

# Family Leave Policy

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# Family Leave Policy

## Section A: Overview

### 1. Purpose and scope

This policy is to ensure employees are aware of what they are entitled to in relation to maternity, paternity and adoption and parental leave. It is also to ensure all our employees know how to apply the relevant aspects of the policy applicable to them during their employment with the Authority.

As an Organisation, we would ensure the policy is applied with fairness and consistency and compliance with the statutory requirements.

### 2. Scope

This Policy applies to all employed by the Organisation. This Policy does not apply to non-employees, including self-employed and Agency Workers. Eligibility for Maternity, Paternity, Adoption, Parental and Shared Parental leave are detailed within the specific sections of the policy.

This policy does not form part of any employee's contract of employment and we may amend it at any time

### 3. Vision and values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

### 4. Definitions

This definitions in this paragraph apply in this policy.

<b>A1 Form</b>	Application for Adoption Leave & Pay to be completed by the Employee
<b>AAL</b>	Additional Adoption Leave
<b>AML</b>	Additional Maternity Leave
<b>APL</b>	Additional Paternity Leave
<b>ASPP</b>	Additional Statutory Paternity Pay

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<b>Curtail</b>	Where an eligible mother brings their Maternity / Adoption Leave and, if appropriate, pay or allowance entitlement to an end early
<b>Expected Week of Childbirth</b>	The week, starting on a Sunday, in which your doctor or midwife expects you to give birth
<b>KIT Day</b>	Keep in Touch Day
<b>MA</b>	Maternity Allowance
<b>MAT1 Form</b>	Application for Maternity Leave & Pay completed by employee
<b>MATB1 Form</b>	Maternity Certificate given to a pregnant person by their midwife
<b>OML</b>	Occupational Maternity Leave
<b>OMP</b>	Occupational Maternity Pay
<b>OPL</b>	Ordinary Paternity Leave
<b>OSPP</b>	Ordinary Statutory Paternity Pay
<b>PAT1 Form</b>	Notice of intention to take Paternity Leave completed by employee
<b>Qualifying Week</b>	The fifteenth week before the Expected Week of Childbirth.
<b>SAP</b>	Statutory Adoption Pay
<b>SPL</b>	Shared Parental Leave
<b>ShPP</b>	Statutory Shared Parental Pay
<b>SPLIT day</b>	Shared Parental Leave Pay
<b>SML</b>	Statutory Maternity Leave
<b>SMP</b>	Statutory Maternity Pay

### 5. Personnel responsible for implementing the Policy

Managers and the HR Department have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

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## Section B: Maternity

All employees regardless of length of service are eligible for maternity leave. Eligibility for Maternity Pay varies.

### 6. Fertility Treatment

Reasonable time off will be given to employees undergoing fertility treatment. This will be in accordance with the Attendance and Absence Management policy.

### 7. Notification

Employees are encouraged to tell the Organisation about their pregnancy as soon as they feel comfortable doing so. This is important as there may be health and safety considerations.

Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, you must tell us:

- (a) that you are pregnant.
- (b) the Expected Week of Childbirth; and
- (c) the date on which you would like to start your Maternity Leave (Intended Start Date)

You must provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming your Expected Week of Childbirth.

### 8. Time off for antenatal care

If you are pregnant, you may take reasonable paid time off during working hour for antenatal care. Your time off must be agreed with your line manager. We encourage you to give us as much notice as possible of any antenatal appointments and any other pregnancy related appointments.

To get the approval from your line manager you may be asked to provide evidence of your appointment unless it is the first appointment.

An expectant father or the partner (including same sex) of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment.

“Partner” includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.

This leave is in addition to any time off the partner may ask to take using any of the CPCA’s leave as detailed in the Time Off Policy.

### 9. MATB1 Form

You should provide your manager with a copy of your MATB1 form once you receive this, this is usually issued between weeks 20-25.

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The MATB1 form will enable you to claim Statutory Maternity Pay (SMP), assuming you meet the relevant criteria, it will also verify the pregnancy and confirm your anticipated due date.

## 10. Health and Safety

We have a general duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

We will provide you with information as to any risks identified in the risk assessment and any preventive and protective measures that have been or will be taken. If we consider that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work we will take such steps as are necessary (for as long as they are necessary) to avoid those risks.

This may involve:

- (a) changing your working conditions or hours work.
- (b) offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- (c) suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

## 11. Miscarriage or Still Birth

Although most pregnancies are healthy, clearly problems can arise. The CPCA acknowledges that the needs of each individual employee will differ as employees handle difficult circumstances in their own way. However, the CPCA will react sympathetically to all employees who experience this. If support or guidance is required, then the employee should contact their HR Department or line manager who may have access to external resources which may help the employee deal with their situation. Line Managers **must** also contact HR for advice on how to support an employee during their recovery period.

### Miscarriage

Please see the separate Pregnancy Loss Policy for guidance for both employees that have experienced pregnancy loss, and advice for line managers and colleagues.

### Stillbirth

If a child is still born after the 24th week of pregnancy, or dies within the period of Maternity leave, the terms of the maternity policy apply in full in respect of maternity pay, allowances, and maternity leave. If the employee is unfit to return to work at the end of their maternity leave, then the provisions of the Attendance and Absence Management Policy will apply.

## 12. Pre-term birth

### Premature Leave

A premature birth is defined as any birth before the 37<sup>th</sup> week of pregnancy (including multiple births, e.g. twins).

If an employee, or their partner, gives birth prematurely the employee will be entitled to additional maternity/paternity leave. This leave will be equal to the number of weeks before the Expected Due Date that the birth took place.

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*For example, if the birth took place in the 35<sup>th</sup> week of pregnancy, that would be 5 weeks before the expected due date, so the employee would be entitled to an additional 5 weeks maternity/paternity leave.*

### Neo-Natal Leave

Neo-natal leave would apply to employees whose baby/babies are unwell when born, and must remain in a neo-natal unit following their birth for 1 week or longer. The employee would be entitled to additional maternity/paternity leave equal to the number of weeks the child/children must remain in the neo-natal unit, or until the 28<sup>th</sup> day after the Expected Due Date (whichever is earliest).

For example, if a baby was born on their Expected Due Date but remained in the neo-natal unit for a further two weeks, the employee would be entitled to an additional two weeks leave.

### Pay

Both types of leave would be paid at full pay, and they can be taken consecutively. The additional pay would be paid at the beginning of the maternity/paternity leave, and would not be required to be repaid under any circumstances.

### Notification

The Combined Authority understands that it may not always be possible to notify us immediately of a premature birth, or a neo-natal care situation. However, we ask that the parent or a family member informs us as soon as possible so that we can ensure the correct maternity/paternity pay is received. We also ask that the employees then keep us informed of any changes.

The Combined Authority would require evidence of the premature birth/neo-natal care when possible. This could be in the form of a birth certificate or a copy of a discharge letter.

### Additional Support Available

The Combined Authority has a range of support available for all staff, and would encourage employees to access these when necessary.

### Counselling

The Combined Authority has a confidential counselling service available through our Employee Assistance Programme. Employees on maternity/paternity leave can access this service. Please contact HR for details of how to do this.

### Returning to work

On an employee's return to work we would recommend they meet with their line manager to discuss if any further support is required. This might include temporary adjustments to duties or working hours. Employees are also welcome to meet with HR.

All employees with at least 26 weeks' continuous service also have a legal entitlement to make flexible working requests. For more details please see our Flexible Working Policy.

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## Terminology

Premature birth	A premature birth is defined as any birth which takes place before the 37 <sup>th</sup> week of pregnancy.
Neo-natal	The definition of neo-natal is “relating to new-born children”. A child is classed as a neonate from their birth until the 28 <sup>th</sup> day after their Expected Due Date.

## 13. Sickness Absence During Maternity

Periods of pregnancy-related sickness absence shall be paid in accordance with the Attendance and Absence Management Policy in the same manner as any other sickness absence. Any payment in excess of this as a result of the pregnancy-related sickness will be entirely at the CPCA's discretion.

If during the 4<sup>th</sup> week before EWC, an employee is absent due to an illness wholly or partly related to pregnancy, the maternity leave will start automatically on the day after the first day of absence. This is regardless of the planned maternity leave start date.

If an employee is absent due to a condition not related to the pregnancy, then the sick leave will continue up to the date that was the notified intended date for the maternity leave. The absence will be dealt with in accordance with the CPCA's Attendance Policy.

Periods of pregnancy-related absence from the start of the employee's pregnancy until the end of their maternity leave will be recorded separately from sickness absences and will be disregarded in any future employment-related decisions.

## 14. Entitlement to Maternity Leave

All employees are entitled to up to 52 weeks' Maternity Leave which is divided into:

- Ordinary Maternity Leave of 26 weeks (OML).
- Additional, Maternity Leave of a further 26 weeks immediately following OML (AML).

## 15. Starting Maternity Leave

The earliest date you can start Maternity Leave is 11 weeks before the Expected Week of Childbirth (unless your child is born prematurely before that date).

You must notify us of your Intended Start Date in accordance with section 5 of this policy. We will then write to you within 28 days to inform you of the date we will expect you to return to work if you take your full entitlement to Maternity Leave (Expected Return Date).

You can postpone or bring forward your Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.

Maternity leave shall start on the earlier of:



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- (a) your Intended Start Date (if notified to us in accordance with this policy);
- (b) the day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or
- (c) the day after you give birth.

If you give birth before your Maternity Leave was due to start, you must let us know the date of the birth in writing as soon as possible.

The law prohibits you from working during the two weeks following childbirth.

Shortly before your Maternity Leave starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

### 16. Statutory Maternity Pay

Statutory maternity pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if you return to work (except where you are simply keeping in touch). You are entitled to SMP if:

- (a) you have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed by us during that week.
- (b) your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government.
- (c) you provide us with a doctor's or midwife's certificate (MAT B1 form) stating your Expected Week of Childbirth.
- (d) you give at least 28 days' notice (or, if that is not possible, as much notice as you can) of your intention to take Maternity Leave; and
- (e) you are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

SMP is calculated as follows:

- First six weeks: SMP is paid at the Earnings- Related Rate of 90% of your average weekly earnings calculated over the Relevant Period.
- Remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.

SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

You shall still be eligible for SMP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your Maternity Leave has not already begun, SMP shall start to accrue in whichever is the later of:

- the week following the week in which employment ends; or
- the eleventh week before the Expected Week of Childbirth.

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If you become eligible for a pay rise before the end of your Maternity Leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

### **17. Occupational Maternity Pay (OMP)**

Employees who have completed 1 year's continuous local government service at the beginning of the 11th week prior to the EWC are entitled to additional benefits under the CPCA OMP scheme.

The total of SMP and OMP or MA plus any allowances and OMP should not exceed normal full pay, regardless of the option taken below, or when the payment is made.

Employees can choose from one of the following options in addition to their SMP or MA: -

- Option A: 12 weeks at half salary paid during Weeks 7-18; OR
- Option B: 06 weeks full pay paid in a lump sum on return from maternity leave

In order to claim OMP the employee must provide written notification of their intention to return to work at CPCA after their maternity leave. This form will be sent to all qualifying employees by HR Support. Although there is no specified date by which this notification should be given, payment of OMP will only be made when the employee feels able to make an informed decision to return.

OMP shall be paid only on the understanding that the employee will return to employment at the CPCA for a period of at least three months following her maternity leave.

If an employee decides not to return to work, payments during the subsequent 20 weeks will be paid at the SMP rate only and if any OMP was claimed then the total sum of OMP is refundable to the CPCA. In such circumstances, the line manager must be informed immediately, and arrangements made to reimburse the sum in full.

Payments made to the employee by way of SMP are not refundable.

OMP will not be payable to the partner of the mother where shared parental leave is being taken.

Definition of a week's pay:

- A week's pay for employees whose remuneration for normal working hours does not vary with the amount of work done in the period is the normal week's pay.
- Where there are no normal working hours a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

If an employee becomes eligible for a pay rise before the end of their maternity leave, they will be treated for OMP purposes as if the pay rise had applied throughout the relevant

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period. This means that OMP will be recalculated and increased retrospectively. In those circumstances arrangements should be made for the employee to be paid a lump sum to make up the difference between any OMP already paid and the amount payable by virtue of the pay rise. Any future OMP payments at the earnings-related rate (if any) will also be increased as necessary.

### **Employees who do not qualify for SMP but have one years' continuous service 11 weeks before the EWC**

Employees who earn below the lower earnings limit for national insurance at the qualifying week will not be entitled to SMP. However, these employees will be entitled to OMP if they have one year's service at the 29th week of pregnancy. For the first six weeks of absence the employee shall be entitled to 90% of a weeks' pay offset against any MA payable (which should be declared to the employer). An employee who declares in writing that they intend to return to work will for the subsequent 12 weeks receive half a weeks' pay providing that the combined MA, any allowances, plus OMP do not exceed full pay. The 12 weeks half pay can be paid as per the options (A and B) detailed above.

### **18. Terms and Conditions during OML and AML**

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- benefits in kind shall continue.
- annual leave entitlement under your contract shall continue to accrue and
- pension benefits shall continue.

### **19. Annual Leave**

During OML and AML, annual leave will accrue at the rate provided under your contract.

Annual leave which is due to carry over from one leave year to the next during your period of maternity leave must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry over of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting your Maternity Leave. All holiday dates are subject to approval by your manager.

### **20. Pensions**

During OML and any further period of paid Maternity Leave we shall continue to make any employer contributions that we usually make into the relevant pension scheme applicable to your employment providing that you continue to make contributions based on the SMP you are receiving. During unpaid AML we shall not make any payments into the relevant pension scheme applicable to your employment. You do not have to make any contributions, but you may do so if you wish, or you may make up for missed contributions at a later date.

### **21. Redundancies during Maternity Leave**

In the event that your post is affected by a redundancy situation occurring during your Maternity Leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached regarding your continued employment. Employees on Maternity Leave shall be given first refusal on any suitable alternative

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vacancies that are appropriate to their skills.

### 22. Keeping in touch

We may make reasonable contact with you from time to time during your Maternity Leave.

You may work (including attending training) for up to 10 "keeping in touch" days (KIT days) during Maternity Leave without bringing your Maternity Leave or SMP to an end. KIT days are not compulsory and must be discussed and agreed with your manager. In any case, you must not work in the two weeks following birth (or four weeks if you work in a factory environment).

You will be paid at your normal basic rate of pay for time spent working on a KIT Day and this will be inclusive of any SMP or MA entitlement for that day.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or virtually) about the arrangements for your return. This may cover

- ✓ updating you on any changes that have occurred during your absence.
- ✓ any training needs you might have; and
- ✓ any changes to working arrangements (for example if you have made a request to work part-time, Your Rights when you Return, and, Returning to Work Part-time).

### 23. Expected Return Date

Except for employees on fixed term or temporary contracts of employment which may have ended during maternity leave all employees have the right to return to work.

Once you have notified us in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. If your start date has been changed (either because you gave us notice to change it, or because Maternity Leave started early due to illness or premature childbirth) we shall write to you within 28 days of the start of Maternity Leave with a revised Expected Return Date.

We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your Maternity Leave, you are able to confirm that you will be returning to work as expected.

On an employee's return from maternity, they have the right to return to the same job. However, if during their time away from the organisation there are organisational changes that may have impacted their substantive role, the Authority will provide the employee with suitable alternative employment in accordance with the Organisational Change policy.

An employee may decide to change their working hours or pattern on return from maternity, The organisation will deal with any change of contractual terms and conditions request made on a case-by-case basis, in accordance with the organisation's Flexible Working Policy. Your line manager will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

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## Section C: Paternity

### 24. Paternity leave following the birth of a child

You will be eligible for paternity leave and pay if you:

- are the father of the child or the husband or partner of the mother (including same-sex partner)
- have worked for CPCA for a minimum of 26 weeks by the 'notification week' (i.e., the end of the 15th week before the expected week of childbirth (EWC)) or, for adoption paternity leave, by the end of the week in which the child's adopter is notified of matching
- have or expect to have responsibility for the upbringing of the child if you are the father or
- expect to have the main responsibility for the upbringing of the child if you are the mother's husband or partner but not the child's father
- have given the correct notice.

### 25. Length of paternity leave

You can choose to take either one week or two consecutive weeks' paternity leave (not occasional days or separate weeks) and you can choose to start your leave:

- from the date of the child's birth (whether this is earlier or later than expected) or
- on a chosen day after the date of the child's birth or adoption (whether this is earlier or later than expected) or adoption (whether this is earlier or later than expected) or
- (In the case of birth) from a chosen date which is later than the first day of the EWC.
- (In the case of adoption) on a predetermined date that is later than the date on which the child is expected to be placed with the adopter.

If the child is born before the EWC, paternity leave must be taken within 56 days of the actual date of birth of the child.

Only one period of leave will be available to you even if more than one child is born as the result of the same pregnancy, or you adopt more than one child.

### 26. Pay

During your paternity leave you may be entitled to statutory paternity pay (SPP) from the Authority. SPP will be at the rate which is in force at the time.

In this paragraph, Relevant Period means:

- In birth cases, the eight-week period ending immediately before the 14th week before the Expected Week of Childbirth.
- In adoption cases, the eight-week period ending immediately before the week in which you or your spouse, civil partner or partner were notified of being matched with the child.
-

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If you take Ordinary Paternity Leave (OPL) in accordance with this policy, you will be entitled to Ordinary Statutory Paternity Pay ("OSPP") if, during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government.

OSPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact the HR Department.

You should discuss your particular circumstances with your local social security office (Department for Work and Pensions) as you may be eligible for further financial support, such as housing benefit, council tax benefit, tax credits or a Sure Start Maternity Grant.

### **27. Notice**

#### **Paternity leave following the birth of a child**

You are required to inform us of your intention to take paternity leave in or before the 15th week before the EWC, unless this is not reasonably practicable. You will need to inform your line manager and HR Department in writing of:

- the week the baby is expected
- whether you wish to take one- or two-weeks' leave
- when you want the leave to start.

You may be required to give HR Department a signed declaration that you wish to take paternity leave to care for a child or support the child's mother and that you satisfy the eligibility criteria as set out at the beginning of this policy.

If you have given notice of your intention to take paternity leave and wish to change the date that your paternity leave begins, you must give written notice 28 days before the new period of leave is due to start.

#### **Paternity leave following the adoption of a child**

You must inform us of your intention to take paternity leave no more than seven days after the date on which the adopter is notified of having been matched with the child. If that is not reasonably practicable, you must notify us as soon as possible. You will need to specify:

- the date on which the adopter was notified of having been matched with the child
- the date on which 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.

### **28. Contractual benefits**

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

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You will continue to remain bound by any obligations arising under your contract of employment.

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

You are entitled to return to the same job following no more than two weeks' paternity leave.

If, however, you take two or more consecutive periods of statutory leave (which could include additional paternity/adoption of more than four weeks), you will be entitled to return to the job in which you were employed before your absence. If that is not reasonably practicable for the company, then you are entitled to return to another job which is both suitable and appropriate in the circumstances.

You have the right to return:

- with your seniority, pension rights and similar rights
- on terms and conditions not less favourable than those which would have applied if you had not been absent.

### **30. Additional paternity leave**

Employees are entitled to take Additional Paternity Leave (APL). In addition, those adopting a child are also entitled to take APL.

To qualify for APL, you must be the father of the baby, or be married to or the common law partner of the mother or adopter of the baby or expect to have responsibility for the child. This includes same sex partners. You must give eight weeks' notice of your intention to take APL.

In addition, to qualify for APL you (in the case of birth) must have worked for CPCA for at least 26 continuous weeks by the 14th week before the baby is due and still be employed by the employer in the week before APL is due to start. Or (in the case of adoption), you must have worked for the Authority for at least 26 continuous weeks by the week in which the couple are notified that they are being matched with a child, and still be in employment with the employer in the week before APL is due to start.

APL can be taken once your partner has returned to work from a period of statutory maternity or statutory adoption leave. APL must be for a minimum of two weeks, and a maximum of 26 weeks. It must not start until 20 weeks have passed since the birth or placement of the child. It must not end later than 12 months after the birth/placement. APL must be taken in multiples of complete weeks. If your partner has not taken their full entitlement to statutory maternity or statutory adoption pay this will transfer to you.

If you wish to take APL, you must inform your line manager. You will be required to complete self-certification forms to confirm your entitlement to take the leave. The employer has the right to check the accuracy of any information that is supplied.

If you take APL in accordance with this policy, you may be entitled to Additional Statutory Paternity Pay ("ASPP"). Whether and, if so, for how long you may be entitled to ASPP will depend on:



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- Your average weekly earnings being not less than the lower earnings limit set by the government during the Relevant Period; and
- The child's mother or your co-adopter, as the case may be, having returned to work without having taken at least two weeks of their maternity allowance, maternity pay, or adoption pay period. Your entitlement to ASPP will equate to the balance of the number of weeks of untaken maternity allowance, maternity pay, or adoption pay that remained when the child's mother or your co-adopter returned to work.

ASPP are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact the HR Department.

All of the terms and conditions of your employment remain in force during APL, except for the terms relating to pay. In particular:

- Benefits in kind such as life insurance, health insurance, and use of Authority's vehicle if applicable shall continue.
- Annual leave entitlement under your contract shall continue to accrue; and
- Pension benefits shall continue.

Your line manager or Human Resources may make reasonable contact with you from time to time during your APL.

You may work (including attending training) for up to ten days during APL without bringing your paternity leave or your ASPP to an end. The arrangements, including pay, would be set by agreement with your line manager. You are not obliged to undertake any such work during APL.

Shortly before you are due to return to work, your line manager or Human Resources may invite you to have a discussion (whether in person or by telephone) about the arrangements on your return.

You are normally entitled to return to work following either OPL or APL 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, if you have combined your OPL or APL with a period of:

- additional adoption leave; or
- parental leave of more than four weeks,

and it is not reasonably practicable for you to return to the same job, the organisation will offer you a suitable and appropriate alternative position.

If you wish to postpone your return from APL, you should either:

- Request unpaid parental leave in accordance with the organisation's Time Off Policy, giving us as much notice as possible but not less than 21 days; or
- Request paid annual leave in accordance with your contract of employment, which will be at the organisation's discretion.



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If you are unable to return to work from APL as expected due to sickness or injury, this will be treated as sickness absence and the organisation's Attendance and Absence Management Policy will apply.

In any other unapproved absence may be treated as unauthorised absence in accordance with the organisation's unauthorised absence policy.

The organisation will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis, in accordance with the organisation's Flexible Working Policy. Your line manager will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return, you should submit your resignation in accordance with your contract of employment. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive SPP.

### Section D: Shared Parental Leave

The entitlement to Shared Parental Leave (SPL) is created by the mother ending their maternity leave before they have taken her full entitlement. The remaining period then becomes SPL.

#### 31. Eligibility

- Both parents must meet the eligibility criteria for shared parental leave to apply.
- Both parents must have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth.
- Both parents must meet the statutory employment test (employed for at least 26 weeks out of the 66 weeks preceding the EWC) and earnings test (normal weekly earnings which are not lower than the Maternity Allowance threshold).
- The mother must be entitled to SMP and have chosen to end their SML or have returned to work.
- Both parents must have at the time of the child's birth the main responsibility for the care of the child.

#### Entitlement – Shared Parental Leave:

Shared parental leave is available for up to 50 weeks and can begin at any time after the two-week period of compulsory maternity leave.

Shared parental leave must be taken in multiples of complete weeks. This may be taken as one continuous period or with breaks of complete weeks in between.

Shared parental leave must not exceed the balance of untaken maternity leave.

#### Entitlement – Statutory Shared Parental Pay:

The entitlement to Statutory Shared Parental Pay is 39 weeks, less the number of weeks in which SMP or MA has been payable to the mother. SSPP must not exceed the balance of untaken maternity pay or maternity allowance available at the point at which the woman returns or plans to return to work. To be eligible for SSPP the employee should have normal weekly earnings for the 8 weeks ending with the EWC that are not lower than the lower

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earnings limit.

As the mother must take two weeks compulsory maternity leave this means that there is a maximum of 37 weeks SSPP.

An employee can be absent on shared parental leave at the same time as another employee is absent on maternity leave, adoption leave, parental leave, or paternity leave in respect of the same child.

SSPP is not payable after the end of the 52 weeks following the birth of the baby.

If there is a need for the manager to discuss an application for SPL then they can be accompanied by a workplace colleague, trade union representative or a friend or family member.

## 32. How to apply

The mother can give notice to return to work early. This must be done at least 21 days before the return date. However, if the leave is to be shared then each parent will have to give not less than eight weeks' notice of their entitlement to SPL. This needs to be not less than eight weeks before the start date of the first period of SPL to be taken by each of the parents.

If the parent wants to vary the dates, then a notice form should be provided at least eight weeks before the beginning of the first week of leave to the line manager. This form should also be completed for cancelling leave that has been previously arranged. The employee can give three notices to vary. Notices that are withdrawn by the employee, given because the baby was born earlier or later than the EWC, or given because the employer has requested it, will not count towards the three.

If the leave request is for one continuous period of SPL, then the employee is entitled to take that leave. Where discontinuous periods of leave are requested then (within two weeks of the request) the employer may either agree to it, propose alternative dates, or refuse the leave.

If the mother changes their mind, then they can submit a cancellation notice in accordance with the statutory rules.

On receipt of the forms the employee will be asked to submit a copy of the birth certificate and the name and address of their employer or their partner's employer.

## 33. Other considerations

The employer can insist that the employee takes agreed SPL if the parent informs their employer that they no longer meet the criteria for SPL less than eight weeks before the leave is due to start.

The employee is entitled to return to work after SPL to the same job provided that the period of SPL when added to any other period of statutory leave taken by the employee in relation to the child is 26 weeks or less. If the time off is more than 26 weeks, then they should either return to the same job or to another job which is suitable for the employee and

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appropriate in the circumstances.

### 34. Returning Early

If you wish to return to work earlier than the Expected Return Date, you must give us eight weeks' prior notice. It is helpful if you give this notice in writing.

If enough notice is not given, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

### 35. Returning late

If you wish to return later than the Expected Return Date, you should either:

- request Unpaid Parental Leave in accordance with our Unpaid Parental Leave Policy, giving us as much notice as possible but not less than 21 days: or
- request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

In any other case, late return may be treated as unauthorised absence

### 36. Deciding not to return

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible.

If you decide not to return, you should give notice of resignation in accordance with your contract.

The amount of Maternity/Paternity Leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SMP/SPP.

### 37. Returning to work

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

However, if you have taken any period of AML/APL or more than four weeks' Unpaid Parental Leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favorable.

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We will deal with any requests by employees to change their working patterns (such as working part-time) after the SHPP Leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our Flexible Working Policy.

## Part E: Adoption

Adoption leave, paid and unpaid, will be available to employees wishing to adopt a child and who have primary care responsibilities for that child.

The maternity provisions of this policy apply to the adoption of a newly matched child, who is below the age of 18, and to the person who has primary care responsibilities for that child. The other parent may be entitled to paternity leave provisions as stated within this policy. Where both parents are employees of the Authority, the period of adoption leave may be shared.

If an employee is adopting a newly placed foster child, they must be matched for adoption by a recognised agency to be eligible for Adoption Leave or Pay. If the foster child is not newly placed and has been under their care for some time, the employee will not be entitled to receive Adoption Pay or Leave. Employees will not be entitled to receive Adoption pay or leave for adopting a stepchild. However, in both cases employees may be entitled to other forms of leave, for official appointments. Appointment cards or letters will need to be provided for approval of any leave.

An employee is entitled to take paid time off for up to five adoption appointments. The employee is required to give their manager as much notice as possible. Proof of appointment is required for any adoption appointment.

## 38. Eligibility

You will be eligible for adoption leave and pay if you:

- have 26 weeks continuous service with the organisation by the week in which they are
- notified of being newly matched with a child for adoption for Statutory Adoption Leave and Pay
- have 52 weeks continuous service
- are notified of being newly matched with a child
- be identified as the primary carer for the child (be named on their birth/adoption certificate or parental order, for surrogacy)
- be adopting a child who is under eighteen years of age who is newly placed for adoption
- complete an Adoption Leave application and forward to HR with the Matching Certificate before SAP can be paid.

# **Family Leave Policy**

## **39. Length of adoption leave**

Statutory Adoption Leave lasts for up to 52 weeks. This is the same as for maternity leave.

You have the right to adoption leave from the first day of your employment.

## **40. Pay**

During your adoption leave you may be entitled to Statutory Adoption Pay (SAP) and Additional Adoption Leave (AAL) from the organisation.

## **41. Notice**

The earliest date an employee's adoption leave can begin is 14 days before the expected date of placement. The latest date on which leave can commence is the date the child is placed for adoption.

The employee must notify their manager of their intention to take adoption leave within 28 days of being matched with a child. They must give details of the expected placement date and start date of leave, complete the Application for Adoption Leave form and provide the original matching certificate form a recognised UK adoption agency.

## **42. Contractual benefits**

You are entitled to your normal terms and conditions of employment, except for terms relating to wages or salary (unless the contract of employment provides otherwise) throughout your adoption leave. You may however be entitled to SAP for this period.

You will continue to remain bound by any obligations arising under your contract of employment.

## **43. Return to work after Adoption Leave**

The employee's notification of return to work after adoption leave is as per the maternity requirements.

The organisation will deal with any requests by employees to change their working patterns (such as working part-time) after adoption leave on a case-by-case basis, in accordance with the organisation's Flexible Working Policy. Your line manager will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

If in any unfortunate circumstance, a child does not remain in the care of the employee for the full period of leave or the child dies, the employee must notify the authority. In such circumstances the employee may be allowed to take adoption leave for a maximum of 8 weeks following the breakdown of adoption after which they should make arrangements to return to work.

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return, you should submit your resignation in accordance with your contract of employment. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive SAP.

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## Section F: Surrogacy

An employee who is carrying a baby as a surrogate will receive full entitlement in respect of maternity pay and leave. The entitlements will be based on their service as normal maternity leave.

There are 2 potential surrogacy scenarios:

- where the birth parent is not genetically related to the baby (gestational or host IVF)
- where one parent is genetically related (traditional surrogacy).

In both these circumstances new parents of a surrogate baby will be treated the same as those who have gone through the formal adoption process via an agency. It is recognised however that not all parents of a surrogate baby will go through the formal adoption process.

## Section G: Parental Leave

### 44. Eligibility

An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she is the birth or adoptive parent of a child who is under 18 years of age. To qualify for parental leave, employees must have completed at least one year's continuous service with the organisation.

Employees must be one of the following: -

- The mother of the child OR
- The father of the child OR
- Anyone who is given parental responsibility under section 5 of the Children Act 1989 OR
- Adoptive parents OR
- Those that have parental responsibilities outside of the legal definition, e.g., foster parents, adoptive parents prior to placement, grand-parents with a significant parenting role, and stepparents.

### **Basic Entitlement**

Qualifying employees will be entitled to a maximum of 18 weeks' ordinary parental leave to be taken up until the child's 18th birthday.

### **Definition of a Week**

Where an employee's working pattern does not vary, a week is the normal 'working week' worked by the individual. If the employee's working pattern does vary from week to week, then a week is the total hours of all periods worked in a year in which s/he works, divided by 52.143.

### **Parental Leave**

Parental leave may be taken:

- from a single block of 18 weeks.
- for parents of disabled children as a number of shorter periods of a minimum of a half-day.
- in patterns which provide a part-time or reduced hour working arrangement for a period of time equivalent to taking 18 weeks leave as a single block.

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Employees are eligible to take a maximum of four weeks Parental Leave per child in any calendar year (Jan to Dec), commencing on the date upon which the employee becomes entitled to the Leave. This will either be the date of the child's birth, date of adoption, or for new employees to the authority, after serving the one-year qualification period.

Every attempt must be made by the employee to give as much notice as possible with a minimum of 21 days' notice in writing before the day on which they propose to take the leave. Applications for Parental Leave should be submitted to the Line Manager, in writing, on the Parental Leave Request Form available on SharePoint. The form allows the Line Manager to agree in principle to the request.

Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the employer. Such discretion shall not be unreasonably withheld.

## **Postponement of a request for Parental Leave**

The employer may postpone a Parental Leave request for up to a maximum period of six months (where the needs of the service warrant this) after the beginning of the period that the employee originally wanted to start their Parental Leave.

The employee will receive written notification within seven working days of the postponement. Such notification will state the reasons for the postponement and specify the date on which the agreed period of leave will begin and end.

The taking of Parental Leave may not be postponed where it is taken in the following circumstances: -

- Immediately following the birth or adoption of a child having previously given 21 days' notice either before the expected week of childbirth or the expected week of placement.

## **Terms and Conditions during Parental Leave**

Employees taking up to four weeks Parental Leave shall have the right to return to the post in which they were employed prior to taking Parental Leave.

Employees will remain employed by the Authority during the Parental Leave period. Contracts of Employment will continue, and all contractual rights, other than salary, will be maintained, including entitlement to accrued paid annual leave in accordance with the CPCA's Annual Leave Arrangements.

Employees who fall sick during a period of Parental Leave should report such sickness, in accordance with the CPCA's Sickness Reporting Procedure and provide a medical statement for the period of sickness. Any period of certified sickness will not count towards the employee's parental leave entitlement.

Employees will have the option of paying pension contributions for any period of unpaid Parental Leave at the standard rate on the pay that would have been received had they been at work during the leave period.



**CAMBRIDGESHIRE  
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COMBINED AUTHORITY

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## Governance

### References:

Attendance & Absence Management Policy

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### Document Control Sheet

Purpose of document:	This policy has been formulated to provide general guidance and policy advice to staff and managers about Maternity, Paternity, Adoption, Surrogacy and Parental policy and procedure.
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	All new and updated policies and procedures are notified to entire workforce and a variation letter.
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	As part of an annual review.
Mandatory Read	No

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
2		Changes made in line with statutory updates.	March 2023