### Policy statement

Hampshire County Council is committed to ensuring that all family friendly benefits are applied fairly and consistently. This policy outlines the framework for managing family friendly leave absences and the steps that managers and employees must take to ensure that the employee’s statutory and occupational benefits are applied appropriately. This policy applies regardless of the gender of the employee’s partner.

### Scope

- Non-school based EHCC employees including Teachers (non schools)
- School based EHCC employees including Teachers
- JNC employees
- Soulbury employees

### Policy outcome

The aims of this policy are to:
- ensure statutory leave and pay entitlements are met
- ensure occupational leave and pay entitlements are met
- define the process for managing family friendly leave and pay

### Check which policy to use

This policy should be referred to when an employee does not qualify for benefits under the maternity, paternity or adoption policies.

If someone elects to curtail their maternity/adoptions leave so the remaining leave may be shared, then details of the provisions available can be found in the Shared Parental Leave Policy.

Annual leave arrangements must be managed under the Annual Leave and Time Off Policy.

Flexible working requests should be managed under the Managing Requests for Flexible Working Policy.
Equality and Dignity at work

Hampshire County Council is committed to developing a workplace in which all employees are treated with dignity. Discrimination based on age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation is not acceptable. Equally, bullying and harassment related to any of these characteristics is not acceptable. The Council will take robust action against any unacceptable behaviour.

Employees retain the same rights under their contract of employment as if they were still at work. The only exception is that they will not get their normal contractual pay during periods of family friendly leave.

Exceptions

There are no provisions in teachers’ terms and conditions of employment for Maternity Support Leave.

Policy Detail

There are four main stages to this policy.

- notification of leave
- starting leave
- during leave
- returning to work

The actual steps in the policy may vary dependent on the employee and employer needs.

Stage 1 – Employee says they want to take family friendly leave

Maternity support leave (MSL)

Maternity support leave is up to 5 days paid time off granted to an employee who is the nominated primary carer of a pregnant woman or primary adopter, but who is not eligible for paternity leave.

Maternity Support Leave is for the express purpose of supporting that mother or adopter at or around the time of childbirth or placement.

To qualify for maternity support leave the employee must:

- have a contract of employment with the employer (regardless of hours worked)
- be the nominated carer of an expectant mother or adopter
who is expected to have responsibility for providing care for the child and support to the mother/primary adopter at or around the time of childbirth or placement
• not be eligible for paternity leave
• remain in continuous employment with the Council up to the expected date of childbirth or placement

Maternity support leave may be taken as a single block or as individual days.

MSL is only granted per pregnancy or adoption and not per child.

**Start date of maternity support leave**

In consultation with their line manager, the employee can choose to start their maternity support leave from any date following the child’s actual date of birth or placement.

The employee must submit their request in writing to their line manager who will update the employee’s record via Manager’s Self Service.

**Parental leave**

Parental leave is unpaid time off granted for the purpose of caring for a child that an employee has parental responsibility for.

The employee can request to take parental leave to look after their child’s welfare, eg:
• spend more time with their children:
• look at new schools
• settle their children into new childcare arrangements
• spend more time with their family – e.g. visiting grandparents

To qualify for parental leave the employee **must** satisfy each of the following criteria:
• have one year’s continuous service with their employer; and
• be under a contract of employment with their employer; and
• be named on the child’s birth or adoption certificate; or have, or expect to have, parental responsibility for the child (eg Special Guardian); and
• is not a foster parent (unless they have secured parental responsibility through the courts); and
• the child is under 18 years of age (see following section)
### Start date of parental leave

In consultation with their line manager, the employee can choose to start parental leave at any time from the child’s actual date of birth or the date of placement with the primary adopter.

The full duration of parental leave must comply with the following criteria:

- In cases of childbirth, 18 weeks leave up to the child’s 18th birthday; or
- In cases of adoption, 18 weeks leave up to the child’s 18th birthday

Parental leave must be taken in blocks, or multiples, of one week. Single days can only be taken where the leave is for a child who qualifies for disability living allowance.

The employee may not take more than four weeks parental leave in a calendar year. However, where a child qualifies for disability living allowance a longer duration of parental leave may be considered and approved subject to service and operational requirements (and subject to the overall maximum of 18 weeks).

The employee must submit their request in writing to their line manager who will update the employee’s record via Manager’s Self Service.

### Annual leave

The line manager and employee must ensure annual leave is planned around family friendly leave to ensure that minimal annual leave is carried forward.

Refer to the annual leave policy.

### Reasonable contact

Before the employee starts family friendly leave the line manager and employee will agree appropriate and reasonable contact arrangements for the leave period.

These arrangements should be used to keep each other up-to-date on vacancies, workplace developments, training opportunities, any changes which would affect the employee’s return to work, or other circumstances which are relevant to the parental leave and help ensure correct payment of benefits.
Stage 2 - Employee starts their family friendly leave

Pay during maternity support leave

EHCC, JNC, Soulbury  
Payment will be made in the same way and at the same rate as normal contractual pay.

Teachers  
Teachers are not eligible to take maternity leave support.

Pay during parental leave

EHCC, JNC, Soulbury and Teachers  
Parental leave is unpaid.

Deductions from salary

All payments under the maternity support leave and parental leave schemes are treated as earnings and are therefore subject to income tax and national insurance deductions.

Union contributions, charity contributions, staff loan repayments and BUPA payments will continue to be deducted whilst the employee receives pay.

If the employee usually has these items deducted from pay they will have to make their own arrangements to pay these during their unpaid leave period.

If the employee is a member of the Hospital Savings Association they may still be able to claim benefits during the period of unpaid leave. They should let HSA know well in advance of their period of unpaid leave.

Calculating parental leave payments

The IBC will not provide estimates of pay to be received.

Monitoring payments

During the family friendly leave periods, managers must ensure they review their monthly staffing budget reports to monitor payments being made to the absent employee are consistent with the above principles.

Queries should be referred to the IBC in the first instance.

Employees must ensure they review their monthly payslips to
monitor payments are being made consistently with the above principles. Payslips will be accessible via Employee Self Service.

Queries should be referred to the line manager in the first instance.

**Stage 3 – During family friendly leave**

**Reasonable contact**

The contact arrangements agreed prior to the start of family friendly leave should be followed by both the employer and employee.

This contact should be used to keep each other up-to-date on vacancies, workplace developments, training opportunities, any changes which would affect the employee’s return to work, or other circumstances which are relevant to the leave and help ensure correct payment of benefits.

**Stage 4 – Employee says they want to return to work**

Due to the short duration of maternity support or parental leave, an employee does not need to notify their employer of their intention to return to work. The employer will assume the employee will return to work at the end of the requested period.

**Flexible working requests**

Employees have a right to request a flexible work arrangement which the employer has a duty to consider. There is no automatic right for the request to be approved.

**Stage 5 – employee returns to work**

**Annual leave**

The line manager must ensure that any unused annual leave is taken at the earliest available opportunity. Any permitted, carried forward leave must be used up in line with annual leave policy.

**Related documents**

To help with the application of this policy it may be useful to read the following:

- Managers' How to Guide – Other Family Friendly Leave
- Shared Parental Leave Policy
- Annual Leave absences must be managed under the Annual Leave and Time Off Policy.
- Requests for flexible working must be managed under the
Flexible Smarter Working Policy.

- Childcare Voucher queries must be managed under the Salary Policy.
- Overpayments must be managed under the Salary Policy
- Absence cover arrangements must be managed under the Recruitment Policy
- Health and ante-natal appointments – Annual leave and Time Off policy
- Individual Self Service (ISS) payslips

Note: School-based employees will need to check specific policies with their own school.

Key definitions

**Leave**

**Maternity support leave (MSL)** – If eligible, an entitlement to up to 5 days paid leave at or around the time of childbirth or placement.

**Parental leave (PL)** – If eligible, an entitlement to a maximum of 18 weeks unpaid leave between childbirth/adoption and the child’s 18th birthday.

**Pay**

**Contractual pay** – The salary that is payable to employees under their contract of employment as determined by their terms and conditions of employment (eg EHCC, Teachers, Soulbury, JNC)

**Employment**

**Contract of employment** – A contract of service or apprenticeship, whether expressed or implied, and (if it is expressed) whether oral or in writing. Note: Casual workers and Supply Teachers are not employed under a contract of employment.

**Court Special Guardianship Order** – a court order appointing one or more individuals to be a child’s ‘special guardian’, which confers parental responsibility. It is a private law order made under the Children Act 1989 and is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement.
**Employee** – An individual who has entered into or works under (or, where the employment has stopped, worked under) a **contract of employment**. Casual workers and Supply Teachers are not employees.

**Employer** – The body that employs the employee, for example: Hampshire County Council or a school’s Governing Body.

**Other**

**Childbirth** – The birth of a living child or a still birth after 24 weeks of pregnancy.

**Expected week of childbirth (EWC)** – As stated on the mother’s **MATB1** certificate, the week beginning with midnight between Saturday and Sunday in which childbirth is expected to occur.

**Expected week of placement** – As stated on the **matching certificate**, the week beginning with midnight between Saturday and Sunday in which the adopted child is expected to be placed with the adoptive parent(s)

**Individual Self Service (ISS) payslips** – a secure online facility to view payslips during parental leave.

**MATB1** – A certificate which shows a pregnant woman’s expected week and date of childbirth. It is normally issued by their doctor or midwife after the 20th week of her pregnancy.

**Matching certificate** – One or more documents issued by the **adoption agency** or **overseas adoption agency** that matched the employee with the child.

**Matching week** – the week when the adoption agency told the **Primary Adopter** they had been matched with a child

**Primary adopter** – the person who has been matched with a child for adoption, or in the case where two people have been jointly matched, whichever of them has been elected to be the child’s adopter for statutory leave and pay purposes.

**Reasonable contact** – Before starting family friendly leave, the employee and line manager must agree the contact arrangements that will be in place during that leave
**Special Guardian** - the person who, by virtue of a Court Special Guardianship Order, has parental responsibility for a child.

**Support**

**Employees:**

Queries should be directed to your line manager.

Access to free, confidential and impartial Employee Support is available to all employees. Please visit the webpages for further guidance:

https://extra.hants.gov.uk/employee/policy-guidance/occupational-health/employee-support

**Managers:**

Further information is available in the Managers’ How To Guide – Other Family Friendly Leave.

Advice on remaining queries can be directed to the IBC.

---

**Policy Governance**

<table>
<thead>
<tr>
<th>SharePoint ID</th>
<th>HRDOCID-561776108-79739</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of publication:</td>
<td>April 2014</td>
</tr>
<tr>
<td></td>
<td>v2 April 2015</td>
</tr>
<tr>
<td></td>
<td>v2.1 May 2015</td>
</tr>
<tr>
<td></td>
<td>v2.2 October 2015</td>
</tr>
<tr>
<td></td>
<td>v2.3 July 2017</td>
</tr>
<tr>
<td></td>
<td>v2.3.1 August 2019</td>
</tr>
<tr>
<td>Owner:</td>
<td>HR Operations</td>
</tr>
<tr>
<td>Related EHCC 2007 section:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Employees of non Hampshire County Council bodies are excluded from this policy and should refer to their own employer’s policies and procedures.