

## People & Talent Procedure

### Family Leave

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### Introduction

The purpose of this scheme is to bring together information on the various family leave entitlements available to expectant parents those who support them, whatever their route to parenthood. These entitlements, together with Shared Parental Leave provide an opportunity for parents to be flexible in the way they choose to manage their work life balance in a way which works best for them.

This scheme sets out the statutory provisions for the above family leave together with the entitlements under the relevant terms and conditions of employment.

The purpose of this policy and procedure is to:

- Support staff to balance work and family life
- Maintain contact with staff and assist them in their return to work
- Retain staff and promote equality and diversity within the workplace



## Scope

This scheme applies to all permanent and fixed term Cumbria Fire and Rescue Service employees covered by Green book, Grey book and Gold book NJC Terms and conditions, casual workers and volunteers, and is not dependent on the number of hours worked.

This scheme also applies in the case of a miscarriage or stillbirth after a pregnancy lasting at least 24 weeks.

## Principles

Employees should be supported to combine the development of their career with family responsibilities and are encouraged to return to work following any family leave. Provision is made for flexible working arrangements where possible. This policy should be read in conjunction with the Shared Parental Leave policy which provides flexibility around care for their child.

Planning prior to and communication during family leave are important to make the process as smooth as possible for the both the employee and employer.

## Checklist of Actions

Action	Responsibility
1. An employee intending to take family leave should notify their manager within the required timescale.	Employee
2. Arrange meeting with employee	Manager
3. Submit relevant certifications e.g. MATB1 or Adoption Matching Certificate	Employee
4. Complete any relevant notification forms	Employee
5. Send forms to HR Admin & Payroll	Manager
6. Confirm entitlement to leave, start and end dates, and entitlement to pay	HR Admin & Payroll
7. Maintain reasonable contact throughout the period of leave, which may include KIT days	Manager and employee
8. Return on the date indicated or provide relevant notice of a change to this date	Employee
9. Complete an application form for any change to working arrangements on return	Employee
10. Respond to any requests in the required timeframe	Manager

Where a manager is unsure about implementing any aspect of this procedure, they should seek advice from the HR Team [hr@cumbriafire.gov.uk](mailto:hr@cumbriafire.gov.uk)

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## Leave and Pay Summary

The different kinds of leave and pay available are as follows:

### Maternity leave and pay:

- Applies to pregnant employees and those who have just given birth.

### Adoption leave and pay:

- Applies to the child's adopter, if a couple are adopting jointly, only one of them is entitled to adoption leave. This also applies to employees who are adopting as the intended parents in a surrogacy arrangement where they are applying for a parental order.

### Paternity leave and pay:

- Applies to fathers (biological or adopted) or partners, including civil partners.

### Parental leave:

- Applies to parents, adopters, partners, including civil partners or those with parental responsibilities

### Shared parental leave:

- Applies to parents, adopters, partners, including civil partners, or those with main caring responsibilities, where the mother/ main adopter has ended their maternity or adoption leave early.

### Neonatal Care Leave:

- Applies to parents of babies who are admitted into neonatal care for up to 28 days old and who have a continuous stay in hospital of 7 full days or longer.

### Bereaved Partner's Paternity Leave:

- Applies to (biological or adopted) or partners, including civil partners.

### Guardianship Leave:

- Applies to employees who are going through the process of becoming a guardian.

## Fair Treatment

Employees will not be dismissed or subjected to unfavourable treatment for taking or requesting to take family leave.

Throughout the leave period an employee's terms and conditions are protected. Employees are entitled to any pay rises and improvements in terms and conditions given during their leave.

There is only one period of leave and pay for each instance of pregnancy or adoption regardless of the number of children born or placed for adoption.

All periods of leave are counted as continuous service for the purposes of the sickness scheme and annual leave entitlement. Throughout the leave period employees continue to build up holiday entitlement.

## **Health and Safety**

A Risk Assessment should be carried out to identify any potential risks to pregnant employees and the relevant protective measures put in place. See the relevant Safety Procedure. If an employee feels that they or their baby are still at risk from the work that they do, then they should bring it to the attention of their manager without delay. On declaration of pregnancy female firefighters will carry out non-operational duties until such times as the Occupational Health Department consider it is appropriate to return to operational duties.

In some circumstances, an employee can be placed on paid maternity suspension if their continued attendance at work would be detrimental to their own or their baby's health. This would only be done as a last resort if no other suitable alternative work were available.

An employee who is on maternity leave must not work during the first 2 weeks following the birth of the baby. This 2-week period is called the 'compulsory maternity leave period'.

## **Statutory leave and statutory pay**

All pregnant employees, adopters and partners are entitled to the statutory levels of leave and pay for Ordinary Maternity Leave and statutory maternity pay (SMP), ordinary adoption leave and statutory adoption pay (SAP), paternity leave and pay (SPP). See appendices for a summary of entitlements according to terms and conditions.

Employees who are entitled to ordinary maternity/adoption leave are also entitled to take a further 26 weeks additional maternity/adoption leave. This must immediately follow the 26 weeks ordinary leave, without a break.

All periods of leave and pay are proportional for part-time employees.

## **Pay and Pensions**

All Statutory and Occupational Pay is subject to deductions (tax, NI, pension etc.) in the same way that an employee's normal pay would be. Employees are advised to contact HR Admin & Payroll if they want further details about how much pay they will receive.

Employees will continue to be members of the pension scheme and the employee's pension contributions will continue to be deducted according to the total amount of pay received. If an employee takes unpaid leave, they have the option of paying pension contributions for this period, so that it will count in full for pension purposes.

For pension's advice contact:

Local Government Pension Scheme and Firefighters' Pension Scheme  
LPPA, PO Box 1382, Preston, PR2 0WQ  
Tel: 0300 323 0260  
Lppapensions.co.uk

## Maternity Allowance

If an employee does not qualify for SMP, they may be entitled to **Maternity Allowance**. This is a statutory benefit and the amount a person receives will depend on their earnings. If an employee does not qualify for SMP, they will receive a form from Payroll which will explain why SMP cannot be paid and who they should contact to claim Maternity Allowance.

## Antenatal care and adoption support

Employees are entitled to reasonable time off, with pay, to attend ante-natal or other medical appointments in connection with their pregnancy.

Partners are also entitled to reasonable time off work to attend antenatal appointments, with pay. This time off needs to be agreed with your line manager.

Employees who are adopting are entitled to reasonable time off, with pay, to attend appointments in connection with the adoption process (this may include, but is not necessarily limited to assessment, training and meetings with Social Workers). Where an employee is part of a couple jointly adopting a child, the partner can take reasonable time off work to attend appointments with pay. This time off needs to be agreed with your line manager.

Employees are requested to bear in mind the requirements of their post, where possible, when arranging appointments.

## Uniform

Health and Safety legislation requires employers to provide maternity uniform and Personnel Protective Equipment (PPE) to pregnant employees. Furthermore, maternity and pregnancy has been established as a protected characteristic in the 2010 Equality Act, setting out the employee's entitlement to reasonable adjustments.

Employees should order maternity uniform from the stores team as soon as they have informed the Service of their pregnancy.

They may order one set for the first trimester of their pregnancy and a larger set for the second trimester.

For the third trimester employees may continue to wear uniform or may wear their own clothes if that is more comfortable for them. If employees choose to wear their own clothes, they should be smart, plain and similar in colour to the working rig.

## **Occupational pay**

In addition to statutory pay, employees who meet the qualifying criteria will receive the relevant occupational pay as set out within their terms and conditions of employment. See appendices for a summary of entitlements. Total payments will not exceed the employee's normal pay. There is the option for the employee to use the remaining annual leave entitlement and KIT days to increase the amount of paid time which may be up to 52 weeks.

## **Parental Leave (unpaid)**

Parental leave is a right to take unpaid time off work to look after the welfare of a child for whom the employee has parental responsibility. The Fire Service can request proof of parental responsibility (e.g. a full birth certificate or adoption papers).

Parental Leave is pre planned leave and not urgent leave, if you require urgent leave please refer to the Statutory Provision For Unpaid Time Off To Care For Dependents section in the Time Off Work Booklet.

Eligible employees can take unpaid parental leave to look after their child's welfare for example to:

- Spend more time with their children
- Look at new schools
- Settle children into new childcare arrangements
- Spend more time with family, such as visiting grandparents

Parental leave applies up to the child's 18<sup>th</sup> birthday.

Eligible full time employees have an entitlement of 18 weeks per child. These 18 weeks apply up to the child's 18<sup>th</sup> birthday. The entitlement applies to each individual child and not an individual's job. The entitlement for part-time employees is proportionate and where an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52.

21 days' notice is required for the requesting of parental leave.

The limit on how much parental leave each parent can take in any one year is 4 weeks for each child. This leave can be taken in the following ways:

- As a whole week block (e.g. 1 or 2 weeks)
- As a number of shorter periods, minimum of three hours
- In patterns which provide part time or reduced working hours

In respect of a child that has been awarded disability living allowance or personal independence payment, the leave may be taken one day at a time or in blocks or multiples of one day.

Parental leave requests cannot be postponed where the leave is immediately following maternity or adoption leave. A request for parental leave should not be postponed unless there is a significant reason.

## **Shared Parental Leave (SPL) and Statutory Shared parental pay (ShPP)**

Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents are able to share a pot of leave and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

To qualify, the mother or adopter must

- be entitled to either maternity/adoption leave or to statutory maternity/adoption pay or to maternity allowance
- have ended or given notice to reduce, their maternity/adoption leave, or their pay/allowance
- must share the main responsibility for caring for the child with the named partner.

For a parent to be eligible to take Shared Parental Leave they must be an employee and they must pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test.

- The continuity of employment test: the person must have worked for the same employer for at least 26 weeks by the 15th week before the baby is due (or the week an adopter was notified of having been matched with a child or adoption) They must still be employed during the first week they take Shared Parental Leave (for pregnancy this would be 25 weeks into the pregnancy).
- Employment and earnings test: the person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold in 13 of the 66 weeks.

Where both parents satisfy these tests they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental Leave but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

Up to 50 weeks' leave and 37 weeks' pay can be shared between the two parents if the mother

brings their maternity/adoption leave and pay to an early end. SPL must end no later than one year after the birth/placement of the child.

Agency workers who are entitled to statutory maternity pay or statutory paternity pay are not eligible for shared parental leave but their employed partner may be. Agency workers and or/their partners may be entitled to statutory shared parental pay.

The full process and guidance for Shared Parental leave is outlined in the Shared Parental Leave Procedure.

## **Trigger Points**

In the case of an employee giving birth early (i.e. before they have given notification or commenced leave), maternity leave and pay will be triggered from the day following the birth. The employee should contact their line manager as soon as reasonably possible to advise of the revised birth date.

Maternity leave and pay will also be triggered if an employee is absent with pregnancy-related sickness during the last four weeks of pregnancy. Employees should notify their manager as soon as possible if they are absent either wholly or partly because of their pregnancy, confirming the date that their absence began.

## **Working during maternity, adoption or shared parental leave (Keeping In Touch Days)**

An employee on Maternity or Adoption Leave may work up to 10 'keeping in touch' days' without the maternity/ adoption period of leave coming to an end. Employees are not obliged to work keeping in touch days, nor is their employer obliged to offer them. Employees will be paid contractual pay for the hours they work. During these days an employee may attend work, for example to take part in learning and development, attend a course or attend a team event or meeting. Contact or meetings between the manager and employee as part of general reasonable contact would not be classified as a KIT day.

An employee on Shared Parental Leave may work up to 20 shared parental in touch days. This is in addition to maternity/adoption keeping in touch days. Employees are not obliged to work shared parental in touch days, nor is their employer obliged to offer them. Employees will be paid contractual pay for the hours they work.

Attending work for Keeping in Touch Days does not bring to an end an employee's entitlement to maternity/ adoption/ shared parental leave or pay. However, nor does it extend the statutory or occupational pay or leave period (i.e. employees do not receive a day in lieu for a KIT day).

An employee's pay will be 'topped up' to their normal full pay for any hours that they work on a KIT day (pay will be inclusive of any SMP or OMP that they are receiving). Attending work for part of a day will count as a full day in terms of the 10 day maximum, although full pay will only be paid for actual hours worked.

Any keeping in touch days which have been taken during the period of full pay will be paid once full pay has been exhausted.

## **Returning to work following maternity, adoption, paternity or parental leave.**

See [Appendix 2](#) for further guidance on managing a return to work.

Employees should return to work on the date indicated in the letter they receive. If an employee wishes to return earlier than this, they will need to provide:

- at least 7 days' notice (if returning from Ordinary Leave) or
- at least 21 days' notice (if returning from Additional Leave) of their intention to return.

If an employee does not provide the appropriate notice, their return may be postponed by up to 7 or 21 days (although not beyond the end of their family leave).

The earliest point that an employee can return from maternity leave is 2 weeks after the birth of their baby.

Parental leave of up to 18 weeks can be taken immediately following family leave. Where the employee then returns to work, for a period of at least three months, they will not be required to refund money from any occupational maternity, adoption or shared parental paid leave.

If an employee does not return to work following family leave the service will recover any payment made in excess of statutory pay. This provision does not apply to employees on fixed term contracts that expire either before their return to work or within 12 weeks of returning to work.

Where employees return to work but leave the employment within three months, the service will recover the pay made in excess of statutory pay proportionately.

Employees have the right to return to their job if they take:

- Ordinary maternity or ordinary adoption leave
- Ordinary paternity leave
- Shared Parental Leave
- Parental leave of four weeks or less

Employees who take additional maternity, adoption leave, shared parental leave or more than four weeks of parental leave have the right to return to the same job or a similar job, if it's not possible for them to return to their job due to restructure proposals. If reshaping takes place during the employee's leave, the employee will be included in the consultation/engagement.

Serious consideration will be given to all requests for a change in working arrangements and requests will be accommodated where possible. An employee who wishes to change their working arrangements (e.g. number of hours worked, the times worked, the place of work) should

raise this as soon as possible before their return from any kind of family leave using the Work Life Balance procedure [Work Life Balance | Cumbria Fire & Rescue Service](#).

If a redundancy situation arises while an employee is on maternity, adoption, paternity, parental or shared parental leave they have the same rights to consultation as their colleagues. They also have the right to be offered any suitable alternative job if they're selected for redundancy - even if other colleagues are more suitable for the role.

Prior to the end of the employee's leave period, managers should meet with the employee to discuss their return to work plans. A return to work plan should be completed and, depending on the role, a referral to Occupational Health and a risk assessment should be arranged prior to the employee returning.

When the employee returns to work, the manager should introduce them back to the workplace and check in with the employee regularly.

## Childcare Vouchers

**Please note that the information below is only applicable to employees who joined a childcare voucher scheme on or before 4 October 2018. The scheme has now been replaced by the Government's Tax-Free Childcare scheme.**

Employees who are in receipt of childcare vouchers under a salary sacrifice scheme are entitled to continue to receive them during the whole of their family leave period. However it should be noted that because the statutory maternity/ adoption pay (SMP/ SAP) calculation is based on the amount of salary received during the qualifying period, and the amount of salary sacrificed on childcare vouchers is not included in this calculation, the amount of SMP/ SAP due to be paid will be reduced.

**This means that between the 12<sup>th</sup> and 16<sup>th</sup> week of pregnancy employees who are in the childcare voucher scheme need to calculate and consider whether they will be better off:**

- a. staying in a salary sacrifice scheme and receiving (a) lower Statutory Maternity/ Adoption Pay and (b) continuing to receive childcare vouchers for up to 52 weeks, or
- b. leaving the salary sacrifice scheme prior to the start of the qualifying period for Statutory Maternity/ Adoption Pay in order to receive higher SMP/ SAP. In this case they may qualify for the childcare element of Working Tax Credit.

Employees should consider this at the earliest opportunity. This will allow them to decide whether they wish to continue to receive childcare vouchers, and if they do whether they wish to reduce the amount they currently receive. To ensure changes are made prior to the qualifying week, the HR Admin & Payroll must be informed of any amendments or cancellations by the 17<sup>th</sup> week of pregnancy.

## Sources of Support

Other resources that are available to managers in supporting employees in relation to their pregnancy are:

1. Human Resources
2. Health & Safety
3. Occupational Health service referral (via Managers)
4. Face to Face Counselling Service (via Manager and Occupational Health service)
5. Fire Service Fitness Advisor
6. Women in the Fire Service
7. [The Fire Fighters Charity www.firefighterscharity.org.uk](http://www.firefighterscharity.org.uk)

Employees can also contact their Trade Union representatives for further information and support.

# APPENDIX 1 – GUIDANCE ON ENTITLEMENTS

**Ordinary Maternity Leave** - 26 weeks leave.

**Additional Maternity Leave** - A further 26 weeks leave to be taken immediately after Ordinary Maternity Leave.

## Qualifying Conditions:

- No minimum length of service requirement.
- Employee must be employed at the beginning of the 11th week before their Expected Week of Childbirth (EWC).
- Employee must provide notification of their pregnancy, Expected Week of Childbirth and Leave requested, at least 28 days before they wish to start their leave.
- Employees should submit the required information for their maternity leave and pay using an [Employee Notification of Maternity Leave and Pay form](#) and give this, together with the original MAT B1 certificate to their line manager. If the employee needs copies of their MAT B1 certificate for other personal reasons, they can request these from HR Admin & Payroll following submission of the original certificate by their line manager.
- An employee can choose to start their maternity leave any time after the 11<sup>th</sup> week before the expected week of childbirth.
- If an employee wishes to change their maternity leave start date, they will need to provide 28 days' notice of the change, as far as is possible.

## Statutory Maternity Pay -

### 39 weeks' pay as follows:

- 6 weeks at 90% of weekly earnings – often referred to as 'Higher-rate' SMP.
- 33 weeks Statutory Maternity Pay (\*SMP), (or 90% of weekly earnings if this is less than the SMP amount) – often referred to as 'Lower-rate' SMP.
- If employee does not qualify for SMP they may qualify for Maternity Allowance instead. Further information contained in the main scheme document.

### Qualifying conditions:

- Employee needs a minimum of 26 weeks continuous service by the 15th week before their Expected Week of Childbirth (EWC).
- Earnings in the 8 weeks up to the 15th week before the EWC must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, the employee should have paid National Insurance on their earnings for those 8 weeks).

- Employee must still be pregnant at the 11th week before their Expected Week of Childbirth.
- Employee must provide notification of their pregnancy, their Expected Week of Childbirth and their Leave requested, at least 28 days before they wish to start their leave.
- **NB** To qualify for both Leave **AND** pay, the employee must remain in post until at least the beginning of the 11th week before their Expected Week of Childbirth.
- Employees will receive a letter from Payroll confirming their maternity pay. Employees can also contact their payroll administrator to check how much maternity pay they will receive.

### Occupational Maternity Pay (Cumbria Fire and Rescue Service Scheme) –

- In addition to the SMP entitlement CFRS will pay full pay for 45 weeks, this will be made up of the SMP amount payable ‘topped up’ to an amount equivalent to full pay.
- There is the option for the employee to use the remaining annual leave entitlement and KIT days to increase the amount of paid time which may be up to 52 weeks.

### Qualifying Conditions:

- Employee must have a minimum of **1 YEAR’S** continuous service by the **11th week** before their Expected Week of Childbirth.
- The 45 weeks full pay amount is only payable if the employee has declared in writing that they are returning to work and they complete at least 3 months service on their return. If not, the employee may be required to repay some or the entire amount.
- If the employee is not returning to work, they will receive the SMP entitlement (outlined in the box above).
- If the employee is unsure if they are returning or not, they can defer the payment of the 45 weeks full pay amount until they have decided whether or not they intend to return.
- Within 28 days employees will receive a letter from HR Admin & Payroll confirming their maternity pay.

1. Employees continue to accrue both statutory and contractual holiday entitlement during their period of maternity/ adoption leave.
2. An employee who requests maternity/adoption leave should be advised to take any outstanding leave entitlement accrued before commencing their ordinary maternity/adoption leave. The above also applies to any outstanding flexi time/TOIL accrued where this is applicable.
3. Where it is not possible to take the outstanding leave before the commencement of maternity/adoption leave, the employee can carry the leave forward and take it on their return to work after their maternity/adoption leave period ends.
4. Existing terms on annual leave only allow employees to carry forward a maximum of 5 days leave into the following leave year; however this will be waived in these circumstances.
5. Outstanding leave carried forward or leave accrued during the maternity/adoption leave period should be taken after the ordinary maternity/adoption or additional

maternity/adoption leave period ends. Leave cannot break the ordinary and additional leave. This gives the employee a number of options when considering using up any outstanding leave, these include:

- a) bringing forward the official return from maternity/additional maternity leave date by the number of outstanding leave days, this would mean the employee regains full pay whilst being on leave up until their original official return to work date.
  - b) Keep the previously agreed return to work date from maternity/additional maternity leave then take all carried over/accrued leave entitlement in one block, so that they are paid in full from their previously agreed return to work date to their actual return to work
  - c) Keep the original return to work date and allow the employee to retain any leave carried forward/accrued and take the remaining entitlement as they wish, following agreement with the line manager
6. All leave scenarios for employees will differ depending on the individual's leave year commencement date (birthday). Where an employee's new leave year is due to commence shortly after the agreed return to work date it would be useful to consider using up any carried over/accrued leave prior to the commencement of the new leave year. In circumstances where the timescale does not allow leave to be taken, leave entitlement should be carried forward.
  7. Line managers should discuss all options available to the employee with them at the earliest opportunity. Any agreement made regarding outstanding leave entitlement will be dependent on business need at the time and may result in a change to the originally agreed return to work from maternity leave date.
  8. If an employee decides not to return to work and resigns, they are entitled to annual leave pro-rata for the months that they have been employed, including both their paid and (if applicable) unpaid maternity leave periods.

## Ordinary Adoption Leave – 26 Weeks leave

**Additional Adoption leave** – A further 26 weeks leave to be taken immediately after ordinary adoption leave.

### Qualifying Conditions:

- You must be the child's adopter and be newly matched with the child by an adoption agency
- You must have notified the adoption agency that you have agreed for the child to be placed with you on the date of placement  
Or
- You may be Fostering for Adoption and have agreed for the child to be placed with you on the date of placement
- You must provide confirmation of the placement (i.e. a matching certificate or written notification from the adoption agency, or an Official Notification if adopting from overseas)
- You must have a minimum of 26 weeks continuous service by the week in which you are notified of being matched with the child.
- You must provide notification that you intend to take adoption leave, within 7 days of being notified that you have been matched with the child.
- The earliest that you can start adoption leave is 14 days before the date the child is expected to be placed with you.
- The latest you can start adoption leave is the date that the child is expected to be placed with you.
- For overseas adoption the earliest adoption leave can start is when the child enters Great Britain, and the latest is 28 days after the child enters Great Britain.
- Once you have started adoption leave you cannot stop it and start again at a later date.

### Statutory Adoption Pay -

- 39 weeks Statutory Adoption Pay (SAP) (or 90% of your weekly earnings if this is less than the SAP amount).
- If you do not qualify for SAP you may qualify for other benefits instead. Refer to the main document for further information.

### Qualifying Conditions:

- You must be the child's adopter and be newly matched with the child by an adoption agency
- You must have notified the adoption agency that you have agreed for the child to be placed with you on the date of placement
- You must provide confirmation of the placement (i.e. a matching certificate or written notification from the adoption agency)
- You must have a minimum of 26 weeks continuous service by the week in which you are notified of being matched with the child.

- You must provide at least 28 days' notice (or as much notice as reasonably possible) of the date you wish to start receiving Statutory Adoption Pay
- Your average earnings in the 8 weeks up to the week in which you are notified of being matched with the child must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, you should have paid National Insurance on your earnings in those 8 weeks).
- If the date of placement changes, or if you wish to change the start date you should provide 28 days' notice of the change, as far as is possible.

### **Occupational Adoption Pay (Cumbria Fire and Rescue Service Scheme) –**

- In addition to the SAP entitlement CFRS will pay full pay for 45 weeks, this will be made up of the SAP amount payable 'topped up' to an amount equivalent to full pay

#### **Qualifying Conditions:**

- You need a minimum of 1 year's continuous service by the week in which you are notified of being matched with the child.
  - The 'top up' pay and further 45 weeks full pay amount are only payable if you have declared in writing that you are returning to work and you complete at least 3 months service on your return. If not, you may have to repay some or all of the amount.
  - If you are not returning to work, you will receive the SAP entitlement (39 weeks SAP (or 90% if this is less than the SAP amount)).
  - If you are unsure if you are returning or not, you can defer the payment of the 'top up' pay and 45 weeks full pay amount until you have decided whether or not you intend to return.
  - Within 28 days employees will receive a letter from HR Admin & Payroll confirming their adoption pay.
  - All of the entitlements above apply to newly matched adoptive parents only, not to step parents who are adopting their partner's children.
1. In circumstances where the adoption is ended after an employee has started their leave, they will not be entitled to the full adoption leave entitlement. The employee will be entitled to a further 8 weeks leave and (if applicable) pay, after the week in which the placement was disrupted, or until the end of their statutory leave or pay period if this is sooner. They will need to provide 21 days' notice of the date when they will return to work.
  2. Employees continue to accrue both statutory and contractual holiday entitlement during both the 26 weeks' ordinary maternity/adoption leave period and 26 weeks' additional maternity/adoption leave period.
  3. An employee who requests maternity/adoption leave should be advised to take any outstanding leave entitlement accrued before commencing their ordinary maternity/adoption leave. The above also applies to any outstanding flexi time/TOIL accrued where this is applicable.
  4. Where it is not possible to take the outstanding leave before the commencement of maternity/adoption leave, the employee can carry the leave forward and take it on their return to work after their maternity/adoption leave period ends.

5. Existing terms on annual leave only allow employees to carry forward a maximum of 5 days leave into the following leave year; however this will be waived in these circumstances.
6. Outstanding leave carried forward or leave accrued during the maternity/adoption leave period should be taken after the ordinary maternity/adoption or additional maternity/adoption leave period ends. Leave cannot break the ordinary and additional leave. This gives the employee a number of options when considering using up any outstanding leave, these include:
  - a) bringing forward the official return from maternity/additional maternity leave date by the number of outstanding leave days, this would mean the employee regains full pay whilst being on leave up until their original official return to work date.
  - b) Keep the previously agreed return to work date from maternity/additional maternity leave then take all carried over/accrued leave entitlement in one block, so that they are paid in full from their previously agreed return to work date to their actual return to work
  - c) Keep the original return to work date and allow the employee to retain any leave carried forward/accrued and take the remaining entitlement as they wish, following agreement with the line manager
7. All leave scenarios for employees will differ depending on the individual's leave year commencement date (birthday). Where an employee's new leave year is due to commence shortly after the agreed return to work date it would be useful to considering using up any carried over/accrued leave prior to the commencement of the new leave year. In circumstances where timescale does not allow leave to be taken, leave entitlement should be carried forward.
8. Line managers should discuss all options available to the employee with them at the earliest opportunity. Any agreement made regarding outstanding leave entitlement will be dependent on business need at the time and may result in a change to the originally agreed return to work date.
9. If an employee decides not to return to work and resigns, they are entitled to annual leave pro-rata for the months that they have been employed, including both their paid and (if applicable) unpaid leave periods.

## **Neonatal Care Leave – 12 weeks of additional leave on top of any other leave the parents are entitled to, including maternity and paternity leave.**

### **Qualifying Conditions:**

- This is a day one right from the commencement of your employment with CFRS.
- Applies to parents of babies who are admitted into neonatal care up to 28 days old and who have a continuous stay in hospital of 7 days or longer. Allowing parents to take up to 12 weeks of leave on top of any other leave they may be entitled to, including Maternity and Paternity pay.
- Alongside the leave entitlement, Statutory Neonatal Care Pay will be available to those who meet continuity of service requirements and a minimum earning threshold.
- You will be paid for this additional neonatal leave at the statutory rate if you earn more than £123 per week and have worked for CFRS for more than 26 weeks.
- You may be required to provide written confirmation of any stay in hospital.
- For more information and support please visit [The Smallest Things Charity](#)

### **Guardianship leave:**

Guardianship leave is special guardianship which is a family court order that places a child or young person in long-term care with someone other than their parent(s). the person(s) with whom the child lives with will become the child's special guardian.

Guardianship leave will be considered on an individual case by case basis with advice and support from the HR team, please contact [HR@cumbriafire.gov.uk](mailto:HR@cumbriafire.gov.uk).

## **Bereaved Partner's Paternity Leave – up to 52 weeks of additional leave on top of any other leave the parents are entitled to, including paternity leave.**

### **Qualifying Conditions:**

- This is a day one right from the commencement of your employment with CFRS.
- Applies to the child's father, or the mother's spouse or partner or the child's primary parental order parent in surrogacy arrangements.
- Allows surviving partners to take up to 52 weeks of leave if a child's mother, primary adopter or intended parent having a baby through surrogacy dies during the first year of birth or adoption placement.

**Bereaved Partner's Paternity Leave** will be considered on an individual case by case basis with advice and support regarding time off and pay arrangements from the HR team, please contact [HR@cumbriafire.gov.uk](mailto:HR@cumbriafire.gov.uk).

# Cumbria Fire & Rescue Service

## Maternity Support Leave and Pay\* -

5 days **paid** leave at normal pay (pro rata for part time employees)

### Qualifying Conditions:

- You must provide notice of your expected dates of absence and provide written notification from the expectant mother/adopter that you are the **nominated carer\*** of the child. This should be no later than the 6<sup>th</sup> week before the Expected Date of Birth (EWC), or placement, or as soon as is reasonably possible.
- You must provide a copy of the MATB1 or matching certificate or written confirmation from the adoption agency.
- You must take the leave in a block of 5 days at or around the time the child is born or placed. There is no minimum service requirement

## Paternity Leave and Pay –

A further 1 week of **fully paid** leave

### Qualifying Conditions:

- No minimum length of service requirement.
- You must remain employed up to the date of birth/placement.
- Your average earnings in either the 8 weeks up to either:
  - the 15<sup>th</sup> week before the Expected Date of Confinement; or
  - the week in which the adopter is notified of being matched with the childmust be equal to or above the Lower Earnings Limit (i.e. roughly speaking, you should have paid National Insurance on your earnings in those 8 weeks).

**If your earnings are not at this level, you will only qualify for paternity leave, NOT Statutory Paternity Pay** (although you may be eligible for other benefits).

- You must be married to or the **partner\*\*** of the child's mother/adopter.
- You must confirm that you expect to have responsibility for the upbringing of the child (other than the responsibility of the primary mother/adopter).
- You must confirm that you are taking the time off work to support the mother/adopter and/or care for the child. You are required to give 28 days' notice before you wish the leave to commence.
- You must take the leave in a block of 1 week, this can be taken together or separately in the period up to 52 weeks after the child is born/placed. A week of leave is the same amount of days that you would normally work in a week. For example, if you only work on Mondays and Tuesdays, then a week's leave is 2 days.
- The entitlement is for one period of leave regardless of the number

Making Cumbria a safer place for all



## Parental Leave (Statutory Provision) –

18 weeks leave

### Qualifying Conditions:

- No minimum length of service requirement.
- You must be named on the child's birth or adoption certificate or confirm that you expect to have **parental responsibility** for the upbringing of the child e.g. as a guardian.
- Leave may be taken straight after the birth or adoption or following a period of maternity leave.
- You must give 21 days' notice of the start date of the parental leave
- You must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days.
- a maximum of four weeks' ordinary parental leave can be taken in any one year - unless the employee's child has been awarded disability living allowance or personal independence payment, in which case the leave may be taken one day at a time or in blocks or multiples of one day.
- The right to a period of unpaid parental leave is available in respect of each child.

\* For maternity support leave, a **'Nominated Carer'** is the person nominated by the mother/adopter as the primary provider of support at or around the time of birth/placement. It is anticipated that in most cases this will be the spouse or partner, however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother/adopter and/or the child. The mother/adopter can only have 1 nominated carer. Where maternity support leave is taken by a spouse or partner any paternity leave and pay is offset against this

### Examples

- A spouse/partner may take one week of maternity support leave at full pay, followed by a further week of paternity leave at the current rate of SPP.
- If the nominated carer is not entitled to Statutory Paternity Pay and Leave they may take one week of Maternity Support Leave at full pay.

\*\* For paternity leave, a **'Partner'** is a person (whether of a different sex or the same sex) who has responsibility for the upbringing of the child but is not a relative of the adopter i.e. a parent, grandparent, sister, brother, aunt or uncle.

\*\*\* For parental leave a Guardian may be:

### Special Guardian

A special guardianship order is a court order appointing one or more individuals to be a child's 'special guardian'. It is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement.

### **Legal Guardian**

This appointment comes into effect if all the child's parents who have parental responsibility die, and the nominated guardians then acquire parental responsibility automatically. This means that they do not need to make a court application to be permitted to care for the child.

While Parental Leave is unpaid it may be possible to make an application to your Local Authority for a Special Guardianship Allowance. Local Authorities will then have to work out how much fostering allowance would have been paid had the child been fostered rather than cared for under a Special Guardianship Order. This is means tested and you can find out more information in the [Special Guardianship Regulations 2005](#)

# APPENDIX 2 – MANAGING A RETURN TO WORK

## Prior to Return to Work

Returning to work following a period of leave to welcome a new household member can be a daunting prospect. Individuals may have been absent for a lengthy period of time and had a range of experiences whilst away from the workplace. It is therefore important for managers to be kind and open to the fact that individuals could have various feelings and thoughts about returning to work and be willing to discuss those and take them into account when making arrangements for their return. KIT (keeping-in-touch) days can help employees on family leave to maintain contact with the workplace and colleagues.

## Meeting with the employee

Before an employee returns to work, managers should arrange to meet with them, having kept in contact whilst they have been away, this should be arranged when appropriate for individuals but in good time before the employee is due to return. The meeting could be in the workplace or a neutral venue, depending on what works best for the individual and their circumstances.

Discussions should centre on the person, their feelings on returning to work (including questions or concerns), and how best to create a return-to-work plan. This conversation may take place over more than one meeting to support the person to process returning to work and what support they might need.

There are various options that managers will need to consider, this may include the following but is not an exhaustive list:

- **Occupational Health referral** – employees' medical circumstances can change at any time whilst they are away. An Occupational Health referral could provide guidance on how any changes may impact the employee in the workplace and any recommendations to support them.
- **Individual Risk Assessment** if required
- **Return to work plan** – It is important for there to be open communication between managers and employees when individuals are returning to work after a lengthy absence, as it is natural for employees to need an adjustment period as their routine changes. To support an employee's return to work it is helpful to create a plan. This might include working arrangements (e.g. job shadowing, phased return, modified duties), training updates, development opportunities, supportive actions, key contacts (e.g. a workplace 'buddy' or mentor). Actions for both parties may be documented in a letter or an action plan which can be reviewed on a regular basis whilst employees are settling back into the workplace.

## Request for change in workplace/hours

Changes in personal circumstances can mean that employees may wish to review their working pattern/location or availability. Managers should discuss this with employees and signpost/provide them with a copy of the relevant procedure:

- [Worklife balance procedure](#) (includes flexible working request procedure and career break scheme)
- [Transfer policy](#)
- [Management of on-call availability procedure](#)

## Challenges

Whatever the type of leave employees have been on, they may be facing challenges either before, during or after their return to work and these challenges may be different for everyone. Challenges can come in many forms and managers should develop trust and open communication with their employees so that they can understand their personal circumstances and provide appropriate support. Some challenges may include:

- Wellbeing
- Hormonal and physical changes are taking place – changes in health and diagnosis of related conditions such as the mental health conditions examples below, can be a shock especially for people who have previously been in good health
- Broken sleep patterns
- Emotions around leaving a child with other childcare providers/ arrangements
- Changes in relationships with partners and other children/ dependents
- Perinatal mental health issues (PMI) – can be experienced by new parents and include, but are not limited to, postnatal depression (PND), post-traumatic stress disorder; depression and anxiety
- Change in confidence levels – inside and outside of work
- Reflection on changing personal priorities
- Obtaining job satisfaction
- Burnout – trying to ‘do it all’

## Breastfeeding

When meeting with employees to discuss their return to work, employees should confirm to their manager if they will be breastfeeding on their return to work, this is to enable managers to consider the requirements of the role and any adjustments that may need to be in place. Managers are encouraged to seek advice from the HR team on this topic.

An individual risk assessment should be completed with the employee and if this assessment reveals a significant risk to them continuing to breastfeed, then modified duties/suitable alternative work should be arranged and agreed with the employee whilst they continue to breastfeed. The risk assessment will continue to be reviewed throughout and the length of the modified/alternative duties period will depend on medical advice, the availability of alternative meaningful work, training and development needs and any ongoing risks to health and safety. There is an expectation that employees will engage with their manager and other relevant teams in respect of this matter.

Operational members of staff will not attend operational incidents whilst breastfeeding due to the potential risk of exposure to hazardous substances which could pose a risk to their baby. Managers may seek further advice from Occupational Health by submitting a management referral.

Facilities will be provided for employees to rest, express and store expressed milk in a private and secure location. A fridge for storage of expressed milk will be available. Employees will not be permitted to bring their child onto the premises for nursing, although unpaid breaks may be provided to facilitate breast feeding elsewhere (e.g. at home if they live nearby to the station). In exceptional circumstances, and after full consultation and agreement from HR and advice Occupational Health, paid breaks may be considered.

### Key Contact Points

Resources and further support and be sought from the following:

- Occupational Health – through management referrals for advice or (self) referral for counselling
- Service Fitness Coordinator
- HR team for advice on supporting return to work steps and use of associated policies
- Buddy’ – managers may discuss with employees whether they would find a workplace buddy helpful as someone to support them during the course of the work period. This must be by mutual agreement with all parties. It is an individual choice what personal information they disclose to their colleagues.
- Women in Fire Service
- Line manager
- Regular wellbeing check ins – increased 1:1 meetings between line managers and employees may form part of the return to work plan to give employees increased opportunities to celebrate progress, raise concerns, review the plan and ask for help