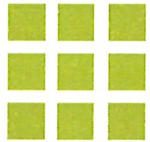



Isle of Wight Council  
**FAMILY FRIENDLY  
POLICY**



Adopted by Nine Acres  
Primary School

Approved By:	
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# 1 Document Information

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V1	March 2022	
V2	March 2025	Addition of Neonatal Care following the legislative introduction.
V3	March 2026	Legislation removal of the restriction on employees taking paternity leave and pay after they have taken shared parental leave and pay. Parental leave and paternity leave being a day one right with effect from the 6th of April 2026.  Addition of 'Bereaved Partners Paternity Leave' due to new legislation introduced on 6 April 2026.

If you have difficulty understanding this document, please contact us on 01983 821000 and we will do our best to help you or provide it in an alternative format.

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### 3 Introduction

It is the council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. This policy, procedure and guidance should support and inform those discussions. The Equality Act 2010 makes it unlawful to discriminate against someone because of a protected characteristic. It is important to note therefore, that this includes pregnancy, breastfeeding and those who have recently given birth. Therefore, staff cannot be denied pay progression because they have been on maternity leave; excluded from staff consultations on timetable changes or omitted from notification of vacancies or promotions due to maternity leave.

The following definitions are used in this policy:

**'Expected week of childbirth' (EWC)** means the week, starting on a Sunday, during which the employee's doctor or midwife expects them to give birth.

**'Qualifying week'** means the 15th week before the expected week of childbirth.

**'Employer'** refers to the Isle of Wight Council / School

**'Adoption agency'** means a local authority or a registered adoption society in England and Wales, or a registered adoption service in Scotland.

**'Notification of Matching'** issued by an adoption agency confirming that you have been matched with a child for adoption (includes matches under a fostering for adoption scheme)

**'Official notification'** means written notification, issued by or on behalf of the 'relevant domestic authority', that it is prepared to issue, or has already issued and sent, a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been approved and assessed as being a suitable adoptive parent.

**'Parental statutory declaration'** means a statutory declaration stating that the maker has applied, or intends to apply within the six-month time limit, with another person for a parental order in respect of the child and that they expect the court to make the parental order.

**'Relevant domestic authority'** means the Secretary of State.

**Neonatal care leave** is designed to assist new parents of babies who are admitted into neonatal care.

[Shared Parental Leave](#) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. For further information please refer to the [Shared Parental Leave](#)

## 4 Appointments (Antenatal and Adoption)

You should endeavour to give your line manager/Headteacher as much notice as possible of antenatal appointments in writing and when you are comfortable to do so and, wherever possible, try to arrange them as near to the start or end of the working day as possible. You may sometimes be asked to try and rearrange an appointment where it is reasonable to do so. In very exceptional circumstances, if there is a good reason, you may be denied a request for a particular appointment.

If you are an agency worker, you may have to notify your agency as well. You should check with the agency about the process for notifying them.

Agency workers may take time off to attend an adoption appointment once you have been employed with the Council for at least 12 continuous weeks (which may include more than one assignment or one school). This period will not include any breaks due to holiday, school holidays or other leave to which you are entitled, breaks due to workplace closure, breaks due to industrial action, breaks of up to 28 weeks in cases of sickness or jury service, and breaks of up to six weeks for any other reason. We will treat breaks due to pregnancy or childbirth up to 26 weeks after birth, and any statutory maternity, paternity or adoption leave, as time worked.

Antenatal appointments include midwife appointments, hospital appointments and other associated classes as recommended such as (but not limited to) relaxation and parent-craft classes.

### 4.1 Maternity

Employees and agency workers will be entitled to take reasonable paid time off work (at normal rate of pay) to attend antenatal appointments as advised by your doctor, registered midwife or registered health visitor, once you have advised your line manager/Headteacher that you are pregnant.

In order to be entitled to take time off for antenatal care, you are required to produce a MAT B1 certificate. Except in the case of the first appointment, you should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

### 4.2 Adoption

Employees adopting with a partner must choose whether to be a primary adopter or a secondary adopter for adoption appointments purposes.

You may take paid time off to attend an adoption appointment on up to **five** occasions in relation to any particular adoption if:

- i. you are adopting on your **own**; or
- ii. you are adopting with a partner, and you have chosen to be the **primary** adopter for adoption appointment purposes.

You may take paid time off to attend an adoption appointment on up to **two** occasions if you are adopting with a partner and you have chosen to be the **secondary** adopter for adoption appointment purposes.

You must not take more than six and a half hours off for each appointment, including travel and waiting time.

You may request time off for an adoption appointment by providing your manager with a signed statement or an email confirming:

- a) the date and time of the appointment; and
- b) that the appointment has been arranged or requested by the adoption agency.

Employees and agency workers may take time off to attend an adoption appointment (for Great Britain adoptions, fostering for adoption and overseas adoptions) once the agency has notified you that a child is to be placed with you for adoption but before the child is placed with you.

### **4.3 Paternity**

Your partner has the right to time off work to come with you to 2 antenatal appointments. This time off is usually unpaid and is for a maximum of 6.5 hours for each appointment.

## **5 Sickness Absence**

### **5.1 Maternity**

If you are absent from work during pregnancy owing to sickness, you will receive normal statutory or contractual sick pay in the same manner as you would during any other sickness absence provided that you have not yet begun ordinary maternity leave.

If, however, you are absent from work due to a pregnancy-related illness four weeks prior to your expected week of childbirth, your maternity leave will start automatically.

### **5.2 Adoption and Paternity**

If you are absent from work, this will be treated and counted towards sickness in the usual way and in accordance with the [Attendance Management Process](#).

## 6 Health and Safety

The council/school has a duty to take care of the health and safety of all employees under the Management of Health and Safety at Work Regulations 1999. We are therefore required to carry out a risk assessment to assess the workplace risks to individuals who are pregnant, have recently given birth or are breastfeeding. The council/school will provide you with information as to any risks identified in the risk assessment.

If it is not possible for the council/school to adjust your working conditions the council/school may ask you to refrain from work on grounds of maternity. You will be entitled to your normal salary and contractual benefits during this time unless you have unreasonably refused an offer of suitable employment.

[Health and Safety Manual](#) provides a useful guide in carrying out a [risk assessment](#) for a pregnant employee (schools should contact their HR or H&S adviser for further advice).

## 7 Annual leave

You are reminded that holiday must be taken in the calendar year that it is earned and therefore if the holiday year is due to end during your leave (adoption or maternity), you will need to take any outstanding annual leave due to you before the commencement of leave, plus any entitlement to leave due to any bank holidays or additional statutory days that fall during your leave (which you continue to accrue whilst you are off).

You can request to carry forward a maximum of one weeks' contracted hours annual leave entitlement from one year to the next under the council's [Annual leave policy](#) (i.e. 5 days leave if working a regular 5 day week at full time).

If your leave period exactly coincides with the annual leave year you will need to agree with your line manager/Headteacher on one of the following options:

- That you take paid annual leave before starting leave.
- That you have agreed before your return with your manager how this leave will be taken following your leave

Term-time staff will be entitled to a lump sum payment in respect of accrued annual leave and bank holidays, and this will be paid upon return to work.

Further guidance on annual leave including ways to take accrued leave, calculating annual leave and pro-rata for term-time only staff can be found via the [guidance section below](#)

## 8 Family Friendly Leave

During the period of family friendly leave, your contract of employment continues in force, and you are entitled to receive all contractual benefits, except for salary. In particular, any benefits in kind will continue; annual leave and bank holiday entitlement will continue to accrue; and pension contributions will continue to be made on actual earnings received.

### 8.1 Maternity and Adoption

All employees on maternity or adoption leave are entitled to take up to 26 weeks ordinary leave and up to 26 weeks additional leave, making a total of 52 weeks, irrespective of your hours or length of service. In maternity cases, you must take a minimum of two weeks immediately after the birth of the child.

Ordinary leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless your child is born prematurely before that date in which case it will start earlier).

#### **Maternity leave will start on whichever date is the earlier of:**

- your chosen start date.
- the day after you give birth; or
- the day after any day on which you are absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If you give birth before your maternity leave was due to start, you must notify your line manager/Headteacher in writing of the date of the birth as soon as reasonably practicable.

#### **Adoption leave will start on.**

- the day the child is placed for adoption, or up to 14 days earlier (if adopting within Great Britain and Fostering for Adoption)
- the day on which the child enters Great Britain or on a chosen date no later than 28 days after the child enters Great Britain (if adoption from overseas)
- that the child is born, unless the employee is at work, in which case adoption leave will start the following day (in surrogacy/parental order cases)

In order to take additional adoption leave, the ordinary adoption leave must not have ended prematurely (because the placement of the child was disrupted, you were dismissed, you failed to apply for or to receive a parental order or the child died).

#### **Adoption leave and pay are currently not available for:**

- Private adoptions.
- Stepparents who adopt their stepchildren.
- Parents who have a child with the help of a surrogate but who are not eligible for a parental order; or
- Special guardians or kinship carers.

#### **Employees may be eligible for adoption leave and/or adoption pay if:**

- they have been newly matched with a child for adoption by an adoption agency or relevant domestic authority,

- they are local authority foster parents who are also approved prospective adopters (“fostering for adoption” or “dual approved adopters”), or
- they have received (or intend to apply and expect to receive) a parental order in relation to child surrogacy (“parental order parents”).

#### **Adoption leave and pay is available to:**

- Individuals who adopt/foster for adoption/receive parental orders, or
- One member of a couple where the couple adopts/fosters for adoption/receives parental orders jointly (the couple may choose which partner takes the paid adoption leave). The other member of the couple may be entitled to paternity leave and pay (adoption).

## **8.2 Paternity**

Those entitled to paternity leave include the spouse, civil partner or partner of the person giving birth or primary adopter, who will share responsibility for the child’s upbringing.

On/before the 5<sup>th</sup> April 2026, they are entitled to one week’s paid paternity leave irrespective of length of service. A second week’s paternity leave is available provided that you have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the week in which the child is expected to be born. This second week is paid at the statutory rate.

On/after the 6<sup>th</sup> April 2026, two weeks’ paternity leave is eligible as a ‘day one’ right.

Paternity leave is granted in addition to your normal annual holiday entitlement. You are entitled to 2 weeks paternity leave. Paternity leave must be taken in 1-week blocks but does not need to be taken over two consecutive weeks. Paternity leave must be taken within the first year of the birth or adoption of the child. Paternity leave can start either from the date the child is born/placed into adoption or within 52 weeks from that date.

### **8.2.1 Bereaved Partners Paternity Leave**

As a result of the introduction of the ‘Bereaved Partner’s Paternity Leave Regulations 2026’, bereaved employees are entitled to unpaid time off work, if their partner dies. It applies to deaths that happen on or after 6 April 2026. This is a ‘day one right’, meaning someone can take leave from the first day of employment.

It can be used when someone dies within the first year of their child’s life or adoption. The person who’s died must be either:

- the mother or parent who gave birth
- the primary adopter
- an ‘intended’ parent having a baby through surrogacy

The father or partner can take up to 52 weeks’ unpaid leave to care for their child and can choose the amount of time but must take it in one block.

In most cases, they must take the leave within 52 weeks of either:

- the child’s birth – including intended parents in a surrogacy
- the child’s adoption placement

- the child's entry to Great Britain for overseas adoptions

The father or partner must have responsibility for bringing up the child and must be at least one of the following:

- the child's father
- married to, the civil partner or partner of the mother or parent who gave birth
- married to, the civil partner or partner of the primary adopter

This includes same-sex partners.

Someone who separated from their partner can still take this leave. They must have ongoing responsibility for bringing up the child.

The person taking the leave should tell their manager as soon as they can, however, we must be flexible and compassionate and allow someone else, such as a friend or family member, to inform us about the death. The formal notice to take leave, however, must come from the employee themselves.

If it's less than 8 weeks since their partner died:

- the leave can start straight away if needed
- they can tell their manager verbally or in writing, for example a letter or email, however, we recommend that any verbal confirmation is followed up in writing to the employee
- they must tell their employer before they're due to start work that day
- they must say how much leave they're taking but do not need to do this straight away, but must be confirmed in writing within 8 weeks, and at least a week before the return date.

If it's more than 8 weeks since their partner died:

- they must give at least 1 weeks' notice before they start the leave
- they must tell their employer in writing
- they must also confirm in writing their relationship to the child, that they have cared for, or intend to care for the child, and the date they plan to return to work

In both instances the employee must tell their employer:

- the date their partner died
- the date they will start bereaved partner's paternity leave
- for birth and surrogacy – the date of the child's birth
- for UK adoptions – the date the adoption placement started
- for overseas adoptions – the date the child entered Great Britain

If an employee is entitled to other types of leave, they could add this leave to it, either before or after. This might give them more time off to care for their child.

Other types of statutory leave are:

- [paternity leave](#)
- [shared parental leave](#)
- [ordinary parental leave](#)  
[neonatal care leave](#)

Please also see our 'Special Leave Policy' for information relating to 'Compassionate Leave'.

## 8.3 Neonatal care leave

### 8.3.1 Entitlement and conditions

In addition to the above entitled, Neonatal time off will be granted where:

- you are the child's parent and have responsibility for the upbringing of the child; or
- you are the partner of the child's mother and have main responsibility for the upbringing of the child (apart from the mother).

And under the following conditions:

- your child was born on or after 6 April 2025;
- your child started receiving neonatal care **within** 28 days after the date on which they were born (the 28 days are counted from the day after the child is born);
- the neonatal care has lasted seven days or longer without interruption (the seven days are counted from the day after the neonatal care started). For example, if your child's started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means that you can start your neonatal care leave on any day from 15 April.
- you are taking the leave to care for your child
- you have provided the relevant notice and completed [Appendix 3 – Neonatal Care Leave form](#)

The amount of neonatal care leave that you can take is one week for every week your child has spent in neonatal care without interruption. Any neonatal care leave must be taken in blocks of at least one week. A week is defined as a period of seven days starting from the day after the neonatal care began.

The maximum number of weeks that you can take as neonatal care leave is capped at 12 weeks (you can take only up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care). Any neonatal care leave must end within 68 weeks of your child's date of birth.

### 8.3.2 How to take neonatal care leave

You are entitled to take neonatal care leave in addition to any other statutory leave that you may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement and shared parental leave.

If you have already started a period of statutory leave, but subsequently become eligible for neonatal care leave, you can take your neonatal care leave **after** completing the other statutory leave, provided that your neonatal care leave is taken within 68 weeks of your child's birth date.

If you have already started a period of neonatal care leave during the tier 1 period but need to begin another type of statutory leave, your neonatal care leave will be temporarily paused immediately before the other statutory leave begins. You can then resume the remaining weeks of your neonatal care leave in one of two ways:

- if you are still within the tier 1 period - immediately after the end of the other period of statutory leave; or
- if you have transitioned into the tier 2 period - immediately after any other neonatal care leave taken during the tier 2 period.

You cannot take neonatal care leave in the tier 2 period if, at the time of giving notice, you are aware that the leave will overlap with another type of statutory leave.

### 8.3.3 Notice to take neonatal care leave

Your neonatal care leave will start on the date that is specified in your notice.

Alternatively, if you give notice on the same day that you want to begin your leave and you are already in work on that day, your neonatal care leave will start on the following day.

#### Tier 1 period

For each week of neonatal care leave that you wish to take in tier 1, you should notify your line manager by telephone or email, preferably before your first day of absence in that week.

You are also required to give notice of your intention and entitlement to take neonatal care leave using [Appendix 3](#) – Neonatal Care Leave Form below to provide notice of intention and entitlement to take neonatal care leave (birth). This form contains a declaration that will need to be signed by you.

There is no expectation on you to complete this form straightaway while your child is receiving neonatal care. However, we do request that the form is sent to us within 28 days of the first day of your neonatal care leave, or if this is not possible, as soon as it is reasonably practicable.

#### Tier 2 period

If you wish to take neonatal care leave in the tier 2 period, you will need to give notice in writing of your intention and entitlement to take neonatal care leave using [Appendix 3](#) – Neonatal Care Leave Form to provide notice of intention and entitlement to take neonatal care leave (birth). This form contains a declaration that will need to be signed by you.

If you are taking a single week of neonatal care leave, your notice should be received by us at least 15 days before the first date that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

If you are taking two or more consecutive weeks of neonatal care leave, your notice should be received by us at least 28 days before the first date that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

#### **8.3.4 Changing neonatal care leave dates**

If you have submitted a notice of intention and entitlement to take neonatal care leave during the tier 2 period but wish to cancel your leave, you must inform your line manager by completing an amended Appendix 3 – Neonatal Care Leave Form for employee to cancel neonatal care leave (birth).

If you intended to take a single week of neonatal care leave, you must submit this form at least 15 days before the first date that you had chosen for your leave to start.

If you intended to take two or more consecutive weeks, you must submit this form at least 28 days before the first date that you had chosen for your leave to start.

## 9 Pay

### 9.1 Maternity / Adoption

Statutory adoption pay (SAP) and statutory maternity pay (SMP) is payable for up to 39 weeks during your leave. You are entitled to SAP/SMP if:

- You have continuous service of at least 26 weeks at the week in which notification of matching is given by the adoption agency or official notification was received (adoption) or at the end of the qualifying week and you are still employed during that week (maternity).
- Your average weekly earnings are not less than the lower earnings limit for national insurance contributions; or your average weekly earnings in the eight weeks up to and including the qualifying week (maternity)
- You provide a certificate of matching, official notification, parental statutory declaration or parental order; and
- You give the Council proper notification of your intention to take adoption leave/maternity leave in accordance with the rules set out above.
- you are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth).
- you provide a MAT B1 form stating your expected week of childbirth; and
- An employee who gives birth to a stillborn child at any time after more than 24 weeks pregnancy is entitled to take maternity leave and be paid statutory maternity pay (provided you are otherwise eligible for it) in the same way as an employee who gives birth at full term. In these circumstances, your maternity leave will start on the day after the day of childbirth (unless it has already begun prior to that).
- For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included.
- Is recalculated If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave and will be recalculated to take account of the pay rise, regardless of whether SMP has already been paid. You will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.
- Is treated as earnings and therefore subject to PAYE and National Insurance deductions.
- Cannot start prior to the 11th week before your expected week of childbirth. SMP can start from any day of the week in accordance with the date you start your maternity leave.
- Is payable whether or not you intend to return to work after your maternity leave.

SMP is payable for up to 39 weeks, 90% of your average weekly earnings for the first 6 weeks followed by a rate set by the Government for the relevant tax year or at 90% of your average weekly earnings if this figure is lower than the Government's set weekly rate for the next 33 weeks calculated over the period of eight weeks up to and including the qualifying week if this is lower than the Government's set weekly rate.

If you have at least one year's continuous Local Government service at the beginning of the 11th week before the day the child is to be placed for adoption/due to be born you have indicated that you will return to Local Government employment (not just the Isle of Wight Council) for at least three months (13 weeks if you are working under teacher's pay and conditions) immediately following your leave, you will receive 12 weeks half pay during ordinary adoption/maternity leave after the first 6 weeks without deduction except

to the extent that the half pay plus SMP exceeds full pay. In the event that you do not return to Local Government employment at the end of your adoption/maternity leave period, you will be required to refund to the Isle of Wight Council the monies paid in respect of the half pay.

### Staff Working Under Teachers Pay and Conditions

Staff Working Under Teachers Pay and Conditions must return for at for at least 13 weeks immediately following their adoption/maternity leave and within that you will receive four weeks full pay (offset against payments made by way of SMP or Maternity Allowance), two weeks at 90% pay (offset against payments made by way of SMP or Maternity Allowance) in addition to 12 weeks half pay.

Where it is agreed, a Teacher may return to work on a part-time basis, they must return to work for a period which equates to 13 weeks service based on their previous contractual hours in order to be entitled to the contractual pay element.

Where it is agreed that you may return to work on a part-time basis and you are a teacher, you must return to work for a period which equates to 13 weeks service based on your previous contractual hours in order to be entitled to the contractual pay element.

If you are being made redundant, or likely to be at risk of redundancy during your maternity/adoption leave, half pay will only be paid at the end of the maternity/adoption leave period if successful redeployment has taken place.

If no written notification is received of your intent to return to work, 12 weeks half pay will only be paid as a lump sum on your return to work.

### Maternity Pay table

Maternity	Less than 26 weeks service at the 15th week before the EWC	26 weeks service at the 15th week before the EWC	One year's service or more at the 11th week before the EWC	Teachers with one year's service or more at the 11th week before the EWC
Weeks 1 - 4	Maternity Allowance paid by the Government	SMP (90% of a week's pay)	90% of a week's pay (offset against payments made by way of SMP)	Full pay (offset against payments made by way of SMP)
Weeks 5 - 6				90% of a week's pay (offset against payments made by way of SMP)
Weeks 7 - 18		SMP	SMP plus half pay	
Weeks 19 - 39		SMP		
Weeks 40 - 52	Unpaid			

\*If you opt into Shared Parental Leave, your maternity pay will cease, and you will receive the appropriate pay through the Shared Parental Leave Policy.

### Adoption Pay table

	<b>26 weeks continuous service at the week in which notification of matching is given</b>	<b>One year's service or more at the 11th week before the expected date of the child being placed for adoption</b>
Weeks 1-6	SAP (90% of a weeks' pay)	SAP (90% of a weeks' pay)
Weeks 7 – 18	SAP	SAP plus half pay
Weeks 19 - 39		SAP
Weeks 40 - 52	Unpaid	Unpaid

SAP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

SAP is payable whether or not you intend to return to work after your adoption leave.

## 9.2 Paternity

Those who plan on taking both ordinary paternity leave and shared parental leave must take ordinary paternity leave first in order to receive paternity pay.

**Week 1** You will be entitled to one week at full pay which is broken down by 90% Statutory pay, and 10% Occupational pay. This entitlement is irrespective of length of service during this week.

**Week 2** You may elect to take the second week of paternity leave and you will qualify for statutory paternity pay during your absence if you have average weekly earnings equal to or greater than the current lower earnings limit for National Insurance Contributions purposes. Statutory Paternity Pay is paid at the same rate as Statutory Maternity Pay (a fixed amount) reviewed by the Government each year.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date you start your paternity leave.

## 9.3 Neonatal Pay

### 9.3.1 Statutory neonatal care pay

You qualify for statutory neonatal care **pay** if:

- you are entitled to take neonatal care leave;
- you have at least 26 weeks' continuous employment with us at the end of the relevant week;
- you remain in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week);
- your average weekly earnings are not less than the lower earnings limit for national insurance contributions;
- you have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy; and
- you have confirmed when you wish to start receiving statutory neonatal care pay within the [Appendix 3 – Neonatal Care Leave Form](#) to provide notice of intention and entitlement to take neonatal care leave.

In this policy "relevant week" means the 15th week before the expected week of childbirth if you are entitled to statutory maternity or paternity pay. In all other cases, it means the week before the neonatal care begins. Neonatal care pay is treated as earnings and is therefore subject to PAYE and national insurance deductions

### 9.3.2 If you suffer a bereavement

Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave that they have accrued if their child passes away.

Parental Bereavement Leave following death of a child (under 18) is also available and further details around this can be found within the councils [Special Leave Policy](#).

## 10 Pension

During any period of **paid** leave (including neonatal care leave), you must continue to pay pension contributions on the actual pay that you are receiving, if any. Benefits will continue to accrue as if you were working normally and receiving full pay. Contributions will cease during any period of unpaid leave.

### **LGPS Members**

You can choose to buy back pension membership for any period of unpaid leave through an age-related Additional Pension Contribution (APC) contract. The contributions will be calculated at the assumed pensionable pay, which is the pay you would have received but for the absence. Please contact the pensions team for information regarding this option.

If you were paying additional contributions to increase your membership, prior to your leave, you will continue to pay these. These payments will be calculated at the rate of pay which you would have received had you not taken adoption leave. The additional membership continues to accrue in full.

### **Teachers' Pensions Members**

There is no facility for you to continue to pay contributions during any period of unpaid leave. You can, however, purchase additional pension contributions upon your return to work provided you return to pensionable employment. Please refer to the Teachers' Pensions website for further information: [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

During any period of paid paternity leave you must continue to pay pension contributions on the actual pay, if any, that you are receiving. Benefits will continue to accrue as if you were working normally on full pay.

## 11 Contact

Before an employee goes on leave, there should be a meeting with both the manager and the employee. At the meeting, the manager should discuss how they will keep in touch and how much contact the employee would like to have. We would recommend that you use the [checklist](#).

The employee needs to understand that the employer has the right to a reasonable amount of contact with them during their leave.

This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

The Council reserves the right in any event to maintain reasonable contact with you from time to time during your leave.

If a period of neonatal care leave is required, you must update your manager at the earliest opportunity by completed a revised version of Appendix 3 – Neonatal Care Leave form. Your manager should then continue to maintain contact with you (as they would with any period of leave) but also will seek to offer any reasonable support during that difficult time.

## 12 Keeping in touch (KIT) days

Except during the first two weeks after childbirth (maternity), whether you are on adoption or maternity leave you can agree to work for the council/school (or to attend training) for up to 10 days during either ordinary leave or additional leave without that work bringing the period of your maternity/adoption leave to an end and without loss of a week's SMP. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes. Therefore, if you only work one hour you will lose one of your ten KIT days but will only be paid for the one hour worked.

The council/school has no right to require you to carry out any work, and you have no right to undertake any work, during your maternity leave.

Any work undertaken, will be paid at your normal salary less SMP or Maternity Allowance or contractual maternity pay already being paid. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, you will lose a week's SMP for any week in which you agree to work for the council/school, if SMP is paid, and will automatically end your maternity leave period if on unpaid maternity leave.

Please see the [Keeping in Touch Day's form](#)

## 13 Returning to Work

### 13.1 Maternity, Adoption and Neonatal Care Leave

If you are returning from the first 26 weeks of your maternity, adoption or neonatal care leave, you are entitled to return to the same job as you were doing before your leave.

If you are returning after taking the second 26 weeks', you are still entitled to return to the job you were doing before your leave but, if it is not reasonably practicable, you will be offered suitable alternative's where there is a correlation between the new role and your previous role.

In both instances, you would not need to apply for these roles and on terms and conditions that are no less favourable than would have applied if you had not been absent. These terms also apply in redundancy situations. This protection starts from the date you inform us you are pregnant and now extends 18 months from the date of the child birth.

If you worked full-time prior to your leave you have no automatic right to return to work on a part-time basis or to make other changes to your working patterns. However, all requests should be considered in line with the council's [Flexible Working Policy](#).

Only in instances if you wish to return to work earlier than the expected return date, you must give the council at least 8 weeks' notice of the date of early return (or 21 days' notice under Burgundy Book Provisions), in writing. If you fail to do so, the council may postpone the return to such a date as will give the council 8 weeks' notice, provided that this is not later than the expected return date.

If you decide not to return to work after leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after the leave has ended, the council/school may require you to return to work for the remainder of the notice period.

### 13.2 Paternity

You are entitled to return to the same job as you were in prior to Paternity leave.

### 13.3 Neonatal Care Leave

The above protection also applies if you have taken neonatal care leave consecutively with a single period of more than four weeks of ordinary parental leave.

## 14 Staff Benefits / Salary Sacrifice Scheme

The Childcare Scheme has closed to new applicants due to the introduction of the new Government-backed Tax-Free Childcare scheme.

If you are participating in the Childcare scheme as at the date of commencement of your adoption leave, you may either continue in the scheme or withdraw from it, but you should in either event, contact the Staff Benefits Officer for further information by phoning 821000 Ext. 8845.

If you remain in the scheme, then your monthly salary sacrifice deductions will continue to be taken from any Contractual Adoption Pay (reductions are subject to the requirement that your pay must remain above the National Minimum Wage rate after reduction of your salary sacrifice) but they cannot be taken from any Statutory Adoption Pay (subject to NMW requirement). During your Ordinary Adoption Leave and Additional Adoption Leave periods you are entitled to continue to receive your 'contractual non-cash benefits' and therefore the Isle of Wight Council will be responsible for paying your monthly childcare costs during periods when you are not in receipt of any Contractual Adoption Pay.

The Childcare Choices website provides information on the government childcare schemes available, please visit the website for more information: [www.childcarechoices.gov.uk](http://www.childcarechoices.gov.uk)

You should note that if you have not indicated that you intend to return to work after your adoption leave and therefore have your 12 weeks contractual half pay paid to you as a lump sum upon return to work, this will be reduced by the value of the childcare payments that the IW Council has been responsible for paying during the relevant 12-week adoption pay period.

## 15 Process / Procedures

### 15.1 Notification

#### 15.1.1 Maternity

By the end of the qualifying week, you are required to inform your line manager/Headteacher, copied to Payroll ([payroll@iow.gov.uk](mailto:payroll@iow.gov.uk)) in writing, in an e-mail confirming.

- the fact that you are pregnant.
- your expected week of childbirth; and
- the date on which you intend to start your maternity leave.
- Job title
- And state either one of the below statements:
- \*I intend to return to work following maternity leave and wish to be paid half pay (if entitled) during my maternity leave.
- OR,
- \*I am not sure of my intentions regarding my return to work following my maternity leave and therefore wish for my half pay to be withheld.

You must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. You will be able to get your MAT B1 form no earlier than 20 weeks into your pregnancy, this form must include the doctor's or midwife's name and address and registration number on it.

You are permitted to bring forward your maternity leave start date, provided that you advise the council/school in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your maternity leave start date, provided that you advise the council/school in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Payroll will formally respond in writing to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work.

#### 15.1.2 Adoption

In order to be entitled to take adoption leave and receive statutory adoption pay, you are required to give the Council written notification of your intention to take adoption leave.

When Adopting from Great Britain and fostering for Adoption.

- no later than seven days after the date on which notification of the match with the child was provided by the adoption agency.

When adopting from overseas.

- No later than 28 days after receipt of the official notification, you must give notice of the date the official notification was received, the date the child is expected to enter Great Britain, the date you intend to start adoption leave and a declaration that you have chosen to receive to receive statutory adoption pay and not statutory paternity pay.
- You must also provide a copy of the official notification document.

- Within 28 days of the child's entry into Great Britain you must inform the Isle of Wight Council of the date of entry and provide evidence of this entry in the form of a plane ticket or copies of entry clearance documents.
- In the cases of either Great Britain or overseas adoptions you are permitted to bring forward your adoption leave start date, provided that you advise the Isle of Wight Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your adoption leave start date, provided that you advise the Isle of Wight Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

When under surrogacy/parental orders.

- No later than the 15th week before the expected birth of the child, you must give written notice of your intention to take adoption leave, stating the expected week of the child's birth.
- As soon as possible after the child's birth, you must give notice of the date of the child's birth.
- You must also provide evidence of entitlement to adoption leave and/or pay by producing a 'parental statutory declaration' or your 'parental order'.

### 15.1.3 Paternity

You should email [payroll@iow.gov.uk](mailto:payroll@iow.gov.uk) when you initially intend to take Paternity leave with the following information.

- Expected date of birth/adoption placement.
- Whether you wish to take one or two week's leave.
- When you wish your period of paternity leave to start; and

When the arrangements for your Paternity Leave are finalised, you must complete the 'Paternity Leave Request Form' (appendix 1) and return it to your line manager/Headteacher (copied to [payroll@iow.gov.uk](mailto:payroll@iow.gov.uk) or School Business Manager by the end of the 15th week before your partner's baby is due, or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.

If you subsequently wish to change the timing of the paternity leave, you must give 28 days' written notice of the new dates.

### 15.1.4 Neonatal Care Leave

Appendix 3 – Neonatal Care Leave form must be completed and sent to your manager in the first instance. They will then send a copy to [payroll@iow.gov.uk](mailto:payroll@iow.gov.uk) to make the relevant changes to pay and leave.

If you are taking a single week of neonatal care leave, your notice should be received by us at least 15 days before the first date that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

If you are taking two or more consecutive weeks of neonatal care leave, your notice should be received by us at least 28 days before the first date that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

## 16 Guidance

### 16.1 Annual leave

If your maternity leave period exactly coincides with the annual leave year, your options for taking your annual and bank holiday leave include (this list is not exhaustive):

- Taking some or all the annual and bank holiday leave that you will accrue while on maternity leave immediately before your maternity leave is due to commence.
- Taking any carry-forward leave and leave from the year you return immediately after your maternity leave.
- Ceasing your maternity leave early when you reach the period of unpaid leave and take paid annual / bank holiday leave.

If you give notice to your manager to change your maternity leave start and/or end date you will need to recalculate your bank holiday entitlement with your manager and relook at how you plan to take your annual and bank holiday leave. Included below are some examples of how employees have arranged to take their annual and bank holiday leave entitlement before commencing maternity leave.

If you have taken neonatal care leave during this period, you will continue to accrue annual leave during this additional period. Arrangements for taken any accrued annual leave during this period remain the same as the above and below and in agreement with your manager.

#### Example 1 (full-time working)

Zahara is due to start maternity leave in July 2021. As a full-time member of staff Zahara is entitled to 31 annual leave days per annum plus 8 bank holiday days. When calculating Zahara's leave quota the manager deducts any leave already taken in 2021 and adds any bank holiday days for 2021 that fall whilst Zahara is on maternity leave, to determine the total amount of 2021 leave Zahara has left to take. Zahara and Zahara's manager then do the same for 2022 (up until the end of the maternity date), adding any bank holiday days that fall whilst Zahara is on maternity leave on to Zahara's 2022 leave quota.

After looking at Zahara's leave quotas Zahara and Zahara's manager agree the amount of leave Zahara will take before the maternity leave commences, ensuring the amount Zahara must carry forward from 2021 to 2022 is no more than 5 days. Zahara also decides and agrees with the manager that Zahara would like to end the year's maternity leave entitlement early, during the period of no pay, and immediately tag on some of the annual leave entitlement, meaning Zahara will begin to receive their salary again sooner.

Ending maternity leave early and taking an immediate block of leave is a particularly helpful option for both the employee and the manager when an agreement has been made for a full-time employee to return from maternity leave on a part-time basis. An option in this scenario is for the employee to take the block of leave as full-time, meaning they will receive their full-time salary for that period, and reduce their hours after the period of annual leave (i.e., when they actually return to work). Alternatively, the employee could reduce their hours immediately after they choose to end their maternity leave, when taking their block of annual leave, which will mean they receive their new reduced salary their leave will extend for a longer period on a part-time basis.

### Example 2 (part-time working)

Riley is due to start maternity leave in March 2021. As a part-time member of staff Riley and the manager check Riley's pro-rata leave entitlement for 2021 through the SAP Self Service Portal. The manager then deducts any leave hours Riley has already taken in 2021 from the total 2021 annual leave quota and adds on any hours within Riley's work pattern that fall on a bank holiday when Riley is due to be on maternity leave, to arrive at the total leave Riley has to take for 2021. Riley and the manager then do the same for 2022 (until the end of the maternity leave period), adding any bank holiday hours that are within the work pattern that fall whilst Riley is on maternity leave.

After looking at leave quotas, Riley and the manager agree that Riley will take a block of leave immediately before the maternity leave is due to commence, meaning Riley will have no 2021 carry-forward leave. Riley also agrees with the manager that Riley will take their leave quota for the following year immediately after the maternity leave finishes.

Riley is off sick from work with a pregnancy related illness, 4 weeks before their EWC, meaning the maternity leave automatically commences earlier than expected and Riley has not used up their 2021 leave quota as planned. In this scenario, Riley would be entitled to carry forward any outstanding 2021 leave to 2022, to be taken in agreement with Riley's line manager/Headteacher.

### Annual Leave for Term-Time Only Staff Members

If you work on a term-time only basis (or a variation of term-time only e.g., term-time plus development days, etc.), you are paid for your holiday entitlement within your monthly salary. Once you commence maternity leave and are no longer receiving your full salary, you miss an element of your annual leave entitlement payment. For this reason, you and your manager will need to calculate the element of annual leave payment you have missed using the below calculation, taking into consideration your service and therefore maternity pay entitlement. Once you have calculated the element of your annual leave that you are owed, your manager will need to email [payroll@iow.gov.uk](mailto:payroll@iow.gov.uk) and arrange for the hours/days to be paid to you as a lump sum on your return.

### Annual Leave Calculation for Annual Leave Pay for Term-Time Only Staff:

	<b>Less than 26 weeks service at the 15th week before EWC</b>	<b>26-week service at the 15th week before the EWC</b>	<b>One year's service or more at the 11th week before the EWC</b>
<b>Weeks 1 - 6</b>	18 weeks / 52 x 31 day* FTE AL quota x 100%	6 weeks / 52 x 31 days FTE AL quota x 10%	6 weeks / 52 x 31 days FTE AL quota x 10%
<b>Weeks 7 - 18</b>		12 weeks / 52 x 31 days FTE AL quota x 100%	12 weeks / 52 x 31 days FTE AL quota x 60%

\* Pro rata for part-time staff  
FTE = Full Time Equivalent  
AL = Annual Leave

As well as the pay element of your annual leave entitlement, you and your manager will also need to check your leave entitlement in terms of time off work. Term-time only employees are required to take their leave during school closure periods; therefore, you are expected to take your leave during the school holidays that fall in the academic leave year either side of your maternity period. If your leave entitlement quota (calculation include below) exceeds the school closure periods you should arrange with your manager to take the outstanding leave before you commence maternity leave or carry it over for when you return. If you wish to carry over leave, please follow the guidelines under the Annual Leave section above.

### **Annual Leave Calculation for Annual Leave Time for Term-Time Only Staff:**

Annual paid weeks – 39 (actual working weeks) = weeks paid holiday x your working hours per week

For example, for a term-time only employee working 30 hours per week:

44.8 weeks – 39 = 5.8 weeks x 30 = 174

## **16.2 Fertility treatment**

Any employee going through fertility treatment will be faced with difficult times including emotionally and physically and sometimes financially also. As a manager, it is important to recognise this and ensure that you are aware of the rights and responsibilities that apply.

Fertility treatment (medication and or IVF) can take anything from months to multiple years and there is no guarantee of success.

A person is “pregnant” from the point of implantation (in IVF cases) and therefore, protected from pregnancy and maternity legislation from this stage.

**Sickness** as a result of treatment will be treated as sickness and as such, will need to follow the usual sickness rules although will not be counted toward sickness triggers.

**Time off** for treatment or appointments is treated as special leave (including travel time). If needing to attend mainland appointments, the manager may wish to discuss using the special leave days for these and then making the time up for more local appointments to ensure the maximum time can be catered for as special leave is only for a maximum of 5 days (pro-rata for part time staff).

Time off for **antenatal appointments** are treated in the same way as all antenatal appointments and again, this entitlement commences from the point of implantation. Likewise, the responsibility on you as a manager to complete a risk assessment also starts from this point.

As a manager you should ensure that you are having good conversations with any staff member going through fertility/IVF treatment. You may want to discuss.

- At the earliest stages, it is advisable for the manager to discuss the needed time off so they can work together to ensure a plan of meeting the appointment needs but also not impacting service delivery.
- The likely needed time off
- Support available to them (EAP, Wellbeing pages, three pillars of support)
- Seek to understand if they have a support network around them outside of work.
- Understand what support the individual would like from you as a manager, the team and the wider service area.
- Understand from them if they want anything communicate to the team and if so, what.
- Understand from them how they want news about other expectant parents to be communicated to them ensuring this is dealt with sensitively and delicately.

## 17 Appendix 1 – Paternity Leave Request Form

Employee's name:				
Post title:				
Department:				
Personnel No:		NI Number:		
		DD	MM	YY
Expected date of birth or date to be placed for adoption:				
I would like my paternity leave to start from:				
For adoptive parents: the child's adopter was notified of the match for adoption on:				
		One Week	Two Weeks	
I would like to be away for:				

### **Declaration –**

I declare that I am entitled to paternity leave as I am either; "the spouse, civil partner or partner of the person giving birth or primary adopter, who will share responsibility for the child's upbringing".

Signed:		Date:	
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**To be completed by the line manager/School Business Manager and forwarded to payroll within eight weeks of the birth occurring.**

	DD	MM	YY
The above named has confirmed that the birth, placement or entry into Great Britain, of the child occurred on:			
The above-named person commenced their requested period of leave on:			

Signed:		Date:	
Claiming Officer		Authorising Officer	
Date		Print Name	

**18 Appendix 2 – Keeping in touch Day’s form.**

Name		Post	
Department/School		Date Maternity Leave Commenced	
Personnel Number		Date Baby Born	
<b>Day Number</b>	<b>Date</b>	<b>Hours Worked</b>	<b>Date Submitted to Payroll</b>
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Please remember that any hours undertaken on this date will count as a full keeping in touch day.

## 19 Appendix 3 – Neonatal Care Leave form

<b>Neonatal care leave: notice of entitlement and intention (birth)</b>	
<b>Name of employee:</b>	
<b>Job title:</b>	
I hereby give notice of my intention and entitlement to take neonatal care leave as well as the required declarations.	
<b>Section A: information to be provided by employee</b>	
My child was born on:	
My child started receiving neonatal care on:	
My child's neonatal care has continued without interruption:	
My child's neonatal care ended on (if applicable):	
I choose to start and end my neonatal care leave on the following dates (leave in tier 1 may be taken in number of non-continuous blocks of a minimum of one week at a time and leave in tier 2 must be taken in one continuous block - see <a href="#">below</a> for more information)	
I intend to take neonatal care pay on the following dates (if applicable):	

<b>Section B: declaration to be completed by employee</b>	
I [satisfy/will satisfy] the following eligibility requirements to take neonatal care leave	
I am the child's parent and at the date of the child's birth [I have/expect to have] responsibility for the child's upbringing <b>OR</b>	
I am the partner of the child's mother and at the date of the child's birth [I have/expect to have] main responsibility for the child's upbringing (apart from the mother)	
<b>AND</b>	
I [am taking/have taken] the leave to care for my child	
I [satisfy/will satisfy] the following eligibility requirements for neonatal care pay (if applicable)	
I [have/will have] 26 weeks' continuous employment by the end of the week immediately before the one in which my neonatal care leave starts <b>OR</b>	
I am entitled to statutory maternity or paternity pay and have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth	
<b>AND</b>	

I remain in continuous employment from the end of that date (or from the child's date birth if they were born before that date)			
I will immediately inform the organisation of any changes affecting my entitlement to neonatal care leave and pay.			
Signed (employee):		Date:	

Employees will need to complete this form and return it to their manager. If the manager is satisfied with the information within it, they will forward this to [payroll@iow.gov.uk](mailto:payroll@iow.gov.uk)

## 20 Appendix 4 - Support

**Neonatal** - If you are finding it difficult to cope at work because your child is in neonatal care, you are encouraged to speak to your line manager. The Employee Assistance Programme (EAP) is available to both you and your family during this difficult time. You and your manager may also consider if an occupational health referral would be beneficial as a mechanism for support.

The [Rainbow Trust Children's Charity](#) works with the whole family. They focus on supporting the baby's siblings, who are often very confused and upset, and unable to visit for a variety of reasons. They also provide a transition service for parents whose babies do recover sufficiently to go home and offer a continued service at home.

[Bliss](#) support parents and families of premature and sick babies and have a wealth of information their website. Their support spans over the phone, email and video calls also.

**Stillbirth** - Stillbirth means the loss of a baby after 24 complete weeks of pregnancy.

Bereavement can be challenging to manage, however a compassionate and supportive approach can demonstrate that the organisation understands that the employee has been through an incredibly difficult time and will continue to deal with the loss. Guidance is available [here](#). This guidance aims to help employers manage this difficult situation through appropriate and sensitive discussions with their employee, both in the immediate aftermath of bereavement and in the long term. Further information around Parental Bereavement Leave can be found within the [Special Leave Policy](#)

**Miscarriage** - Miscarriage means the loss of a baby before the end of the 24<sup>th</sup> week of pregnancy. Even though employees do not have to tell managers that they have experienced a miscarriage if they do confide in you, please encourage them to engage in the support provided below.

We offer a variety of practical and emotional support including – EAP, Mental Health First Aiders, Maximus and our [health and wellbeing pages](#).

External support services for dealing with stillbirth and miscarriage include:

- The Miscarriage Association – which provides support and information to those affected by miscarriage, ectopic pregnancy or molar pregnancy.
- [Tommys](#) – a charity that carries out research and supports those who have babies.
- [SANDS](#) – provides support to anyone who has been affected by a stillbirth or neonatal death.
- [MIND](#) – offers support information for those experiencing mental health issues.

**New Parents** - Being a new parent can be a challenging time and returning to work can be daunting. Employers should provide a clean private room if they need to express breast milk during the working day. This room should have a lockable door or a do not disturb note should be put on the door.

The Childcare Scheme has closed to new applicants due to the introduction of the new Government-backed Tax-Free Childcare scheme.

External support services for new parents include.

- [Early Help](#)
- [Isle of Wight Family Service Centre](#)
- Childcare Choices - The Childcare Choices website provides information on the governments tax free childcare schemes available, as well as other childcare schemes available subject to the relevant ages of the children. Please visit the website for more information: [www.childcarechoices.gov.uk](http://www.childcarechoices.gov.uk)