



EDITH WESTON PARISH COUNCIL

Special Leave Policy **(covering Maternity/Paternity/Carers'/Compassionate and Emergency Leave)**

MATERNITY LEAVE AND PAY POLICY

Purpose and scope

This policy and procedure apply to all current employees of Edith Weston Parish Council (the Council), whether full or part-time, temporary or fixed-term.

The purpose of this policy and procedure is to provide clear information about our maternity provisions. This document sets out our policy on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which we need to follow at various stages, before, during and after maternity leave.

This document provides basic guidance on the health and safety aspects of working whilst pregnant.

Procedure

Telling the Council that you are pregnant

As soon as you know that you are pregnant, you are encouraged to let us know. This is in your own interests, and ensures that we can take any necessary steps to look after your health and safety and that of your baby.

As soon as you tell us that you are pregnant, we will conduct an assessment of any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you are pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.

Note on the MAT B1 certificate

The MAT B1 is a form signed by a doctor/midwife confirming your expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically and you may have to ask your doctor/midwife for a copy.

Entitlements

Ante-natal care

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic.

Maternity leave

You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.

You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

Sick leave during your pregnancy or maternity leave

If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then your maternity leave period will begin straight away.

If you are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.

Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

Early births

If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

Maternity pay

You are eligible to receive 39 weeks statutory maternity pay (SMP) if:

- You have at least 26 weeks' continuous service with the council by the end of the 15th week before the expected week of childbirth (EWC) ("the qualifying week"), and,
- You have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.

If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39-week period, SMP is paid at 90% of your average weekly earnings; thereafter you will receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week

(15th week before the EWC) (see here for details of statutory rates - www.gov.uk/maternity-pay-leave/pay).

If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If you are not entitled to statutory maternity pay, we will issue you an SMP1 form to allow you to claim the Maternity Allowance.

Shared Parental Leave (SPL)

You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your partner/the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

The effect of maternity leave on contractual benefits

During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP Entitlements.

Annual leave

Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.

Maintaining contact during maternity leave

Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before you start your maternity leave, we will meet with you to discuss reasonable contact arrangements during your maternity leave. Below is a list of the sorts of information you may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practices
- Details of any training courses which are offered to the team.

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

Keep in Touch (KIT) Days

You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement; that is to say both you and the council must agree to the work / training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against Statutory Maternity Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SMP.

Returning to work

We will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify us, in writing, or request otherwise. In other words, you do not have to notify us if you intend to return to work at the end of your AML.

If you want to return to work before the end of your maternity leave, you will need to notify us in writing giving at least eight weeks' notice of your intended return date. If you do not give at least eight weeks' notice, we may delay your return to work by up to a further eight weeks where there is good reason.

You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable. If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria).

Your health and safety

Risk assessment

Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid/minimise such duties or may arrange different work for you for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action. Once you tell us of your pregnancy, we will hold a meeting with you to discuss health and safety issues. In consultation with you, we will complete a risk assessment, agreeing with you any measures to be taken. We will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns please raise these directly with the council.

Redundancy

We fully support you to make the most of your family leave related rights and encourage you to do so. We recognise that it is important you are confident that you take your statutory entitlements without the worry you may be treated detrimentally for doing so.

You should be assured that in the event a redundancy situation should arise, you will not be dismissed or selected for redundancy for reasons related to pregnancy, nor because they intended

to take or took, maternity or shared parental leave in accordance with this policy. It is however lawful to dismiss or select employees for redundancy on unrelated grounds if these are fair. In this situation, our normal redundancy consultation procedure would be followed.

If the role of an employee who is either pregnant, is on maternity, or shared parental leave is proposed to be made redundant, the employee will be included in the applicable redundancy consultation process. In some cases, it may be appropriate to extend consultation periods for employees on family leave.

Furthermore, if an employee's role becomes redundant during a protected period of pregnancy, or whilst taking maternity leave or shared parental leave, they will be offered a suitable alternative vacancy in preference to other employees if one is available.

Employees who are made redundant at or following the 15th week prior to the expected week of childbirth, and who are eligible for SMP, and those who are on shared parental leave and eligible for ShPP will still receive the full entitlement to statutory pay. In these circumstances, SMP, or ShPP may be paid weekly or as one lump sum. Any other benefits such as holiday entitlement would only be provided or accrued to the end of the notice period.

Data protection

When managing your maternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

PATERNITY LEAVE AND PAY POLICY

Purpose and scope

The purpose of this policy and procedure is to provide clear information about our paternity provisions. This document sets out our policy on paternity leave and pay.

Immediately you discover your partner is pregnant, you should make the council aware so that you can be briefed on your entitlements. Ordinary paternity leave is also available to adoptive parents (either the adoptive father or the adoptive mother) where a child is matched or newly placed with them for adoption.

Eligibility

To qualify for ordinary paternity leave and pay, you will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth (EWC) or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child.

Ante-natal appointments

An expectant father or the partner (including same sex) of a pregnant woman is 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, and intend to apply, for a Parental Order for the child born through that arrangement. Employees who are adopting a child are entitled to take time off to attend adoption appointments.

You should endeavour to give the council as much notice as possible of when you need the time off for the antenatal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

Ordinary Paternity Leave (OPL)

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 52 weeks after the birth or date of placement.

Ordinary Paternity Leave may be taken as either, one week, or two weeks in one consecutive block or two weeks in two one week non consecutive blocks.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

Notification of Ordinary Paternity Leave

You must inform the council in writing, of your eligibility and intention to take paternity leave in or before the 15th week before the EWC.

You must then provide us with at least 28 days notice before the dates upon which they intend to take each period of leave, unless this is not reasonably practicable (in which case as soon as it is reasonably practicable).

The notification should specify:

- the week the baby is due
- the date of starting the leave
- that the you are taking leave for the purpose of taking time off to look after your child in line with your entitlement to paternity leave
- How you wish to take the leave
- You can choose to take two one-week non-consecutive blocks of leave may inform us of when you want each block of leave to begin in one notification, or you may choose to provide us with a separate notification at a later date once you have made a decision. However, as

above, you must ensure that a minimum of 28 days' notice is provided before the beginning of each period of leave.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

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

Ordinary Statutory Paternity Pay (OSPP)

You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

Paternity leave will be paid at the prevailing rate of SPP or 90% of average weekly earnings if this figure is less than OSPP.

Shared Parental Leave (SPL)

The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

Pay increases awarded during paternity leave

We will ensure that whilst you are on PL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your PL, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

Returning to work

On resuming work after PL, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

Requesting a change to your pattern of work

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria).

Additional paternity leave

Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.

Data protection

When managing your paternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, staff who need to manage paternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

CARER'S LEAVE

Eligibility

All eligible employees, regardless of hours worked or length of service, have the right to take a maximum of one week's unpaid leave during any 12-month period to provide or arrange care for a dependant with a long-term care need.

The entitlement to a maximum of one week's unpaid leave is irrespective of the number of dependants and may be taken as either a continuous block, or individual full or half days within 12 months.

Purpose and Definition

The time off is intended to be absence from work to provide or arrange care for a dependent with a long-term care need, or who reasonably relies on the employee for care.

A "dependant" is a parent, spouse, civil partner, child, or someone who lives in the same household as the employee, but excluding tenants, lodgers or boarders, or someone who is employed by the employee.

Long term care is when the dependant has:

- any physical or mental illness or injury that requires or is likely to require care for more than three months.
- a condition or illness that is considered a disability under with the Equality Act 2010
- care needs connected with their old age.

Entitlement

For employees who work regular hours, a "week of carer's leave" is the period of absence from work that is equal in duration to the period the employee is normally expected or required to work in a week at the time of making the request.

Part time employees who work regular hours throughout the year will be entitled to a proportionate amount of leave based on their hours. For example, someone who works a 3-day week, will be entitled to 3 days unpaid carer's leave.

For employees who work variable hours and/or term time, we will calculate entitlement by using actual hours worked in a 'relevant period'. A 'relevant period' as defined by the Regulations is a period of 12 months which ends on the last day of the Carer's Leave that the employee has requested. To calculate, the company will divide the total of the periods for which the employee is normally required to work during the course of a week in the relevant period by 52. For new starters with less than 52 weeks service, this calculation will be based on the length of time that they have been employed with the company.

Requesting Leave

To help the Council to manage the planned absence from work, if you intend on taking a period of leave, you required to provide notice that is double the length of time that is being requested or at least three days in advance, whichever provides the greater amount of notice.

Postponement of leave

The Council reserve the right to postpone carer's leave if we believe that the absence would unduly disrupt the Council. If we deem it necessary to postpone carer's leave, we will notify you in writing within seven days of receipt of you request for carer's leave, setting out the reason for the postponement.

We will also offer alternative dates on which carer's leave can be taken. The leave will not be postponed later than one month after the start of the original request.

Failure to follow the Council's procedures for taking carer's leave could lead to disciplinary action under our disciplinary procedure for absence without leave.

Terms and Conditions

During the time off, you continue to be bound by and remain entitled to the benefit of your normal terms and conditions of employment, except for terms relating to wages or salary. You will remain employed by us and accrue unbroken continuity of service and continue to accrue holiday entitlement.

COMPASSIONATE LEAVE

Policy

We aim to extend sympathy, compassion and understanding should employees suffer a bereavement. At all times, we will try to assist employees to come to terms with their loss. Application for bereavement leave should be made in writing to the Chair of Edith Weston Parish Council.

We will normally grant up to 5 days unpaid leave in the event of the death of an immediate relative (spouse, parent, step-parent, grandparent, brother, sister, child, mother-in-law and father-in-law).

Any time off in addition to this should be discussed with the employee's manager. Reasonable unpaid compassionate leave will be granted taking into account such factors as the relationship with the deceased person and the timing and location of the funeral.

We accept that sometimes the need to take this leave can arise at very short notice, but request that employees should discuss their requirements with their manager before taking any time off and, in any event, at the earliest opportunity. All requests for compassionate leave will be dealt with on a confidential basis.

EMERGENCY/DEPENDANTS LEAVE POLICY

Purpose and scope

All employees with dependants can take reasonable unpaid time off to deal with unforeseen emergencies. This is unlikely to amount to more than a day or two a year.

This policy covers all instances where you may need to take unplanned absence to attend to urgent or serious situations affecting your dependants and where no alternative provision is available.

Emergency leave is designed to provide carers with the opportunity to make alternative arrangements for the care of dependants. The Emergency leave policy is not intended to be used to allow carers to look after dependants on an ongoing basis (although time off may be available under other policies).

Taking emergency leave

Dependants include parents, husband, wife, partner, civil partner, children or individuals living as part of the family for whom you are the main carer or an individual who depends on you for care, e.g. an elderly neighbour.

Emergency leave is only intended to cover unplanned absence to attend to urgent or serious situations affecting your immediate family or dependants. It is impossible to provide a complete list of circumstances that are covered under the policy; however, the most common circumstances are as follows:

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the provision of care for a dependant who is ill or injured,
- as a result of the death of a dependant,
- because of the unexpected disruption or termination of arrangements for the care of a dependant, or
- to deal with an incident which involves a child of the employee and which occurs unexpectedly when the child is at school.

As soon as is reasonably practicable in the circumstances, contact the Chair of the Council by telephone to explain the circumstances, and if possible, an indication of the length of time-off you are likely to need in order to make alternative arrangements. If the Chair of the Council is unavailable you must contact another councillor instead.

If you need to stay and care for a dependant on an ongoing basis you can agree with the Chair of the Council to take annual leave; or where you have insufficient annual leave to take a period of unpaid leave. Alternatively, you may be able to take Parental Leave where the care is for your child.

All of the policies and procedures contained in this document are non-contractual and will be reviewed from time to time.

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Acknowledgement

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