you start your adoption leave where the relevant holiday year ends while you are on adoption leave. In the holiday year in which you return to work you will then be able to take all your entitlement for that year notwithstanding your absence.

## **RIGHT TO TIME OFF WORK FOR ADOPTION APPOINTMENTS**

If you have been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with you, alone or jointly with another person, you are permitted to take a certain amount of time off work for adoption appointments.

You are not entitled to take time off work for adoption appointments on or after the date of the child's placement for adoption with the employee.

Time off work for adoption appointments can be paid or unpaid.

Where there are two adopters only one of them will be entitled to paid time off to attend adoption appointments. The other will only be entitled to unpaid time off. You and the other adopters must choose which one of you is to use the right to paid leave.

For paid time off work for adoption appointments, you are not entitled to time off work on more than five occasions, and the maximum amount of time off work than can be taken is six and a half hours.

For unpaid time off work for adoption appointments, you are not entitled to time off work on more than two occasions, and the maximum amount of time off work than can be taken is six and a half hours.

You not entitled to time off unless the appointment has been arranged by or at the request of the adoption agency.

If we request it, you must give us a document showing the date and time of the appointment and that it has been arranged by or at the request of the adoption agency, and, where there are two adopters, a signed declaration you have elected to take paid or unpaid time off to attend adoption appointments, whichever the case may be.

Where you are entitled to paid time off work, you will be paid for the number of working hours for which you are entitled to be absent at the appropriate hourly rate.

## **FLEXIBLE WORKING**

From day one of your employment, you have the right to make a flexible working request. .

### **Eligibility**

In order to make a request under the right you must:

- be an employee;
- Not have made another application to work flexibly under the right during the past 12 months.

### **Scope of a request**

If you are eligible you may request:

- a change to the hours you work
- a change to the times when you are required to work
- To work from home.

### **The procedure**

The procedure is that you have to make a request in writing. You can make only one application a year under the right, and if we accept the request this will mean a permanent change to your terms and conditions of employment.

It will be important therefore that, before making a formal request, you give very careful consideration to which working pattern you wish to request; any financial implications it might have in cases where the desired working pattern will involve a drop in salary; and any effects it will have on the business and how these might be accommodated.

We will consider your request in a reasonable manner and inform you of our decision and, if necessary, allow you to make an appeal about the decision, within three months of receiving the initial request. We may ask you to attend a meeting to discuss your request or appeal. You can if you wish, bring a work colleague to accompany you to the meeting.

We are allowed to refuse your request if we consider that one or more of the following grounds apply:

1. the burden of additional costs;
2. detrimental effect on ability to meet customer demand;
3. inability to re-organise work among existing staff;
4. inability to recruit additional staff;
5. detrimental impact on quality;
6. detrimental impact on performance;
7. insufficiency of work during the periods you propose to work;
8. Planned structural changes.

We will inform you of our decision in writing. If you are unhappy about our decision you can make an appeal. You should make your appeal in writing within 14 days of receiving our decision. If you fail to attend a first meeting to discuss your request, or an appeal against our decision, or any further meeting arranged, without good reason, your request will be considered to have been withdrawn.

### **NEONATAL CARE LEAVE AND PAY**

Neonatal care leave allows parents to have additional time off to be with a baby who is receiving neonatal care. The right to neonatal care leave applies from the first day of work. Eligible parents can take neonatal care leave once their child has been in neonatal care for at least 7 consecutive days. Parents who have a baby admitted to neonatal care up to the age of 28 days might be eligible for up to 12 weeks of leave. This includes fathers and partners of birth parents.

Neonatal care could include:

- Medical care received in a hospital
- Care given to the baby after leaving hospital, under the direction of a consultant
- Ongoing monitoring and visits by healthcare professionals arranged by the hospital
- Palliative or end of life care.

Neonatal care might not take place in a neonatal unit. If a baby under 28 days starts receiving neonatal care, parents will be eligible to take neonatal care leave.

## **Eligible Parents**

Parents who have shared or sole responsibility for a child are eligible. This includes if they are:

- The mother or birth parent
- The father
- Married to, the civil partner of or partner of the mother or birth parent – this includes same sex partners
- Adopting a child, including fostering to adopt
- Intended parents in a surrogacy
- 

Each eligible parent will be entitled to a separate amount of leave. This includes parents who work for the same employer. This is additional to other types of parental leave and pay.

Parents will be able to take a minimum of 1 week, and a maximum of 12 weeks leave. This will depend on how long their baby is getting neonatal care. Parents will get 1 week of leave for each week the baby is in care, up to a maximum of 12 weeks.

The baby must be in care for at least 7 consecutive days. If a parent has already booked statutory parental leave, neonatal care leave can be added to the end of this.

Parents are not eligible for neonatal care leave until their baby has been receiving care for 7 days or more. Each week of leave is taken in arrears. Parents who are not already on leave might need to take another form of leave for the first 7 days. For example, time off for dependants, annual leave or special leave.

Leave and pay can be taken in 2 tiers:

- Tier 1 is for the period when the child is still receiving neonatal care, and including 1 week after the care has ended
- Tier 2 is for the period outside tier 1 and before the end of 68 weeks from the date of the child's birth.

A parent with the legal status of employee has the right to up to 12 weeks of neonatal care leave. They may also be entitled to neonatal pay.

To be eligible for neonatal care leave, an employee's baby must begin receiving neonatal care within 28 days of their birth. This will start from the day after birth.

The care must be for at least 7 consecutive days.

Parents can take the same amount of neonatal leave even if more than 1 baby is taken into neonatal care. For example, twins taken into neonatal care at the same time.

If there are multiple but separate births, then leave can be taken for each child.

## **Adoption**

Both primary and secondary adopters or single adopters are eligible for neonatal care leave.

The first 7 days of neonatal care need to start after the adoption placement date.

Parents need to take the leave before the end of 68 weeks from the date the child is placed with the adopter.

## **Overseas adoptions**

For overseas adoptions, the leave needs to be taken before the end of 68 weeks from the date the child enters Great Britain.

## **Adopting more than 1 child**

Parents can take the same amount of neonatal leave even if they adopt more than 1 baby in the same placement who is taken into neonatal care. For example, twins taken into neonatal care at the same time.

If there are multiple but separate adoption placements, then leave can be taken for each child up to a maximum of 12 weeks.

Any parent with the legal status of employee can ask for neonatal care leave.

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

People with the legal status of worker can still stop working to care for their child. They will need to tell the employer or the agency but won't need to provide the same information.

## **Who can tell the employer**

When a baby needs care it can be upsetting and stressful for parents, especially in the first few weeks. Employers should be flexible when employees are giving notice. They could allow for someone other than the employee to tell them, such as the employee's friend or family member.

## **When parents must give notice**

When employees must give notice to the employer depends on the tier of leave they are taking:

- tier 1 leave is for the period when the baby is still receiving care, including 1 week after the care has ended
- tier 2 leave is for the period outside the time the baby is receiving care and before the end of 68 weeks from the date of birth

## **Tier 1**

For tier 1 leave, employees need to tell their employer before they are due to start work on the first day of leave. This will be after the child has already had 7 consecutive days of neonatal care.

Tier 1 leave notice does not have to be in writing.

For example, an employee's baby goes into care on 6 April. The employee should inform their employer before their first day of leave, which will be on 14 April.

## **Tier 2**

For tier 2 leave, if employees are taking 1 week off, they need to tell their employer at least 15 days before the start date. This week would be after the child has already had 7 consecutive days of neonatal care.

If they are taking 2 or more weeks leave, the employee must tell the employer 28 days before the leave starts.

Tier 2 leave notice must be in writing. Some employers might allow employees to give notice without putting it in writing.

Employees should check contracts or policies when giving notice.

Tier 2 leave must be taken as consecutive weeks. This means the time off must be taken in one block and cannot be split.

## **What employees need to tell their employer.**

Employees must tell their employer:

- their name
- the date of the child's birth
- the date the child started to receive neonatal care, or each date if the child received neonatal care on 2 or more separate occasions
- the date that the care ended if the child is no longer receiving neonatal care
- if applicable, the date of the child's placement with the adopter or prospective adopter
- if applicable, the date of the child's entry into Great Britain to live with the overseas adopter
- if it is the first time they're requesting neonatal care leave, a declaration that the employee meets the parental relationship criteria
- that during the time the child was in neonatal care, they have cared for or intend to care for the child

For tier 1 leave, employees can tell their employer this information in writing or verbally. If notice is given verbally, employers might want to confirm this in writing. For example, in a letter or email. For tier 2 leave, notice must be given in writing.

Employers should make the process for requesting neonatal care leave clear in contracts or policies.

## **When parents can take leave**

Neonatal care leave is in addition to other time off and pay. Parents must take leave before the end of 68 weeks from the date of birth.

Neonatal leave is in addition to other types of time off such as statutory:

- maternity leave
- paternity leave
- adoption leave

- shared parental leave

Employees are not able to take 2 types of leave at the same time.

For example, an employee has requested 2 weeks of paternity leave when their child is born. Their child is taken into neonatal care immediately. The employee can still take neonatal care leave, but it will be added to the end of the paternity leave.

### **If neonatal care leave interrupts other statutory leave**

If parents take tier 1 leave which interrupts another statutory leave the neonatal care leave will end straight away. The neonatal leave which has not been taken will be added to the end of the leave it interrupted. This will only be if it's still in the tier 1 period.

If the baby has not been receiving care for a week or more at the end of the interrupted leave, the leave period is now in tier 2. Any remaining neonatal care leave plus the interrupted leave must be taken together.

If notice has been given for tier 1 leave, no extra notice is needed for the remaining amount that will be used as tier 2. Employees must avoid giving notice to take neonatal leave if they already know they have other leave booked.

### **Surrogacy**

Intended parents in a surrogacy will be eligible for neonatal care leave if they:

- have applied for a parental order
- intend to apply for a parental order within 6 months of the child's birth

Both intended parents are eligible for neonatal care leave.

The first 7 days will start from the date of birth. Parents need to take the leave before the end of 68 weeks from the date of birth.

Employers must keep information shared about a baby needing neonatal care confidential. They should only tell others if the parent makes it clear they can share with other employees, clients or customers. In some situations, an employee might want their employer to tell other people they work with. This might help others respond sensitively to the situation. Employers must agree with the parent when it's appropriate to share the information.

This conversation will probably not take place immediately. But employers should find an appropriate time to talk about this.

### **The first 7 days**

For the first 7 days of neonatal care, a parent isn't entitled to neonatal leave. Employers should be flexible and understanding during this time.

Employers could allow paid time off as special leave. Alternatively, a parent might ask to take the time off unpaid.

If an employee's child dies, they might still be eligible to take neonatal care leave.

They would be eligible if:



- their child was in neonatal care for 7 consecutive days or more
- they provided notice for neonatal care leave

The neonatal care leave can start the day after the child dies. If other leave has already been booked, for example maternity, adoption or paternity leave, that must be taken first.

This will be in addition to parental bereavement leave.

If an employee has a disrupted adoption, they might still be eligible to take neonatal care leave.

They would be eligible if:

- their child was in neonatal care for 7 consecutive days or more
- notice for neonatal care leave was provided

### **If an employee's application for a parental order fails**

If an employee's application for a parental order fails, they might still be eligible to take neonatal care leave.

They would be eligible if:

- their child was in neonatal care for 7 days or more
- notice for neonatal care leave was provided

Parents who have a baby in neonatal care might be eligible for up to 12 weeks of neonatal care pay. Pay cannot be for less than a full week.

### **Entitlement to pay**

To be eligible for neonatal care pay, parents must have 26 weeks of continuous service. The 26 weeks must be completed before the 'relevant week'. They must still be in employment in the week before neonatal care starts.

Parents must have earned at least £125 a week on average for 8 weeks before the relevant week.

### **Relevant week**

The relevant week depends on any other pay a parent qualifies for.

If a parent is also taking statutory maternity or paternity pay, the relevant week is the 15th week before the week the baby is due.

For statutory adoption pay or paternity pay for adoption, the relevant week is when they are notified of being matched with the child.

For any other pay for family leave, the relevant week is the one immediately before the week that neonatal care starts.

### **Workers who are not eligible for leave**

Someone with the legal status of worker who is not eligible for neonatal care leave may be eligible for neonatal care pay.

Someone is likely to be legally classed as a worker if most of these things apply:

- their work for the organisation is more casual, for example work is less structured or they do not have a regular working pattern
- they're usually required to personally do the work
- they're not offered regular or guaranteed hours by the employer
- they have very little obligation to make themselves available for work, but should do work they've agreed to
- they're not carrying out work for a client or customer of their own

If most of these do not apply, someone is more likely to be an employee or self-employed.

Workers who are not eligible for leave could be eligible for neonatal care pay. They should talk to their employer or agency about what they might be eligible for.

### **Telling the employer**

Parents must provide employers with notice to receive neonatal care pay. When employees tell the employer depends on the tier of leave they are taking.

#### **Tier 1**

For tier 1 leave, pay notice must be given within 28 days starting with the first day that the neonatal care pay is being claimed.

This means parents do not have to give notice for pay at the same time they take leave. This might be helpful for parents who are not sure how long neonatal care will be for.

Parents might give notice for both pay and leave at the same time.

For example, an employee's baby goes into care on 6 April. The first day of the week neonatal care pay is being claimed would be 14 April. The employee should give notice for pay before 12 May.

#### **Tier 2**

Giving notice for tier 2 pay depends on how long the pay is for.

Pay notice for 1 week's leave must be given at least 15 days before the first day.

Pay notice for 2 weeks or more of leave must be given at least 28 days before the first day.

### **What employees need to tell their employer**

Employees must tell their employer:

- their name
- the date of the child's birth
- the date the child started to receive neonatal care, or each date if the child received neonatal care on 2 or more separate occasions
- the date that the care ended if the child is no longer receiving neonatal care
- if applicable, the date of the child's placement with the adopter or prospective adopter
- if applicable, the date of the child's entry into Great Britain to live with the overseas adopter
- if it is the first time they're requesting neonatal care leave, a declaration that the employee meets the parental relationship criteria

- that during the time the child was in neonatal care, they have cared for or intend to care for the child

Employers should make the process for requesting neonatal care pay clear in contracts or policies. An employer can make a policy with less complicated requirements for notice.

### **BEREAVED PARTNER'S PATERNITY LEAVE**

Eligible father's will be entitled to up to 52 weeks of unpaid leave if the mother or primary adopter of their child dies. This also applies to intended parentd having a baby through surrogacy.

The employee must take this leave within 52 weeks of either:

- The child's birth
- The child's adoption placement
- The child's entry to Great Britain for overseas adoption