

Family Leave Policy

Approved by Staff Governance Committee on XXXX with an implementation date of XXXX

Approval Date	TBC
Implementation Date	TBC
Policy Number	POL-CS-0020
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Approval Authority	Staff Governance Committee
Scheduled Review	Every 2 Years
Changes: Feb 2026	<ul style="list-style-type: none"> • Structure updated in line with the current ACC policy template • Incorporates all family leave provisions available • Includes the Neonatal Care Leave and Pay legislation that came into effect 6 April 2025 • Enhanced provisions as detailed in appendix 1

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Appendix 1 – Family Leave policy provisions

1. Why does the Council need this Policy?

- 1.1 The Council is committed to providing an inclusive and supportive environment which promotes respect for everyone, positively impacts the quality of work-life for all employees and contributes to wider health and wellbeing, increasing productivity and reducing stress and inequality. The Council recognises that employees can have a variety of family related responsibilities that require to be balanced with their working lives, and places an emphasis on the culture of our organisation and our Guiding Principles to best support employees under these circumstances.
- 1.2 This policy details the Council's family leave provisions which are available to assist employees with a variety of family and caring responsibilities, and aims to help create a well-managed, flexible working environment that supports employees to meet both work and family commitments.
- 1.3 The Council recognises that family leave provisions can have benefits for employees through the provision of workplace flexibility and time off arrangements, which in turn can help to reduce parenting/caring stress and promote wellbeing, and also benefits for the organisation with links to increased workforce productivity and the ability to attract, motivate and retain employees.
- 1.4 All statutory responsibilities will be adhered to in relation to the provisions in this policy and every effort made to ensure fairness and consistency in decision making and the application of accompanying guidance.
- 1.5 An overview of the family leave provisions can be found in appendix 1 with links to the accompanying guidance documents.

2. Application and Scope Statement

- 2.1 This policy applies to all employees of the Council except teachers and those other employees under SNCT terms and conditions who have a separate local agreement covering family leave provisions.
- 2.2 This policy provides supportive provisions to employees to help them balance the demands of family and caring responsibilities through the provision of paid and unpaid leave, according to the circumstances and as detailed in the associated guidance documents.
- 2.3 There should be management agreement prior to family leave being taken in accordance with the relevant accompanying guidance.

- 2.4 Leave associated with the family leave policy may be granted as either paid or unpaid leave, depending on the circumstances. Clarification on this is provided in the accompanying guidance.
- 2.5 Details on how to apply for the different types of family leave are provided in the accompanying guidance documents available on People Anytime. Requests for leave can be made using the relevant forms and in discussion with line managers, with leave recorded through the Council's HR/Payroll system.
- 2.6 For any period of unpaid leave, a deduction will be made to pay which will be based on the total number of hours lost for that period. If a period of absence is over several weeks/months, the dates of any deduction will depend on payroll cycles and may be spread over more than one pay period.
- 2.7 Whilst on unpaid authorised leave, neither an employee nor the Council will pay pension contributions. As such, an employee will not build up pension during this period. Upon returning from unpaid leave, if the employee wishes to buy the pension "lost" while on unpaid leave they may do so by contacting the [Pensions](#) team, using an Additional Pension Contribution (APC) contract.
- 2.8 The Council will support employees returning to work after a period of family related leave and where possible will accommodate requests for flexible working. Flexible working requests can be refused where there is good business reason for doing so, with there being a specified list of refusal reasons detailed in the Flexible Working Guidance available on People Anytime.
- 2.9 Any requests or processes administered under these provisions will be dealt with as promptly as possible to ensure that all statutory and other deadlines are met.
- 2.10 As well as maintaining confidentiality, every effort will be made to ensure fairness and consistency in decision making in relation to the provisions in this policy.
- 2.11 During meetings arising under the provisions of this policy, reasonable adjustments will be made to accommodate those who need additional support.
- 2.12 Where an employee is dissatisfied with a decision under the provisions of this policy, they have the right to raise a grievance under the [Managing Grievances policy/procedure](#).

3. Responsibilities

- 3.1 The **Council** will adhere to all its statutory responsibilities in relation to the provisions of this policy.

3.2 **Chief Officers** are responsible for the application of the policy and accompanying guidance within their service delivery remit.

3.3 **Line Managers** have responsibility for applying this policy, its provisions and managing requests for leave from their employees. Line Managers are required to:

- Make every effort to ensure fairness and consistency in decision-making in relation to the provisions of this policy.
- Maintain confidentiality.
- Commit to consider options to allow employees time off to deal with situations where there is not clear statutory / standard provision.
- Effectively manage any operational impact due to employees taking time off through the provisions in the family leave policy.
- Create an environment where employees are aware of this policy and can make requests for appropriate leave/ support.
- Provide support to the employee and be considerate to the potential sensitive nature of the family leave requested.

3.4 **Employees** have a responsibility to:

- Familiarise themselves with the contents of this policy and the accompanying guidance.
- Co-operate with managers in providing accurate information and attending meetings in relation to their request for family leave.
- Notify their manager of any changes in their circumstances.

3.5 **People Services** are responsible for providing advice to managers and employees on the application of this policy.

3.5 A breach or misuse of this policy may result in the potential use of a corporate policy e.g., [Managing Discipline](#).

3.6 Non-compliance with this policy should be reported to the employee's line manager, a more senior manager or People and Citizen Services.

3.7 Any feedback on the policy or suggestions for improvement can be communicated to the Chief Officer – People and Citizen Services and this will be taken into account as part of the review of this policy. Employees who have taken family leave may be contacted to collect feedback on their experience.

4. Supporting Procedures and Documentation

4.1 Accompanying guidance documents are in place to support application and adherence to the provisions of this policy, including

- Maternity Leave
- Adoption Leave
- Paternity Leave

- Shared Parental Leave
- Supporting Carers in the Workplace
- Supporting Employees undergoing IVF Treatment
- Neonatal Care
- Parental Bereavement Leave

Appendix one provides an overview of each of the above, with further detail available in the accompanying guidance documents.

4.2 This policy also links to:

- Special Leave Policy
- Flexible Working Policy
- Supporting Attendance and Wellbeing Policy
- Equality, Diversity & Inclusion Policy
- Managing Grievances Policy and Guidance
- Gender-Based Violence Policy
- Framework Agreement for Industrial Relations (FAIR)
- Career Break Policy
- Authorised Unpaid Leave Process
- Council's Guiding Principles
- Financial Wellbeing / Cost of Living Support

5. About this Policy

5.1 The policy does not create any specific regulations or requirements other than that stated in section 3 and in the family leave provisions detailed at Appendix 1.

6. Risk

6.1 Compliance with the Family Leave policy helps ensure that the Council follows best practice and is legally compliant; with many of the leave provisions being statutory.

Operational - If employees who have a need for leave due to their personal circumstances are assisted in the workplace through this policy, it will support their wellbeing, performance and attendance levels at work; as well as meeting service requirements. Offering family leave provisions demonstrates a positive, inclusive and supportive work environment for current and future employees.

Financial - This policy has a direct contribution to employee wellbeing and supports employees with leave to deal with arising circumstances which may potentially help alleviate stress and reduce the risk of related claims against the Council.

Reputational - The policy will also contribute towards reducing reputational risks, as providing a range of family leave provisions should assist with enhancing the Council as an employer of choice and an organisation that applies good employment practices.

6.2 There have been no unintended effects, consequences and risks identified resulting from the introduction of the policy.

6.3 The risks identified will be managed and mitigated through application of the policy across the Council. This will be undertaken by ensuring the policy is readily available to managers and employees and that support is provided from People and Citizen Services in the interpretation of the policy, wherever required.

7. Environmental Considerations

7.1 There are no environmental implications arising from this policy.

8. Policy Performance

8.1 The main factors determining the effectiveness of the policy, include the usage of the policy and the consistency in its application by managers.

8.2 The effectiveness of the policy will be measured through gathering data on the requests and authorisations for family leave, and actively seeking feedback from employees who take family leave and managers who apply the accompanying guidance and support employees.

8.3 The Chief Officer – People and Citizen Services will decide where and when data is reported on the effectiveness of the policy, in conjunction with 10.1, ensuring that confidentiality is maintained.

9. Design and Delivery

9.1 The policy links to the Council's 'Workforce Design' principle in that it relates to organisational culture and promotion of equality in the workplace. Family provisions contribute to a supportive culture in the Council and are relevant to our Equality, Diversity and Inclusion responsibilities. It also aligns with the Council's Guiding Principles, particularly in relation to the commitment to valuing and supporting staff.

9.2 The policy also links to the 'Prosperous Place' theme in the Local Outcome Improvement Plan (LOIP) which indicates that all people in the city are entitled to feel safe and protected from harm and supported where necessary. All citizens are equally entitled to enjoy these aspirations, including employees of the Council. Having a wide

range of family leave provisions in place for employees will help to contribute to this objective, giving supportive provisions to cover a variety of circumstances.

10. Housekeeping and Maintenance

10.1 The Policy will be reviewed every 2 years by People & Citizen Services, and any necessary updates made to it and the accompanying guidance documents will be proposed in accordance with governance requirements, following agreed consultation arrangements.

11. Communication and Distribution

11.1 The policy and accompanying guidance documents will be communicated through the Council's Intranet and Leadership Forum, including networks for frontline staff, to ensure all relevant parties are aware of its content.

12. Information Management

12.1 Information generated by the application of this policy will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures.

13. Definitions and Understanding this Policy

13.1 Family Leave is leave provided to an employee to cover various family and/or caring scenarios where an employee requires time off from work other than for planned annual leave, special leave or leave due to sickness absence.

13.2 Worker – A worker e.g. a relief/casual worker is not an employee of the Council on set contracted hours but can be asked to cover hours as required for planned or unplanned absence. Workers are classed as having 'no mutuality of obligation' status which means that they can be offered work but are not required to accept that work. As an employer, there is no obligation to offer work to any workers.

13.2 Details and definitions of specific family leave provisions are provided in Appendix 1.

Appendix 1: Family Leave policy provisions

Maternity Leave

The provisions for pregnant employees include statutory time off for antenatal care as well as maternity leave. Employees are entitled to take up to 52 weeks' maternity leave. Subject to meeting the qualifying criteria, the Council offers occupational maternity pay above the current statutory minimum. Employees must take at least 2 weeks of compulsory maternity leave after their baby is born, in accordance with legislation.

It is essential to ensure appropriate risk assessments are undertaken, and to ensure maternity leave and pay arrangements are processed accordingly. Please see the **Maternity Guidance** for full details including time off, applicable payments and how to notify line management.

Subject to meeting qualifying criteria, an employee can choose to end their Maternity Leave and Pay at a future date and share the untaken balance of leave and pay as Shared Parental Leave and Pay with their partner or return to work early from Maternity Leave and opt in to Shared Parental Leave and Pay at a later date. The process for this is detailed in the Shared Parental Leave Guidance.

Adoption Leave

This provision is for employees who are adopting a child or having a child through a surrogacy arrangement. Depending on whether the employee is adopting from within the UK or out with, both are subject to qualifying criteria, with employees entitled to take up to 52 weeks' adoption leave. Subject to meeting the qualifying criteria, the Council offers occupational adoption pay above the current statutory minimum.

Please see the Adoption Guidance for full details including definitions of primary and secondary adopters, time off for meetings, leave, pay entitlement and how to notify line management.

Subject to meeting qualifying criteria, an employee can choose to end their Adoption Leave and Pay at a future date and share the untaken balance of leave and pay as Shared Parental Leave and Pay with their partner or return to work early from Adoption Leave and opt in to Shared Parental Leave and Pay at a later date. The process for this is detailed in the Shared Parental Leave Guidance.

Paternity Leave

This is a leave provision for the father, partner or nominated carer of an expectant mother/birth partner at or around the time of the birth. In the case of adoptions this leave is for the spouse or civil partner or partner, of the primary adopter, or for surrogacy arrangements, the spouse or partner of the parental order surrogacy parent. Paternity leave

applies, irrespective of hours of work and length of service, with the option to take up to 4 weeks leave.

Please see the **Paternity Leave Guidance** for full details.

Neonatal Care Leave

Neonatal care leave (NCL) is a leave entitlement available to parents whose baby, or babies, require neonatal care for at least 7 consecutive days within the first 28 days after birth. NCL allows parents to extend their time off with their baby either whilst they are receiving care within neonatal and/or with their baby at home when they are out of hospital. Eligible parents can take up to a maximum of 12 weeks leave, with 1 week leave for every 7 consecutive days that the baby receives neonatal care. It is provided in addition to other types of family leave as mentioned in this Policy.

Please see the **Neonatal Care Leave and Pay Guidance** for full details.

Shared Parental Leave

This provisions allows eligible parents to share up to 50 weeks of leave and 37 weeks of pay, which can be taken consecutively or in separate blocks, after the birth or adoption of a child. The provisions allow employees the flexibility to choose how to share the care of their child with their partner during the first year of birth or adoption and enable them to be on leave at the same time or stop and start their leave.

Please see the **Shared Parental Leave Guidance** for full details.

IVF Treatment

While there is no legal right for time off work for IVF treatment or related sickness, the Council supports employees undergoing IVF by granting 5 days paid leave per treatment cycle in a 12 month period, up to a maximum of 3 cycles.

It is acknowledged that fertility challenges, investigations or appointments can be difficult and therefore an employee who is the partner/support person will be granted 2 days paid leave per treatment cycle in a 12 month period, up to a maximum of 3 cycles.

Please see the **Time off for IVF Treatment Guidance** for full details.

Parental Leave

This is a statutory entitlement for parents where they can take **unpaid** leave to look after their child's welfare e.g. this could include for spending time with the child, looking at new

schools, settling a child into a new school or for spending time with family members i.e. grandparents.

An employee is entitled to take up to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

Time off must be taken as a whole week (not individual days unless the child has a disability), with a maximum of 4 weeks per child per year (unless agreed with the Council). A week is the equivalent to the employee's usual working week and pro-rated for part-time employees.

Parental leave applies to each child not to an individual's job. For instance, where an individual joins the Council and they have used 10 weeks parental leave with a previous employer, they can use up to 8 weeks (the remaining balance of the 18-week entitlement) with the Council, if they are eligible.

To be eligible for Parental Leave the following criteria must be met:

- The person must be an employee (not a "worker")
- The child must be under 18 years old.
- The employee must be named on the child's birth/adoption certificate (proof may be requested prior to first period of leave)
- Have, or expect to have, parental responsibility.

Note: Both foster carers and kinship carers qualify for Parental Leave, provided they meet the first two bullet points above.

The employee must give at least **21 days'** notice of their intention to take Parental Leave and provide the intended start and end dates.

The Council can delay the start of the period of Parental Leave, however, it cannot be delayed by the Council -

- If there is no 'significant reason' (e.g. where granting the leave would cause significant disruption to the Service)
- When it is requested by the child's father or partner or support person (meaning a person who lives with the mother/birth parent in an enduring family relationship but who is not their parent, grandparent, sibling uncle or aunt) immediately after the birth/adoption of the child.
- Where it impacts the employee's eligibility for Parental Leave i.e. after the child's 18th birthday

If the Parental Leave is postponed by the Council, the manager must write to the employee within **7 days** from the date that the original request is received, explaining the reasons for the change and suggesting a more suitable start date – which must be within 6 months of

the original requested start date and in agreement with the employee. The Council cannot change the amount of leave that has been requested by the employee.

Carer's Leave

A working carer is someone who is managing both paid work and unpaid caring responsibilities. These employees are responsible for the care and support of a relative or friend who is older, disabled, seriously ill (physically or mentally) and unable to care for themselves. This does not include individuals who are employed as a paid professional carer or whose caring role relates solely to a child or children who do not have a long-term illness or disability.

Employees who are caring for a dependant with a long-term care need are legally entitled to one week of unpaid flexible statutory carer's leave per year.

Where an employee is registered as a carer and able to evidence this, they are able to access one week paid leave per year. This is instead of statutory unpaid carer's leave.

Please see the **Supporting Carers in the Workplace Guidance** for full details.

Kinship Carer's Leave

Kinship carers are family or friends who step in, often during an unexpected crisis, to care for a child when their birth parents are unable to. This may be because the parent has died, is unwell, has gone to prison, is experiencing problems with drugs and alcohol, or are neglectful or abusive. Kinship carers are usually grandparents, aunts or uncles, brothers or sisters, a step parent, step sibling, or someone who isn't related but know the child(ren) well.

Up to 2 weeks paid Kinship Carer's Leave is available for an employee who is entering into a new (informal or formal) kinship carer arrangement, and they have the child/ren living with them or are preparing for them to live with them.

For employee's entering into a formal kinship arrangement leave is also provided for appointments during the assessment approval process.

Please see the **Supporting Carers in the Workplace Guidance** for full details.

Foster Carer's Leave

A Foster carer takes care of a 'looked after' child when they cannot stay in their own home or with a kinship carer. A child is 'looked after' when the local council has a legal responsibility for their wellbeing. The process includes a rigorous assessment and training, and while there is no upper age limit, they will need patience and resilience.

Up to 4 days paid Foster Training leave is provided for employees who have completed step 2 of the fostering process and require to complete the necessary training days.

In addition leave is also provided for appointments during the assessment approval process.

Please see the **Supporting Carers in the Workplace Guidance** for full details.

Time off for dependants/family emergencies

There is a statutory right to unpaid reasonable time off to deal with **unforeseen** and **emergency** matters regarding a dependant. A dependant can be either a spouse, partner, child, parent or someone who depends on the employee for care.

The Council will grant one day paid leave per unforeseen and emergency matter regarding a dependant, up to a maximum of 3 days per year.

This time off can be granted in the following circumstances:

- To deal with a breakdown in a dependant's care arrangements.
- To put in place longer term care for a child or elderly relative.
- When a dependant falls ill or is taken to hospital.
- To make funeral arrangements. (See section on Compassionate Circumstances).

This provision does not include taking a dependant to hospital for planned appointments (see [Supporting Carers in the Workplace Guidance](#) and Carer's Leave above for provision that may be applicable in this regard) and applies only in emergency situations that are unforeseen.

Paid time off, as above, will be given to deal with the immediate emergency only. Where longer periods are required, this is no longer considered an emergency situation, therefore other leave provisions should be explored, such as, annual leave or parental leave.

Parental Bereavement

Parents are entitled to statutory leave of 2 weeks if they suffer the loss of a child under the age of 18 or suffer a still birth from 24 weeks of pregnancy. The leave can be taken as a single block of 2 weeks or discontinuously as 2 separate blocks of 1 week – and is in addition to maternity leave entitlement, where this also applies.

The Council offers employees contractual pay for the two weeks of Parental Bereavement Leave, which can be taken up to 56 weeks from the loss.

The Council extends this entitlement for parental bereavement leave to also cover pregnancy loss which occurs before 24 weeks, including:

- Miscarriage: the loss of a pregnancy before 24 weeks

- Abortion: a medical or surgical procedure to end a pregnancy.
- Ectopic pregnancy: when a fertilised egg implants and grows outside of the uterus.
- Molar pregnancy: a rare form of pregnancy in which a non-viable fertilised egg implants in the uterus and will fail to reach full term.
- IVF embryo transfer loss: the unsuccessful outcome of transferring a fertilised embryo into the uterus during IVF treatment.

Please see the [Parental Bereavement Leave guidance](#) for full details.

Flexible Working

As of April 6, 2024, all employees have the right to request flexible working from day one of employment, including changes to hours, times, or location, and can make two requests in any 12-month period.

The Council is positive about utilising a wide range of flexible working options and will deal with employee requests in a reasonable manner with efforts made to accommodate requests where determined as practicable.

Requests can be refused where there is a good business reason for doing so, with there being a specified list of refusal reasons detailed in the Flexible Working Guidance on People Anytime, as well as available from line managers.

Please see the **Flexible Working Policy** and Guidance for full details.