

Parental Leave Policies



Introduction

Whether you have already received good news and are expecting a new arrival, or planning to expand your family in the future, or are the manager whose employee wishes to take parental leave, this policy is designed to help you to plan ahead and answer the questions you may have in regards to family leave and pay.

Useful information on viewing and notifying leave, as well as creating KIT and SPLIT days on SAP can be found [here](#).

A reminder of our new (as of 01 April 2021) parental leave support programme which includes two individual coaching sessions for people going on parental leave; and a managing people, not process: leading through parental leave manager workshop, for line managers. For full details, please refer to the relevant PDFs which you will find in the 'Useful documents' section at the end of this policy.

Scope

Westminster City Council (WCC) recognise that enabling employees with child caring responsibilities to balance work and family life benefits its workforce as well as the delivery of services to the local community.

WCC's Parental Leave Policies promote and explain the rights for those that have childcare responsibilities and sets out the procedures for applying for and taking leave and related pay allowances.

These policies aim to provide information so that employees can make informed decisions and managers can respond flexibly and supportively. In this way, it contributes to our ability to attract, develop and retain a diverse and inclusive workforce and deliver stable and high standards of service.

Maternity Leave

All pregnant employees have the right to take up to 11 weeks before the expected week of childbirth (EWC) plus up to 52 weeks maternity leave after the baby is born regardless of their length of service. The mother must take a minimum of 2 weeks maternity leave immediately after the birth of their child.

Maternity Pay

If you have at least 26 weeks of continuous WCC service by the end of the 15th week before the expected week of childbirth (EWC) then you will qualify for occupational maternity pay provided you intend to return to work for at least 12 weeks. You may also qualify for SMP (subject to the criteria below). The maximum entitlement to pay is 6 months at full pay (including SMP) and 6 months at half pay (including SMP).

Statutory Maternity Pay (SMP)

To qualify for SMP an employee must have:

- at least 26 weeks of continuous service with WCC by the end of the 15th week before the expected week of childbirth (EWC)
- average pay above the lower earnings limit for National Insurance contributions (£120 per week from 6 April 2020)

If an employee is eligible, they will receive 39 weeks Statutory Maternity Pay (SMP), which is made up of:

- for the first 6 weeks - 90% of their average pay

- for the following 33 weeks - standard rate SMP which is a flat rate of £151.97 per week from 4th April 2021 or 90% of average pay if this is less.

If an employee does not meet the above criteria to qualify for SMP, they will be given a form (SMP1) which they can use to apply for Maternity Allowance (MA) at a Jobcentre Plus Office. MA is not paid by WCC.

Please note SMP is paid whether or not you intend to return to work after maternity leave and all UK employers pay this.

Occupational Parental Pay (OPP)

WCC employees who become parents and meet the criteria below are entitled to an enhanced OPP, which is made up of:

- first 26 weeks at **full pay** (including statutory maternity pay)
- followed by 26 weeks at **half pay** (including statutory maternity pay)

To qualify for OPP, the employee must:

- have at least 26 weeks continuous service with WCC by the end of the 15th week before the expected week of childbirth (EWC) or one years' continuous local government service at the 11th week before EWC
- intend to return to work at the end of the period of parental leave for at least 12 continuous weeks.

If the employee does not return to work for at least 12 continuous weeks, then they will need to repay all parental pay received (minus the statutory elements outlined in this policy), unless their job is made redundant.

Procedure

If an employee wants to apply for maternity leave, they will need to:

- Notify their manager as soon as possible, but no later than the end of the 15th week before the expected week of childbirth (EWC).
- Complete the e-form in the 'My Family Leave' app in ESS and upload the MAT B1 form.

The employee should then receive:

- Written confirmation of the terms of their leave and the date on which the leave will end.

- If an employee wishes to change the date they return to work from maternity leave then they may do so by giving 8 weeks notice.

Health and Safety Support

All expectant mothers are entitled to appropriate time off for antenatal appointments.

Once the employee has notified their manager about their pregnancy, the manager or an appropriate person should complete the New and Expectant Mother Workrite module available on the [Health & Safety Hub](#). The manager should also complete the [new and expectant mothers risk assessment](#).

This will review any concerns the employee may have as well as the activities, environment and working arrangements in regards to their pregnancy as it progresses. This is so that any appropriate safeguards, adjustments and/or guidance needed can be identified and implemented.

If, despite exploring possible adjustments/solutions with the manager and/or appropriate colleagues, the employee is unable to continue in their role on health and safety grounds, they will be offered alternative work.

WCC provides a rest facility for employees who are pregnant or breastfeeding and will provide a facility for storing expressed milk wherever possible. Please ask your manager or People Services for further information.

Unforeseen Circumstances

If an employee falls pregnant again whilst on parental leave, they will be entitled to a further period of leave of 52 weeks and parental occupational pay. The employee may not, however, qualify for SMP as this will depend on their level of earnings during the calculation period for SMP. Further advice on this can be obtained from the IBC if needed.

Please note this policy and its arrangements for maternity leave and pay apply to all live and still births where the pregnancy has lasted at least 24 weeks. (See Additional Family Support section for guidance on premature birth and miscarriage)

Paternity Leave and Pay

All eligible employees can request paternity leave and pay as outlined below to help care for their child. Statutory Paternity leave consists of 2 weeks leave.

Eligibility for Statutory Paternity Leave

To qualify for statutory paternity leave, an employee must:

- be the father or partner to the mother or primary adopter and expect to share responsibility for the child's upbringing
- be employed by WCC on the date the baby is born or adopted
- take leave within 8 weeks of the birth or adoption of the child

Occupational Paternity Pay

To qualify for paternity pay, an employee must have at least 26 weeks continuous service with WCC by the end of the 15th week before the expected week of childbirth (EWC) or one year's continuous local government service at the 11th week before EWC.

Paternity pay consists of up to 2 weeks full pay whilst on paternity leave. This is made up of Statutory Paternity Pay (SPP), which from 4th April 2021, is £151.97 per week (or 90% of the employee's average pay, whichever is less), that WCC tops up to full pay in the form of occupational paternity pay.

Procedure

If an employee wants to apply for paternity leave, they will need to:

- Notify their manager as soon as possible, but no later than the end of the 15th week before the expected week of childbirth (EWC), or in the case of adoption, within 7 days of the match.
- Complete the e-form in the 'My Family Leave' app in ESS.
- Provide a copy of the birth certificate or the match documents from the agency when issued.

The employee should then receive confirmation of the terms of the paternity leave, and the date on which the leave will end.

Adoption Leave and Pay

Employees will be eligible for adoption leave if they:

- are newly matched with a child for adoption by an approved adoption agency or intend to apply for a parental order in the case of surrogacy.
- are the sole or primary carer for the adoption - where a couple adopt jointly only one partner is entitled to take adoption leave. The other parent may be eligible for paternity leave and pay or they can choose to opt into the Shared Parental Leave and Pay scheme (SPLP)
- provide documentary proof, in the form of a matching certificate from an approved adoption agency that verifies they are eligible to apply for adoption leave and pay or in the case of surrogacy a declaration to confirm that they've applied for or will apply for a parental order in the 6 months after the child's birth.

If an employee is eligible for adoption leave, they have a statutory right to:

- **26 weeks** statutory adoption leave (SAL)
- **26 weeks** of additional adoption leave (AAL)

regardless of their length of service or whether or not they plan to return to work.

An employee will not qualify for statutory or occupational adoption leave or pay if they:

- make arrangements to adopt a child privately (without permission from an UK authority or adoption agency)
- adopt a relative or stepchild
- become a special guardian or kinship carer

Statutory Adoption Pay

An employee will be eligible for adoption pay if they have:

An average pay above the lower earnings limit for National Insurance contributions (£120 per week from 6 April 2020), be able to give proof of the adoption, give the correct notice (28 days in the case of adoption or 15 weeks before the EWC in the case of surrogacy) and at least 26 weeks of continuous service with WCC:

- by the end of the week in which they have been matched with a child for adoption (the Matching Week) in the case of UK adoptions

- when they start receiving adoption pay in the case of overseas adoption and they will also need to sign a form SC6
- by the 15th week before the baby is due when in a surrogacy arrangement and they must intend to apply for parental order and expect the order to be granted

If the employee is eligible, they will receive up to 39 weeks of Statutory Adoption Pay (SAP) whilst on adoption leave. This consists of:

- the first 6 weeks at 90% of the employee's average pay
- the following 33 weeks at the standard rate SAP, which is a flat rate of £151.97 from 4th April 2021 or 90% of average pay if this is less.

If an employee does not meet the above criteria for SAP, they will receive a form (SAP1) that may enable them to apply for other benefits via Jobcentre Plus.

SAP is paid whether or not the employee intends to return to work after adoption leave.

Occupational Parental Pay (OPP)

WCC employees who become parents and meet the criteria below are entitled to an enhanced OPP, which is made up of:

- first 26 weeks at **full pay** (including statutory adoption pay)
- followed by 26 weeks at **half pay** (including statutory adoption pay)

To qualify for OPP, the employee must:

- have at least 26 weeks of continuous service with WCC or one year continuous local government service by the end of the week in which they have been matched with a child for adoption (matching week)
- intend to return to work at the end of the period of parental leave for at least 12 continuous weeks.

If the employee does not return to work for at least 12 continuous weeks, then they will need to repay all parental pay received (minus the statutory elements outlined in this policy), unless their job is made redundant.

Time off for Pre-adoption and Adoption Order Interviews

WCC employees can take paid leave for pre-adoption meetings and adoption order interviews. This is recorded on SAP under "My Leave". **Please note** there is not a specific heading to classify this leave on the system. However, there is the capacity to add notes to describe the reason for leave.

Procedure

If an employee wants to apply for adoption leave, they will need to:

- Notify their manager as soon as possible, but within 7 days of the match.
- Complete the e-form in the 'My Family Leave' app in EE and upload the matching certificate or proof of surrogacy.

The employee should then receive written confirmation of the terms of the adoption leave, and the date on which the leave will end.

Adoption leave can start:

- up to 14 days before the date of the placement of the adopted child in the case of adoptions in the UK
- when the child arrives in the UK or within 28 days of this date when adopting from overseas
- the day the child is born or the day after when in a surrogacy arrangement

An employee should tell WCC within 28 days if the date of placement (or UK arrival date if an overseas adoption) changes.

If an employee wishes to change the date they return to work from adoption leave then they may do so by giving 8 weeks notice.

Shared Parental Leave and Pay (SPLP)

Employees who become parents and meet the eligibility criteria outlined in this policy can access our Shared Parental Leave and Pay Policy.

WCC SPLP takes the form of:

- 24 weeks at **full pay** (including statutory maternity/paternity/adoption pay)
- 26 weeks at **half pay** (including statutory maternity/paternity/adoption pay)

Under this policy, a mother or adopter can decide to share his/her parental leave with their partner by choosing to return to work early and convert any unused

allowance into shared parental leave during the first year of birth or adoption of their child. To do this, they must "curtail" (end early) their allowance, so that it becomes available for their partner.

A WCC employee taking shared parental leave will be entitled to pay as set out above during the time they are on shared parental leave. Their partner will be entitled to occupational pay in accordance with their own employers policy. If both partners work for WCC then they will be entitled to share the full amount of pay as set out above.

There are 52 weeks of leave available to be shared under this policy, though there is a requirement for the mother to take the first 2 weeks after childbirth as maternity leave.

The employee and his/her partner can trigger SPLP by notifying their respective employers of their intention to opt into this arrangement.

SPLP Eligibility

WCC employees will be eligible for SPLP if they meet all the requirements below:

- They have a minimum 26 weeks' continuous service at the end of the 15th week before the expected week of childbirth (EWC) or by the end of the week in which you have been matched with a child for adoption (matching week)/OR they have a minimum of one years continuous service at the 11th week of EWC or by the end of the matching week in the case of adoptions
- They are entitled to maternity/paternity/adoption leave, pay or maternity allowance (see maternity/paternity/adoption sections) and have given notice of their intention to curtail their leave/pay
- They intend to return to work after their parental leave for at least 12 continuous weeks. (If the employee does not return to work for at least 12 continuous weeks he/she will be asked to return all payment received minus the statutory element). Please note that each type of parental leave attracts a return to work period of 12 continuous weeks to secure the occupational parental pay.
- Their average weekly earnings are not less than the lower earnings limit for NI contributions (£120 per week from 6 April 2020).
- Their partner must have worked for at least 26 weeks in the 66 weeks prior to the EWC/matching week and have earned at least £390 in total in any 13 of those 66 weeks (these can be the highest paid weeks, they don't need to be in a row)

If both employees work for WCC then the maximum entitlement to be shared in total is 26 weeks full pay and 26 weeks half pay. The pay element under this policy is based on each individual's salary.

If your partner works for another organisation, you will join the SPLP counting from the date your partner's leave starts. For example; if your partner has taken 6 months leave on their organisation's scheme and then returns to work, you join the WCC scheme at the equivalent timeframe and would be entitled to 6 months half pay (subject to eligibility).

SPLP Procedure

WCC will require written notification from the employee(s) or partner confirming their intention to curtail their leave entitlement to make it available for their partner, who will then be able to access WCC SPLP provided they meet all the eligibility criteria.

If an employee wishes to take SPLP they must notify their line manager at least **8 weeks** before the date they want to start their leave, by completing the shared parental leave e-form in the 'My Family Leave' app in ESS and upload the Mat B1/matching certificate.

SPLP can only be taken in complete weeks, but these may begin on any day of the week.

It is possible to submit a maximum of three notifications to specify the leave period the employee intends to take and each notification can contain either a single, unbroken period of weeks (continuous leave) **OR** two or more weeks of leave where they intend to return to work between leave periods (discontinuous leave).

Continuous leave requests will be granted to employees as long as they give appropriate notice and do not exceed the total number of weeks available to them.

Discontinuous leave requests submitted with appropriate notice will be carefully considered with a view of being as supportive as possible towards the employee. The line manager and employee should meet to discuss arrangements and mutually agree if they can be accommodated.

When discontinuous leave requests cannot be accommodated, the line manager can refuse the request. At this point, the employee can either withdraw the request within 15 days and submit another request or take the leave in a single continuous block.

Please note that full and half pay entitlements are linked to the number of weeks of leave taken, so that if an employee decides to take the first 24 weeks at full pay only then the remaining 26 weeks available to their partner will be at half pay. Equally, if an employee decides to take the first 20 weeks only, their partner will be able to access 4 weeks at full pay and 26 weeks at half pay.

Please also note that whilst an employee is taking SPLP all other terms and conditions (except pay) remain unchanged. This includes accrual of annual leave and continuous service. Your pension will continue to be deducted as a percentage of your salary, so as your salary decreases also your pension contributions will be reduced.

Unpaid Parental Leave

If an employee is eligible for unpaid parental leave, they have a statutory right to a total of 18 weeks' unpaid leave for each child (including multiple births or the adoption of more than one child).

The 18 weeks' leave entitlement includes any parental leave that they have already taken during any period of previous employment. WCC, therefore, reserves the right to request details of leave already taken with previous employers.

Unpaid parental leave is available for the employee to take by their child's 18th birthday, as long as it is specifically in order to care for a child.

The leave may be taken in blocks of one week up to a maximum of 4 weeks per child per calendar year. The only exception to this is if the child has a disability – in this case, it is possible for you to take single days, if needed, but the maximum of 4 weeks in a year still applies.

Entitlement is on a proportionate basis for part-time employees - for example, where an employee works 2 days a week; one 'week' of parental leave is equivalent to 2 days.

Unpaid parental leave will be in addition to any other leave to which employees are entitled to.

Eligibility for Unpaid Parental Leave

An employee will be eligible for unpaid parental leave if they have:

- at least one year's continuous service with WCC
- parental responsibility for a child under the age of eighteen.

Any period of parental leave will be unpaid. However, employment with WCC will be treated as continuous service during the period of parental leave and the employee's terms and conditions (with the exception of pay and pensions during any unpaid period) will still apply.

Procedure

If an employee wants to apply for parental leave, they:

- Should speak to their line manager about their wish to take parental leave as soon as possible.
- Must input their leave request via 'My Family Leave' app in ESS.
- Must give at least 21 days' notice (or as much notice as possible if the child has a disability) indicating when they want to start parental leave (and how long they plan to take, subject to the maximum of 4 weeks in any year).
- Will receive written confirmation of the dates for their parental leave from IBC.

The request for parental leave will be granted wherever this is possible. If it is not possible, the manager will explain the reasons for this in writing and will seek to agree alternative arrangements with the employee.

Please note that leave may be put back to a mutually agreed date, but not postponed:

- for more than 6 months from the date that the employee originally wished to start their leave.
- if the employee is a prospective parent asking to take parental leave for the birth of their child or the period around the placement date for an adopted child.

- if this would take any part of the requested period of leave beyond the employee's child's 18th birthday

When authorising leave, line managers will be required to check the amount of parental leave that has been taken previously, to ensure that the maximum entitlement for any year (4 weeks) or overall for each child (18 weeks) is not exceeded.

If an employee leaves WCC, the amount of parental leave that they take will be recorded on their personal record and passed to future employers upon request.

Returning to Work following Unpaid Parental Leave

If the period of unpaid parental leave has been for 4 weeks or less, employees will have the right to return to the post that they had before their leave.

If an employee is unable or does not intend to return to work on the agreed date, following the period of parental leave, they must tell their manager as soon as possible. If they do not return to work and there is no satisfactory explanation, this will be treated as an unauthorised absence.

If an employee is unable to return to work as a result of sickness, following the end of their unpaid parental leave, WCC's standard sickness absence policy will apply.

Additional Family support

The following additional support is available to all WCC employees who become parents and have been employed for at least 26 weeks:

- **Ante Natal Care, Pre-adoption and Adoption Order Interviews time off**

All WCC employees are entitled to reasonable, fully paid time off for antenatal care (including in surrogacy arrangements), pre-adoption, adoption order interviews.

- **Premature birth**

In line with WCC's commitment to being a World-class Employer, the Council have signed up to [The Smallest Things Campaign](#), to specifically support parents

whose babies are born prematurely.

All employees whose babies are born prematurely (before 37 weeks gestation) will have their parental leave extended by the number of days their baby was born prior to the due date.

Parental leave will commence on the day after the baby is born and WCC will pay the extended leave at full pay and this will be classed as compassionate leave.

We understand that returning to work can be a difficult time for parents of premature babies who can have ongoing medical needs requiring regular hospital appointments and check-ups. WCC therefore adopts a flexible approach in these circumstances to meet parents' needs.

- **Stillbirth or miscarriage**

If an employee loses their baby earlier than the 25th week of pregnancy unfortunately, they will not qualify for statutory or occupational parental leave or pay. However, WCC's Sickness Absence Policy or Special Leave Policy will apply in these circumstances.

If an employee has a stillbirth where the pregnancy has lasted at least 24 weeks, then they will be eligible for Parental Leave and Pay as outlined in this policy. An employee who suffers a stillbirth will also be entitled to paid parental bereavement leave as outlined below, an employee may choose to take this alone or in addition to maternity leave.

It is very important for managers to be supportive of employees during this stressful time and, if necessary or if the employees wish to, they can arrange for counselling or confidential advice via our Employee Assistance Programme provider, [Health Assured](#) (username: Westminster Password: Council)

Telephone Number: 0800 030 5182

Parental Bereavement

Parents who suffer a bereavement due to the loss of their child under 18 including in the case of a stillbirth will have a statutory right to receive 2 weeks paid leave. However, in such circumstances, managers will take in consideration your need at the time and take a flexible approach, perhaps using the [Special Leave Policy](#).

Keeping in Touch during Parental Leave

Employees are strongly encouraged to talk to their manager about their preferences for maintaining contact before they begin their period of leave.

Whilst WCC knows that employees will, rightly, want to focus on their family life whilst away, it recognises that there may be times when it will be necessary/appropriate to give employees information on development opportunities at work and/or to help and plan for their transition back to work. It will be useful to know the employees preference for how/when/why any such contact should take place.

As part of this, it will also be useful to discuss whether the employee(s) and the manager will want to use Keeping In Touch days that are a feature of the various forms of family leave (known as KIT days during maternity/adoption leave and SPLIT days in shared parental leave). These days allow the employee to attend work for training, meetings etc. without bringing their leave and/or pay to an end.

Keeping in Touch Days (**KIT** days) are days that a new parent can use to keep in touch with the workplace without affecting the entitlement to pay, before returning to work from maternity or adoption leave. You can have up to 10 KIT days.

Shared Parental Leave In Touch days (**SPLIT** days) are used by partners taking Shared Parental Leave (SPL) and are basically the same as KIT days. Each parent has the right to up to 20 SPLIT days during SPL. This is in addition to the 10 keeping-in-touch days available to the mother or primary adopter during maternity leave or adoption leave.

The use of KIT/SPLIT days during the leave period must be by joint agreement and employees/managers are not obliged to come in for KIT/SPLIT days or insist on them being used.

If there is agreement for KIT/SPLIT days, working for any part of a day will count as one of the keeping in touch days available and will be paid at the employee's normal basic rate of pay (inclusive of statutory/occupational pay where applicable).

The number of any keeping in touch days used will not have the effect of extending the leave period by a corresponding amount.

Annual Leave during Parental Leave

Employees will continue to accrue annual leave, including bank holidays, during the period of leave in the normal way.

They are able to take their annual leave at the beginning and/or end of the leave period. Annual leave accrued during the maternity, adoption, paternity or parental leave period should be taken during the current leave year wherever possible.

If employees are transferring to part time work on their return, they must take their outstanding full time annual leave allowance prior to returning.

It is advised that any manager of an employee returning from parental leave should contact People Services, who can advise on how to adjust the annual leave entitlement correctly. Furthermore, when requesting annual leave, you should discuss this with your People Leader to ensure it does not impact on service delivery.

Returning to Work from Parental Leave

If employees intend to return to work at the end of their full leave period (e.g. after 52 weeks in the case of maternity/adoption leave), they do not have to give any further notification of their return to work.

We would encourage all employees returning from parental leave to take a look at the Welcome Back Pack resource, which has been designed to help prepare for the return to work; and facilitate constructive conversations, as well as signpost to useful resources. The Welcome Back Pack can be accessed by [clicking here](#).

If they plan to return to work earlier than previously indicated, they must provide 8 weeks' notice in writing of their intended date of return to their line manager and via SAP.

If they intend to return to work after a period of additional leave, they will normally return to the same job they were in before they went on leave, if this is possible. If this is not possible, they will be employed on similar work and T&Cs.

If employees are unable to return to work as a result of sickness, they must follow WCC's normal sickness absence policy and notification processes. Further advice can be obtained from IBC

If an employee does not return to work or leave within 12 weeks of their return to work, WCC has the right to recover any payment made in excess of the statutory element. This means that the employee will be required to repay any Occupational Maternity/Adoption/Shared Parental Pay that they have received.

Please note this will not apply if the employee is on a fixed term contract that expires/will expire, and an offer of extending it has not been made, meaning that you cannot return for 12 weeks. This will also not apply in the case of redundancy where it is not possible to return for 12 weeks.

Request to Change Working Hours

If an employee wishes to reduce or change their working hours following their period of leave, they can submit such a request to their manager. [See Request to Change My Hours](#) for further information.

Useful documents

[Parental Leave Support Programme - Individual one to one coaching \(PDF\)](#)

[Managing People Not Process Leader Workshop Parental leave \(PDF\)](#)

[Welcome Back Pack](#)

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