**Name of organisation**

**Family Friendly Policy and Procedure**

**Approved on:**

**Next Review Date:**

Notes to policy prior to completion

Line Manager –the person responsible for supervision/management of the employee, which may be member of the PCC/Management Team/ or Incumbent.

Sick Pay –the organisation should insert the details relevant to the benefits set out the employee’s statement of employment.

Maternity /adoption pay – the organisation should decide whether they will pay either the minimum of Statutory Maternity/adoption Pay <https://www.gov.uk/maternity-pay-leave/pay> or the whether they will pay additional company maternity pay.

**Introduction**

1. [name of organisation] recognises the importance of enabling employees to balance their work and personal life. The aim of these policies is to support employees through important times of their lives such as during pregnancy, childbirth, adoption, surrogacy and during the early to young adult years of a child’s life.
2. [name of organisation] recognises that employees may have questions/concerns relating to these policies therefore employees are encouraged to discuss these with [usually their line manager] to ensure that any questions/concerns can be resolved as quickly as possible.
3. To support employees, [name of organisation] provides the following family friendly arrangements:

* Maternity Leave and Pay
* Paternity Leave and Pay
* Adoption and Surrogacy Leave and Pay
* Shared Parental Leave and Pay
* Parental Leave

**Scope**

1. These policies and procedures apply to all employees of xxxx.

**Maternity**

1. It is important that an employee advise xxxx as soon as possible once they know that they are pregnant. This should be done no later than the 15th week before their Expected Week of Childbirth (EWC).
2. xxxx wants to provide a healthy working environment for all its employees and wants employees to take care of themselves and their babies. By informing us that they are pregnant, it will enable employees to have access to any help or advice needed which will protect them and their unborn child, and give them the opportunity to discuss any concerns they have about how this relates to their work. It will also enable any special arrangements that are necessary to be made.
3. The employee should provide us with their maternity certificate (Mat B1 Form) as soon as possible (this must be the original). Once they have completed their Notification of Maternity Leave Form and provided us with their Mat B1, xxxx will write to the employee with the details of their eligibility to maternity leave and pay.
4. If the employee is unable to continue working in their normal role because their health and safety as a new or expectant mother may be jeopardised, then [name of organisation] has certain obligations. A Maternity Risk Assessment will be completed to assess the risk to them whilst pregnant, if they have recently returned to work after giving birth, or if they are still breast-feeding when they return to work, and appropriate preventative measures will be taken to either eliminate or reduce the risk.
5. If this preventative action does not allow the employee to continue in their normal job then [name of organisation] will offer them suitable alternative work, if it is available. It must be (a) of a kind which is both suitable and appropriate to them in their circumstances, and (b) the terms and conditions must be the same as, or not substantially less favourable, than those applicable to their present duties under their present contract.
6. If there is no suitable alternative work then [name of organisation] may suspend the employee from work on the grounds that there are compelling health and safety reasons which may affect them and their unborn child. Suspension will continue for as long as necessary in order to avoid the risk. The employee will be entitled to be paid whilst suspended. However, they will not be paid if they refuse suitable alternative work.
7. If employees have any concerns about their health at work during their pregnancy, they should contact xxxx.
8. During ordinary maternity leave and additional maternity leave, the terms and conditions of the employee's contract except normal pay will continue.
9. The organisation's pension contributions will continue based on the employee's normal pay during ordinary maternity leave and paid additional maternity leave. However, the organisation's pension contributions will cease during any periods of unpaid additional maternity leave.
10. If the employee decides to return to work early and this is at the end of the first 26-week period known as ‘Ordinary Maternity Leave’, they are entitled to return to the job they were in before their absence. If they return to work either during or at the end of the second period of 26 weeks known as ‘Additional Maternity Leave’, they have the right to return to their original job, wherever possible. However, if this is not reasonably practicable, we will offer them a suitable alternative job on terms and conditions that are no less favourable.

**Antenatal Care**

1. Once an employee has advised us that they are pregnant, they are entitled to reasonable time off work with pay to attend ante-natal appointments made on the advice of a registered medical practitioner, registered midwife, or registered health visitor. Antenatal appointments include antenatal or parenting classes that have been recommended by the employee’s GP or midwife.
2. To be entitled to take this time off, the employee needs to produce a certificate from their GP, midwife or health visitor stating that they are pregnant along with their appointment card.

**Sickness**

1. Statutory and [company sick pay – if applicable] will apply as normal whilst the employee is pregnant up to the time that they start their maternity leave. However, if they are absent from work due to a pregnancy-related illness in the four weeks prior to their Expected Week of Childbirth (EWC), their maternity leave will automatically be triggered.
2. Absence from work due to miscarriage, termination or still birth earlier than the 25th week of pregnancy will be treated as normal sickness and the employee will be entitled to statutory or [company sick pay – if applicable] as appropriate.
3. If the employee has a miscarriage or stillbirth that occurs from the 25th week onward or should their baby not survive following its birth, the employee is entitled to receive maternity leave and pay in the usual way.

**Starting Maternity Leave**

1. The employee may choose when they want to start their maternity leave subject to the following:

* Maternity leave cannot start before the 11th week before the EWC.
* The latest maternity leave can start is the day after childbirth.
* The maternity leave period will be automatically triggered if the member of staff is absent from work due to a pregnancy-related illness after the beginning of the fourth week before the EWC.
* The maternity leave period will be automatically triggered if the baby is born early in which case the maternity leave will start the day after the baby is born.

**Maternity Pay**

***The organisation should decide whether they will pay additional pay or the minimum of statutory maternity pay as set out below and amend accordingly, using either para 1 or 2 and amend the flow chart***

***Statutory Maternity Pay***

1. Statutory Maternity Pay (SMP) is a government-determined benefit for staff who are on maternity leave that is paid by the organisation. SMP will be paid to the employee alongside company maternity pay (as long as they are entitled to it) for a period of 39 weeks.
2. The earliest the employee can receive SMP is from the beginning of the 11th week before the EWC – but only if they stop work and take maternity leave. SMP is only payable if the employee is absent from work. It is not normally payable for part weeks. SMP will commence on the day the employee has specified to start their maternity leave, provided they start their leave on this day. However, it may start on other days of the week if triggered by the birth of their baby, or absence from work for a pregnancy-related reason in the four weeks before the EWC.
3. The employee will be eligible to Statutory Maternity Pay if:

* They have been continuously employed by xxxx for at least 26 weeks by the end of the 15th week before the EWC;
* They have average weekly earnings in the eight weeks up to and including the 15th week of the lower limit for National Insurance Contributions; and
* They have stopped work to take maternity leave.

1. SMP is payable whether or not the employee intends to return to work after their maternity leave.
2. If they aren’t entitled to receive SMP, they will usually be entitled to receive Maternity Allowance (MA) which is payable directly by the government.

[Click here for current rates](https://www.gov.uk/maternity-pay-leave/pay)

***Company Maternity Pay***

1. Subject to the following conditions, the employee may be entitled to receive company maternity pay. Company maternity pay is full pay (this includes their SMP entitlement) for up to 26 weeks of continuous absence before and after childbirth. Company maternity pay can start from the 11th week before the EWC and will include any statutory maternity payments that the employee is entitled to.
2. To qualify for company maternity pay, the employee must:

* Be in the employment of xxxx at the time their maternity leave begins having been employed continuously for at least one year;
* Be employed on a permanent or fixed-term contract;
* Notify xxxx in writing at least by the 15th week before EWC before their absence is due to begin and submit medical evidence of pregnancy (MAT B1);
* State that they still intend to work for xxxx after the birth of their child, giving an undertaking to do so and complete at least one month’s service on return; and
* Still be pregnant at the 15th week before EWC, or be confined by this time.

If organisational maternity pay isn’t an option please amend the flow chart below

**Have you been employed by xxxx for at least one year by the Expected Week of Childbirth?**

No

Yes

**Do you intend to return to work?**

* **52 weeks’ leave**
* **Pay entitlement:**
  + **First 6 weeks at 90% of full salary**
  + **33 weeks SMP**
  + **13 weeks unpaid**

No

Yes

* **52 weeks’ leave**
* **Pay entitlement:**
  + **First 26 weeks at full salary**
  + **13 weeks SMP**
  + **13 weeks unpaid**

**Contact during Maternity Leave**

1. The organisation reserves the right to maintain reasonable contact with the employee during their maternity leave. This can be for a variety of reasons such as to discuss their plans for returning to work, to discuss any special arrangements that need to be made, any training that will help to ease their return to work or to update them on developments at work during their absence.

**Keeping in Touch Days (KIT Days)**

1. During the employee’s maternity leave (except for the first two weeks after childbirth), they can agree to come to work or to attend training for up to 10 days – these are called KIT Days. The days do not have to be consecutive and working for part of a day will count as one day’s work. Any KIT Days worked will not bring the period of maternity leave to an end nor will they extend it.
2. Where the KIT Day falls in weeks xx to 52 (dependent on where enhanced leave falls, if applicable) of the employee’s maternity leave, their pay will be topped up to a full day’s pay for any days worked. During their maternity leave, if they wish to work more than the 10 KIT Days that they are entitled to, they will be paid in line with their normal salary but they will lose a week’s SMP if they are receiving this.

**Returning to Work**

1. If the employee intends to return to work on the date they have stated before their maternity leave commenced or immediately after the end of their full 52 weeks’ maternity leave, there is no need to give any notice of their return; they have an automatic right to return.
2. If the employee wishes to return to work earlier than their expected return date, they will need to give [usually their line manager] at least 8 weeks’ notice of their return date. If they give less notice, their return may be postponed until 8 weeks have elapsed.
3. If the employee falls ill at the end of their maternity leave period and they are unable to return to work on the date agreed, they should follow the normal sickness absence reporting arrangements and contact [usually their line manager] as soon as practicable.

**Support for new mothers**

1. [name of organsation] endeavours to support all new mothers on their return to work after a period of maternity leave. The employee’s [usually line manager] may conduct a risk assessment to ensure their health and safety at work, as well as informal conversations to ensure a smooth return.
2. Available support:

* For any concerns or questions that an employee may have upon their return to work, they should speak to [usually their line manager].
* Some new mothers may still be breastfeeding upon their return, and may require a private space to pump. [outline where available space is]. This is a space for occasional use for any employee either for pumping, or who needs the space for any other reason.

1. If the employee has any questions regarding their maternity period or return to work, they should contact xxxx.

**Paternity**

1. This policy is designed to ensure that all members of staff are treated fairly and consistently and in line with any relevant legislation. This policy covers paternity leave for childbirth and in relation to adoption or surrogacy.

**Antenatal Care**

1. If an employee is eligible to take paternity leave (please see below), they will also be eligible to take paid time off work to attend up to two antenatal appointments – they need to tell us as soon as possible that they are expecting a child.

**Eligibility**

1. To be eligible for paternity leave, the employee must satisfy the following criteria:

* Be the biological father of the child, or the spouse, partner or civil partner of the child’s mother: or
* Be the secondary adopter or secondary surrogate parent; and
* Be taking the leave to care for the child and/or support the child’s mother, the primary adopter or first surrogate parent; and
* Have been employed continuously by xxxx for 26 weeks ending with the:
  + 15th week before the EWC; or
  + The week they were notified of having been matched; and
* Have given written notification of their intention to take ordinary paternity leave.

**Notification**

1. Where an employee wishes to take paternity leave, they will need to give notice in writing to [usually their line manager] (and provide the organisation with a copy of the MAT B1) of their intention to take paternity leave as follows:

* For birth – give notice at least 15 weeks before the EWC;
* For adoption or surrogacy – give notice within 7 days of:
  + Adoption – being notified by the adoption agency that they have been matched with a child;
  + Surrogacy – sending their application for, or receiving, a Parental order.

1. When notifying the organisation, the employee should state the EWC or the expected placement date and the length and dates of paternity that they wish to take.
2. Once an employee’s child has been born or placed with them, they need to inform [usually their line manager] as soon as possible.

**Paternity Leave and Pay**

*Please amend as appropriate if you are offering more than the statutory 2 weeks’ leave or statutory pay*

1. During their paternity leave, the employee will be entitled to take up to two weeks’ leave. These can be taken in one block, or can be split into two separate one-week blocks. The leave can start on any day of the week on the day of or following the child’s birth but must be completed within the first year of the child’s birth.
2. For each week of leave, the employee must give at least 28 days’ notice.
3. If the employee wishes to take paternity leave, they must complete the relevant following form and send copies to [whoever deals with payroll in the parish, plus usually the line manager]:

* Becoming a birth parent - <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>
* Becoming an adoptive or parental order parent - <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-an-adoptive-parent-sc4>
* Adopting a child from abroad - <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-adopting-a-child-from-abroad-sc5>

1. Statutory Paternity Pay (SPP) is a government-determined benefit for those who are on paternity leave paid by the organisation. If the employee is eligible, SPP will be paid to them alongside company paternity pay (if they are entitled to it) for a period of up to two weeks – the organisation will top up their SPP to the equivalent of their normal full pay.
2. The employee’s company paternity pay/SPP will commence on the day they have specified to start their paternity leave, provided they start their leave on this day. However, it may start on a different day if triggered by the birth of their child.
3. If their paternity leave is being taken in two blocks, then they will be paid company paternity pay/SPP during both weeks.
4. If the employee has any questions regarding their paternity period, they should contact a xxxx.

**Adoption and Surrogacy**

1. If an employee adopts a child or has a Parental Order to have a child through surrogacy, this policy will apply to them, and details the leave and pay they may be entitled to.
2. If the employee is eligible, they will be entitled to 26 weeks’ Ordinary Adoption Leave (OAL) and a further 26 weeks’ Additional Adoption Leave (AAL) running from the end of OAL, allowing for a total of 52 weeks’ adoption/surrogacy leave.
3. The partner of the individual who adopts/has a child through surrogacy, or the second member of a couple adopting jointly, may be eligible for paternity leave/pay.

**Adoption and Surrogacy Appointments**

***Adoption Appointments***

1. The primary adopter is entitled to paid time off to attend up to five adoption appointments. The second adopter is entitled to paid time off during working hours to attend up to two adoption appointments. The employee may be asked by [usually their line manager] to produce an appointment card or document showing the appointment has been made.

***Surrogacy Appointments***

1. Both surrogate parents are entitled to time off during working hours to attend up to two ante-natal appointments with the person carrying their child. The employee may be asked by [usually their line manager] to produce:

* A certificate from a registered medical practitioner, midwife or health visitor stating that the surrogate mother is pregnant; and/or
* An appointment card or document showing the appointment has been made.

**Eligibility**

1. To qualify for adoption and surrogacy leave the employee must:

* Be the primary adopter or first surrogate parent;
* Be newly matched with a child:
  + For adoption – from an approved adoption agency who should provide the employee with a Statutory Adoption Leave and Pay Matching Certificate; or
  + For surrogacy – have applied for a Parental Order or be in receipt of a Parental Order Acknowledgement; and
* Have worked continuously for xxxx for 26 weeks leading into the week in which the employee is notified of being matched.

**Notification**

1. The employee should inform [usually their line manager] of their intention to take adoption or surrogacy leave within seven days of:

* For adoption – being notified by the adoption agency that they have been matched with a child; or
* For surrogacy – sending their application for, or receiving confirmation of a Parental Order.

1. When the employee knows the date their child is expected to be born or placed with them, they should confirm their arrangements with [usually their line manager]. The employee may change their mind about the date they want their adoption and surrogacy leave to start, but they should give at least 28 days’ written notice of the change.
2. They must provide certain evidence to be entitled to Adoption/Surrogacy Leave and Pay:

* For adoption – they should provide a copy of their matching certificate from the adoption agency; or
* For surrogacy – they should provide a copy of their Parental Order applications and confirmation.

***The organisation should decide whether they will pay additional pay (best practice to make same as pay for other types of leave) or the minimum of statutory adoption pay as set out below and amend accordingly, using either para 1 or 2 and amend the flow chart***

**Adoption Pay and Leave**

***Leave***

1. Adoption leave commences either on the date that the child is placed with the employee or a date within 14 days before the expected date of placement. If their child’s placement ends during the employee’s adoption/surrogacy leave, they may continue to take adoption and surrogacy leave for up to eight weeks after the end of the placement (unless the employee’s entitlement to leave would have ended earlier in the normal course of events). The employee should give [usually their line manager] at least 28 days’ notice of their return to work.

***Pay***

1. If the employee is eligible for adoption/surrogacy leave, they will also be entitled to adoption/surrogacy pay during their period of leave (this will be inclusive of any statutory payment or reductions where appropriate).
2. Statutory Adoption Pay (SAP) is a government-determined benefit for employees who are on adoption/surrogacy leave that is paid by the organisation. SAP will be paid to the employee as part of company adoption pay (if they’re entitled to receive it). SAP is payable for up to 29 weeks – it is payable at 90% of the employee’s earnings for the first six weeks, following which, it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings, whichever is lower).
3. The employee will be eligible for SAP if:

* They have been continuously employed by xxxx for at least 26 weeks by the end of the 15th week before the EWC; and
* They have average weekly earnings in the eight weeks up to and including the 15th week of the lower earnings limit;
* They have stopped work to take adoption/surrogacy leave; and
* The have been matched with a child.

***Company Adoption Pay***

1. Subject to the following conditions, the employee may be entitled to receive company adoption pay. Company adoption pay is full pay for up to 26 weeks of continuous absence either from the date of which the child is placed with the employee or a date within 14 days before the expected date of placement/when the surrogate gives birth.
2. To qualify for company adoption pay, the employee must:

* Be in the employment of xxxx at the time their adoption/surrogacy leave begins having been employed continuously for at least one year;
* Be employed on a permanent or fixed-term contract;
* Notify [usually their line manager] in writing at least by the 15th week before the placement date before their absence is due to begin and the appropriate evidence (as above); and
* State that they still intend to work for xxxx after their period of leave, giving an undertaking to do so and complete at least one month’s service on return.

If organisational adoption pay isn’t an option please amend the flow chart below

No

**Have you been employed by xxxx for at least one year by the placement date?**

Yes

* **52 weeks’ leave**
* **Pay entitlement:**
  + **First 6 weeks at 90% of full salary**
  + **33 weeks SAP**
  + **13 weeks unpaid**

**Do you intend to return to work?**

No

Yes

* **52 weeks’ leave**
* **Pay entitlement:**
  + **First 26 weeks at full salary**
  + **13 weeks SAP**
  + **13 weeks unpaid**

**Contact during Adoption/Surrogacy Leave**

1. xxxx reserves the right to maintain reasonable contact with the employee during their leave. This can be for a variety of reasons such as to discuss their plans for returning to work, to discuss any special arrangements that need to be made, any training that will help to ease their return to work, or to update them on developments at work during their absence.

**Keeping in Touch Days (KIT Days)**

1. During the employee’s adoption/surrogacy leave, they can agree to come to work or to attend training for up to 10 days – these are called KIT Days. The days do not have to be consecutive and working for part of a day will count as one day’s work. Any KIT Days worked will not bring the period of leave to an end nor will they extend it.
2. Where the KIT Day falls in weeks 27 to 52 of the employee’s adoption/surrogacy leave, their pay will be topped up to a full day’s pay for any days worked. During their leave, if they wish to work more than the 10 KIT Days that they are entitled to, they will be paid in line with their normal salary but will lose a week’s SAP if they are receiving this.

**Returning to Work**

1. If the employee intends to return to work on the date they have stated before their maternity leave commenced or immediately after the end of their full 52 weeks’ adoption/surrogacy leave, there is no need to give any notice of their return; they have an automatic right to return.
2. If the employee wishes to return to work earlier that their expected return date, they will need to give [usually their line manager] at least 8 weeks’ notice of their return date. If they give less notice, their return may be postponed until 8 weeks have elapsed.
3. If the employee falls ill at the end of their adoption/surrogacy leave period and are unable to return to work on the date agreed, they should follow the normal sickness absence reporting arrangements and contact their line manager as soon as practicable.
4. If the employee has any questions regarding their period of adoption/surrogacy leave, they should contact xxxx.

**Shared Parental Leave**

1. Shared parental leave enables eligible mothers, fathers and partners to choose how to share time off work after their child is born or placed for adoption. Parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.
2. Employees keep their entitlement to 52 weeks of maternity leave and 39 weeks’ statutory maternity pay or maternity allowance plus any organisational occupational entitlement. However, they can choose to give notice to end maternity leave and pay early in order to opt into the shared parental leave and pay arrangements instead.
3. To access the scheme, both parents must share the main responsibility for care of the child. Additionally, they have to satisfy a number of criteria. The mother must be entitled to statutory maternity/adoption leave or statutory maternity/adoption pay or maternity allowance and must have curtailed this or given notice to curtail it.
4. They must pass the continuity of employment test with a minimum of 26 weeks’ service at the 15th week before the expected week of childbirth or matching date.
5. The employee’s partner must also meet the test of employment and earnings. For shared parental leave they must work for at least 26 weeks in the 66 weeks before the expected date of the child’s birth or matching date.
6. In addition, to qualify for statutory shared parental pay they must have earnings not less than the lower earnings limit for NI in the relevant period, which is usually the 8 weeks leading up to the end of the 15th week before the expected week of childbirth, or matching date in the case of adoption.
7. The amount of shared parental leave and pay is calculated by establishing the amount of maternity or adoption leave and pay that has been taken prior to the mother or adopter curtailing their leave. The remainder is then available to take as shared leave and statutory pay.
8. An employee who is considering taking shared parental leave and pay should speak to their line manager as soon as possible to ensure that all the eligibility and notification criteria can be met before making firm plans.

**Keeping in Touch Days (KIT Days)**

1. Keeping in touch can help to make it easier for both the employee and the organisation when it becomes time to return to work. The employee is not obliged to do any work or attend any events during shared parental leave but if both employer and employee agree, they can work up to 10 days during their leave. These are known as ‘Keeping in Touch Days’. They are not limited to the employee’s usual job – they could be used for training or other events. It may be helpful for the employee to use some ‘Keeping in Touch Days’ to ease their return to work.
2. Both the organisation and the employee must agree which days will be worked and what that work will be. The employee cannot be required to take up ‘Keeping in Touch Days’ and [name of organisation] may not be able to offer them. An employee will not be penalised for refusing to take up a ‘Keeping in Touch Day’.

**Parental Leave**

1. Unpaid parental leave, amounting to 18 weeks per child, applies to parents who have a child aged below 18 and have one year’s qualifying service with xxxx.
2. The objective of ordinary parental leave is to enable those with parental responsibility to have time off to spend time with and to look after a child, or to make arrangements for the child’s welfare.
3. Individuals are entitled to a maximum of 18 weeks’ unpaid leave (of which up to 4 weeks may be taken in any one year) before the child’s 18th birthday.
4. The entitlement is eighteen weeks per child, and not per role. For example, if the employee has used ten weeks in a previous role, then they will have eight weeks left in their current role.
5. Leave must normally be taken in blocks of one week or more, up to a maximum of four weeks in a year for each child. If less than a week were taken at a time, under the statutory scheme, this would count as a whole week. However, parents of disabled children can take leave in blocks or multiples of one day.
6. The eligibility conditions are as follows:

* The individual must have at least one year’s continuous service;
* The individual must have, or expect to have, responsibility for the child; and
* The individual must have given at least 21 days’ notice of intention to take leave and the employer must not have postponed the leave.

1. Leave may be postponed by the organisation for up to six months from the date requested and ending before the child’s eighteenth birthday, where it is considered that an employee’s absence would be unduly disruptive.
2. Leave cannot be postponed where an employee gives notice to take ordinary parental leave immediately after the time a child is placed with the family for adoption or the birth of a child.
3. The organisation has the right to request sight of evidence that the employee is the parent of a child or has parental responsibility for the child. Examples of what might be considered suitable evidence are:

* Information contained on the child’s birth certificate;
* Papers confirming a child’s adoption or the date of placement in adoption cases; and
* In the case of a disabled child, the award of disability living allowance for the child.

**Parental Bereavement Leave**

1. The Parental Bereavement (Leave and Pay) Act 2018 provides for at least two weeks' leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. Employees with 26 weeks' continuous service will be entitled to paid leave at the statutory rate and other employees will be entitled to unpaid leave.