



FAMILY LEAVE POLICY

Document Version Control

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INTRODUCTION

SESTRAN aims to recruit and retain high calibre employees and ensure a commitment to equal opportunities.

The following provisions are available for employees in order to assist in the balance of work and family/parental commitments.

1. MATERNITY LEAVE

This section of the policy sets out the rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay.

SESTRAN recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is SESTRAN's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant, she should clarify the relevant procedures with the Office Manager or the SESTRAN Human Resources Adviser to ensure that they are followed correctly.

The following definitions are used in this policy:

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

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

Notification of pregnancy

On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are health and safety considerations for SESTRAN.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform SESTRAN in writing of:

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The

form must have either the doctor's name and address or the midwife's name and registration number on it.

The employee is permitted to bring forward her maternity leave start date, provided that she advises SESTRAN in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she advises SESTRAN in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

SESTRAN will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

Time off for antenatal care

Once an employee has advised SESTRAN that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Fathers and partners of pregnant women are entitled to unpaid time off to attend two ante-natal appointments, on production of appropriate evidence of appointments.

Health and safety

SESTRAN has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding.

SESTRAN will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, SESTRAN will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the employee's working conditions to be amended to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, the employee may be suspended from her work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If an employee is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she has unreasonably refused an offer of suitable alternative employment.

Sickness absence

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify SESTRAN in writing of this as soon as reasonably practicable.

Maternity leave

All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless her 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:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before her maternity leave was due to start, she must notify SESTRAN in writing of the date of the birth as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child.

Ordinary maternity leave

During the period of ordinary maternity leave, the employee's contract of employment continues in force and she is entitled to receive all her contractual benefits, except for salary. In particular, any benefits in kind will continue; contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made provided that the employee is receiving maternity pay (Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had she not gone on maternity leave).

Salary will be replaced by maternity pay if the employee is eligible to receive it, as noted below.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of ordinary maternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during the maternity leave, then the employee must take the full year's entitlement before starting their maternity leave.

Additional maternity leave

During the period of additional maternity leave, the employee's contract of employment remains and she is entitled to receive all her contractual benefits, except for salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Payment during additional maternity leave, if the employee is eligible to receive it, will be as noted below.

Pension contributions will continue to be made during the period when the employee is receiving pay but not during any period of unpaid additional maternity leave. There will be the option to buy back this period on return to work.

Maternity pay

Maternity pay is payable for up to 39 weeks during maternity leave. An employee is entitled to maternity pay if:

- she has been continuously employed by SESTRAN for at least 26 weeks at the end of the qualifying week and she is still employed during that week (previous local authority continuous service is recognised for the purposes of determining maternity leave entitlement);
- her average weekly earnings in the eight weeks up to and including the qualifying week are not less than the lower earnings limit for national insurance contributions, (in which case the employee may be entitled to claim Maternity Allowance from the Benefits Agency). For the purposes of calculating average weekly earnings, any allowances or overtime payments made during the eight week period will be included;
- she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- she provides a MAT B1 form stating her expected week of childbirth; and
- she gives SESTRAN proper notification of her pregnancy in accordance with the rules set out above.

If the employee returns to work following maternity leave maternity pay will be:

- 6 weeks at 90% of the employee's average weekly earnings calculated over the period of eight weeks up to and including the qualifying week
- followed by 12 weeks at half pay, plus SMP at the standard rate, followed by,
- 21 weeks at SMP only.

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether ordinary maternity leave or additional maternity leave), the maternity pay to which the employee is eligible will be recalculated to take account of the pay rise and appropriate payment made.

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

Payment of SMP cannot start prior to the 11th week before the employee's expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts her maternity leave.

Statutory maternity pay is payable whether or not the employee intends to return to work after her maternity leave. If the employee does not

intend to return to work she is not entitled to occupational maternity pay, ie 12 weeks at half pay. If an employee intends to return to work and is accordingly paid occupational maternity pay but subsequently does not return for 3 months at the end of her maternity leave she will be required to repay the occupational element of her maternity pay but not the statutory maternity pay.

Employees who are not entitled to SMP may be entitled to receive maternity allowance payable by the Government.

Contact during maternity leave

Shortly before an employee's maternity leave starts, the employee's manager will discuss the arrangements for her to keep in touch during her leave, should she wish to do so. SESTRAN reserves the right in any event to maintain reasonable contact with the employee from time to time during her maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease her return to work or simply to update her on developments at work during her absence.

Keeping-in-touch days

Except during the first two weeks after childbirth an employee can agree to work for SESTRAN (or to attend training) for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of her maternity 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.

SESTRAN has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between SESTRAN and the employee. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for SESTRAN.

Pension contributions will be made in respect of any 'keeping in touch days worked.

Returning to work

Upon notification that they are pregnant the employee will have been formally advised in writing by SESTRAN of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies SESTRAN otherwise. If she is unable to attend work at the

end of her maternity leave due to sickness or injury, SESTRAN's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist SESTRAN if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, she must give SESTRAN at least eight weeks' notice of her date of early return, preferably in writing. If she fails to do so, SESTRAN may postpone her return to such a date as will give SESTRAN eight weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, SESTRAN may require the employee to return to work for the remainder of the notice period.

Rights on and after return to work

On resuming work after ordinary maternity leave, the employee is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent.

On resuming work after additional maternity leave, again she is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for SESTRAN to allow the employee to return to the same job, the employee may be offered suitable alternative work, on terms and conditions that are no less favourable than would have applied if she had not been absent.

An employee who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of SESTRAN's business. If an employee would like this option to be considered, she should write to her line manager setting out her proposals as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in SESTRAN's flexible working procedure.

2. ADOPTION AND SURROGACY LEAVE

This section of the policy sets out the rights of employees to adoption and surrogacy leave and pay.

Where the policy refers to adoption pay or leave, this includes surrogacy pay and leave unless otherwise stated.

You will be entitled to up to 52 weeks leave regardless of your length of service. If you are entitled to adoption pay, it will start on the day your leave begins.

The leave can start:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)

You must tell us within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.

Where a couple jointly adopts a child, the couple must choose one person only to take leave under this policy (the adopter). The partner of the adopter may be entitled to adoption support leave, paternity leave or shared parental leave. Only the adopter will receive the entitlements outlined in this section, including leave and pay.

If more than one child is placed as part of the same adoption/surrogacy arrangement, only one period of leave will be granted.

Leave if you're adopting a child from overseas

You must also sign form SC6 if you're adopting from overseas with a partner. This confirms you're not taking paternity leave or pay.

You're fostering for adoption

If you're eligible for adoption pay and leave, you'll receive them from when the child comes to live with you.

Exceptions

You do not qualify for Statutory Adoption Leave or Pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild

- adopt a family member

If you get adoption leave, you can also get paid time off work to attend 5 adoption appointments after you've been matched with a child.

Your manager might need to see evidence of appointments

Adoption Pay

Employees who qualify for adoption leave will also qualify for statutory adoption pay provided that their average weekly earnings are not less than the lower earnings limit for national insurance contributions. If the employee returns to work following adoption leave, adoption pay will be as follows:

- 6 weeks at 90% of earnings (off set against payments by way of SAP); followed by;
- 12 weeks at half pay plus SAP, and
- 21 weeks at SAP only

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

Statutory adoption pay is payable whether or not the employee intends to return to work adoption leave. If the employee does not intend to return to work they are not entitled to occupational adoption pay, ie 12 weeks at half pay. If an employee intends to return to work and is accordingly paid occupational adoption pay but subsequently does not return for 3 months at the end of their adoption leave they will be required to repay the occupational element of their adoption pay but not the statutory adoption pay.

Timing of adoption leave

Adoption leave can start on the day the child is placed for adoption, or on an agreed date up to 14 days earlier.

In order to make administration as easy as possible, the employee should discuss the timing of his/her adoption leave with his/her immediate manager as early as possible.

Notice requirements

In order to be entitled to take adoption leave and receive statutory adoption pay, the employee is required to give SESTRAN written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. This notification must specify the date the child is expected to be placed with the employee for

adoption and the date the employee intends his/her adoption leave to start.

The employee is permitted to bring forward his/her adoption leave start date, provided that he/she advises SESTRAN in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that he/she advises SESTRAN in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also provide evidence of entitlement to adoption leave and pay by producing a 'matching certificate' from the adoption agency.

Within 28 days of receiving the employee's notice of intention to take adoption leave, SESTRAN will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

Pre-Adoption Meetings/Training Courses

Where an employee is required to attend the pre-adoption meetings/training courses associated with progressing through the adoption processes, they will be granted half (50%) of this time as special leave and the rest of the time will be made up by the employee through either annual leave or flexi time.

Rights during ordinary adoption leave and additional adoption leave

Ordinary adoption leave

During ordinary adoption leave the employee's contract of employment continues in force and they are entitled to receive all contractual benefits except for salary. In particular, any benefits in kind will continue; contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made provided that the employee is receiving adoption pay. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not taken adoption leave.

Salary will be replaced by adoption pay as noted above if the employee is eligible to receive it.

Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that holiday must be taken in the year that it is earned.

Additional adoption leave

Additional adoption leave begins on the day after ordinary adoption leave ends and lasts for a further 26 weeks. During additional adoption leave the employee's contract of employment remains and they are entitled to receive all contractual benefits, except for salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Payment during additional adoption pay will be as noted previously. Pension contributions will continue to be made during the period when the employee is receiving adoption pay but not during any period of unpaid additional adoption leave.

Contact during adoption leave

SESTRAN reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Keeping-in-touch days

Employees can agree to work for SESTRAN (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes

Pension contributions will be made in respect of any 'keeping in touch days' worked.

SESTRAN has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and SESTRAN.

Termination of Placement

Where the child or children's placement ends during the adoption period, the adopter will be entitled to remain absent on adoption leave for up to 8 weeks after the end of the placement. In this respect employees are required to advise their manager of this at the earliest opportunity. In the case of an earlier return, notification should be given as noted below.

Returning to work after adoption leave

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take his/her

full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, he/she must give at least eight weeks' notice in writing to SESTRAN of the date on which he/she intends to return.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

If the employee decides during adoption leave that he/she does not wish to return to work, he/she should give written notice of resignation to SESTRAN as soon as possible and in accordance with the terms of his/her contract of employment

3. MATERNITY & ADOPTION SUPPORT LEAVE/ PATERNITY LEAVE

Maternity or Adoption Support Leave is designed to help support the mother at or around the time of birth or placement of the child (adoption or surrogacy).

An employee is entitled to this leave if they are:

- The child's father
- The mother's partner (including civil partner) or
- A nominated carer or support partner

And

- Have 41 weeks continuous service during the EWC or placement.

In the absence of the child's father or mother's partner, the mother can nominate a carer or support partner who will provide the main support at or around the time of the birth or placement.

Leave consists of up to a maximum of 5 days' paid leave (pro-rated for part-time/part-week workers). The leave may be taken as half working days, full working days or block periods as appropriate and can be taken between the 11th week before the EWC and 52 weeks after the birth/placement.

Application for maternity or adoption support leave should be made to SESTRAN in the same way as that for annual leave and the employee will require to produce for inspection form MATB1, confirming the expected date of childbirth, or matching certificate, confirming the expected date of placement. If the employee is not the father, they will be required to produce a statement from the expectant mother declaring the applicant as the nominated carer/support partner. This will also be the case if the mother does not work and is unable to produce a MATB1 certificate.

In the event of a stillbirth, the five days' maternity support leave will still be available.

Employees will be entitled to return to the same job after maternity or adoption

support leave.

NB: Fathers or partners of an expectant mother or partners of adopters are also entitled to an additional week's ordinary paternity leave (see below).

Ordinary paternity leave

In addition to maternity/ adoption support leave, an employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to a further one week's ordinary paternity leave, provided that he or she has 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Ordinary paternity leave is also available to an employee whose spouse, civil partner or partner adopts a child, or where the employee is one of a couple jointly adopting a child, provided that he or she has 26 weeks' continuous service by the end of the week in which notification of the match occurs.

To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Ordinary paternity leave must be taken in a single block of one week within eight weeks of the birth or adoption of the child. If the employee is eligible to receive it, pay during ordinary paternity leave will be at the weekly rate of statutory paternity pay, or at a rate equivalent to 90% of the average weekly earnings, if this figure is less than the weekly rate of statutory paternity pay.

The employee must give SESTRAN 15 weeks' written notice of the date on which the baby is due and the date on which they wish their leave to commence. In an adoption situation, no later than seven days after the adopter is informed of the match, they must inform SESTRAN in writing of the date notification of the adoption occurred, the date on which the child is expected to be placed for adoption, and the date on which they wish their leave to commence. If they subsequently wish to change the timing of their ordinary paternity leave, they must give 28 days' written notice of the new dates. They must also, if so requested, complete and sign a self-certificate declaring that they are entitled to ordinary paternity leave.

FOSTER CARERS AND APPROVED KINSHIP CARERS

We are committed to support any staff member who is a foster carer or approved kinship carer. We will do this, wherever possible, by creating a fostering friendly organisation that offers flexible working arrangements which respond to the needs of all staff who are foster carers or approved kinship carers.

Eligibility

This policy applies to employees who have three months or more employment service and:-

- are applying to become a foster carer
- are an approved foster carer and have a child in placement (or have had a child in placement for 75% of the previous twelve months)
- are an approved kinship carer

Time Off

We will support foster carers and approved kinship carers by giving paid time off per leave year as follows:-

- assessment and training prior to approval as a foster carer - up to three days as a one off pre placement – pro rata for part time
- attendance at panel for approval – one day, pro rata for part time
- child review meetings, annual foster carer review meeting, training – up to five days per year- pro rata for part time.

The line manager will approve the leave on a discretionary basis taking into account individual circumstances of each case and operational requirements of the business. The leave will be considered and approved on a pro rata basis.

The request for time off should outline the reason and the amount of leave required.

Where more than the maximum entitlement of paid leave is requested (as outlined above), the line manager and the staff member should discuss other means available eg annual leave, time off in lieu, parental leave.

4. PARENTAL LEAVE

Parental leave is time off work to care for your child. It is in addition to statutory maternity leave, paternity, adoption and shared parental leave. An employee is entitled to parental leave if the following conditions are met:

- They have at least one year's continuous service at the time they would like their parental leave to start
- They are taking the leave to care for a child
- At the time they want to take the leave, they have parental responsibilities in respect of that child
- The child will be under 18 years of age while the leave is being taken
- Advance notice is given as set out below (and we do not postpone the leave as set out below)

- They comply with any request from us to produce evidence of their entitlement to parental leave.

Employees will normally have parental responsibilities for a child if they are the child's biological mother or father (whether or not they are living with the child) or they are the child's adoptive parent. Other individuals, such as guardians, may have parental responsibilities. In many cases, stepparents and foster parents will not qualify for parental leave as they will not have legal parental responsibilities.

Amount of Parental Leave Available

Employees can take up to 18 weeks' parental leave in respect of each individual child. It can be taken up to the child's 18th birthday.

A maximum of four weeks' parental leave can be taken in respect of any individual child in any year.

Parental leave must be taken in blocks of one whole week or a whole number of weeks, except in the case of disabled children.

In the case of disabled children, leave can be taken as single days or in multiples of one day. A disabled child is a child who is entitled to a disability living allowance, armed forces independence payment or personal independence payment.

Definition of One Week's Leave

If the employee usually works a fixed number of hours each week, one week's leave will be the length of time they are normally required to work.

If the number of days worked varies from week to week, one week's leave will be the average working week. This will be calculated by dividing the total number of days normally worked in a year by 52. In the case of single days being taken in respect of a disabled child, one week's entitlement will only be used up when the combined total of shorter periods of leave taken amounts to the one week's leave for the employee.

Parental Leave Taken with Another Employer

The total entitlement to parental leave is 18 weeks in respect of each individual child, not 18 weeks per employer. Employees who have taken any of their 18 weeks' entitlement with a former employer, or another employer they currently work for, should inform their line manager so that the amount can be taken from their 18 weeks' entitlement and the balance will remain to be taken.

Rights during parental leave

During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- notice of termination;
- redundancy compensation; and
- disciplinary or grievance procedures.

Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and
- participation in any other business.

Notice of Intention to Take Parental Leave

The employee must give proper notice of the period of leave that they propose to take. This notice must be given to SESTRAN at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.

Where the employee is the father of the child in respect of whom the leave is to be taken, and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth. The leave can then start as soon as the baby is born (even if this is earlier or later than expected). The expected week of childbirth is the week, from Sunday to Saturday, in which a doctor or midwife expects the child to be born.

Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to SESTRAN at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested. The leave can then start on the date of the child's placement, regardless of when this actually occurs.

Employees may be asked to provide reasonable evidence of:

- Their responsibility (or expected responsibility) for the child, and
- The child's date of birth or the date on which the adoption placement began.

If employees are asked to provide this evidence, they should not take parental leave until it has been provided to SESTRAN.

SESTRAN may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where it is considered business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the employee will be allowed to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested and not beyond the child's 18th birthday.

SESTRAN will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice of their intention to take parental leave.

Return from leave

Employees will be able to return to the same job if they return to work from:

- Parental leave lasting four weeks or less, which was an isolated period of leave; or
- Parental leave lasting four weeks or less, which was the last of two or more consecutive periods of statutory leave which did not include:
 - Any period of parental leave lasting more than four weeks; or
 - Any period of statutory leave which when added to any other period of statutory leave (excluding parental leave) taken in relation to the same child means that the total statutory leave taken in relation to that child is more than 26 weeks.

In all other circumstances employees will be able to return to the same job unless this is not reasonably practicable, in which case they will be able to return to another job which is both suitable and appropriate for them to do in the circumstances.

In all cases the employee will be able to return to work on terms and conditions that are not less favourable than those which would have applied if they had not taken parental leave.

5. SHARED PARENTAL LEAVE (ShPL)

Shared Parental Leave (ShPL) is designed to give parents/adopters more flexibility in how to share the care of their child in the first year following birth or adoption. Eligible employees can share up to 50 weeks' leave, and can decide to be off work at the same time and/or take turns to have periods of leave to look after their child.

This option applies to employees, whether they are the mother or the partner. For an employee to be eligible for shared parental leave, both parents need to meet certain qualifying criteria (as noted below).

If it is the mother who is employed by SEStran, her partner must submit any notifications to take ShPL to their own employer. Similarly, if it is the partner who is employed by SEStran, the mother must submit any notifications to take ShPL to her own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for ShPL are handled as smoothly as possible.

Eligibility for Shared Parental Leave

Who is eligible?

ShPL can only be used by 2 people:

- The mother/adopter, and
- One of the following:
 - The father of the child (in the case of birth) or,
 - The spouse, civil partner or partner of the child's mother/adopter.

Working parents who share the main responsibility for caring for their child are able to opt into the shared parental leave system.

Both parents must share the responsibility for the care of the child at the time of the birth/placement for adoption.

If an employee has 2 or more posts with SEStran they are required to take shared leave in respect of all posts. In the case of the mother, they are required to curtail their maternity leave for all posts.

Eligibility Criteria

For employees to be able to take ShPL, **both** parents must meet certain eligibility requirements.

Maternity Entitlements

The mother of the child must be entitled to maternity leave or (if she is not entitled to maternity leave) to statutory maternity pay or maternity allowance. In addition, she must have curtailed her entitlement to maternity leave (or her

maternity pay or maternity allowance period) before she has taken her full entitlement. See Section 1 to determine eligibility to maternity leave.

Care of the child – the mother must be sharing the main responsibility for the care of the child with the child's father or partner.

Continuity of employment – an employee must meet a continuity of employment test. This means that the employee must have been employed by the same employer for 26 weeks at the end of the 15th week before the expected week of childbirth and remain employed by that employer at the start of the week in which shared parental leave is to be taken.

The continuity of employment test is similar to that for statutory maternity pay and paternity pay. So an employee who is entitled to SMP or SPP is likely to meet the continuity test for shared parental leave (See Section1).

Eligibility for the other parent – “employment and earning test” – the other parent, who must be the partner of the employee (i.e. the mother's/adopter's partner or the child's father – even if the father is not in a relationship with the mother) must satisfy an employment and earnings test and must make a declaration that they meet this test.

The employment and earnings test requires that in the 66 weeks leading up to the week in which the child is due (or in the case of adoption, the date when the adopter is notified of a match), they have worked in the UK for at least 26 weeks and in 13 weeks during the 66 week period they have earned the nationally agreed minimum level and would have paid class 1 national insurance contributions.

Shared Parental Leave Entitlement

Employees are entitled to take up to 50 weeks ShPL during the child's first year. The amount of ShPL which an individual is entitled to will depend on when the mother brings her maternity leave period to an end (i.e. curtails her leave) and the amount of leave that the other parent takes in respect of the child.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take ShPL until two weeks after the birth and the maximum period that the parents could take as ShPL is 50 weeks between them (although it will normally be less than this if the mother/adopter has taken leave before the birth or adoption placement).

The mother's partner can begin a period of ShPL at any time from the date of the child's birth if the correct booking notification has been given. **Note:** the partner must ensure that they use up any paternity leave or maternity/adoption support leave prior to taking shared parental leave. If paternity leave is not taken before Shared Parental Leave it will be lost.

Shared Parental Leave Options

It is up to the parents how they share the parental leave – they can take it in turns or take time off together, provided no more than 50 weeks of shared leave is taken in total.

An employee wishing to take ShPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their leave request. A line manager upon receiving a formal request should arrange a meeting with the employee to talk about their intentions and how they currently expect to use their ShPL entitlement. The purpose of any meeting is to discuss the leave proposed and what will happen when the employee is away from work.

Employees have the option to take leave in one continuous block (see Continuous Leave) or as separate blocks of leave (see Discontinuous Leave). Particularly in cases of requests for separate blocks of leave, the employee should discuss this in detail with their line manager to determine if the request can be granted and if necessary discuss other options that would be agreeable to both the employee and SEStran.

A maximum of three requests for leave per pregnancy can normally be made by each parent.

Notice requirements for shared parental leave

The notices that the parents must give to the relevant employer to be able to take ShPL are made up of the following elements. They are

- Curtailment notice (mother only)
- Notice of entitlement and intention
- Booking Notice
- Variation or cancellation Notice

This is explained in more detail below and the relevant forms are available (Appendices 1-4).

Curtailment Notice

Before the mother/adopter or partner can take ShPL, the mother/adopter must return to work before the end of their maternity/adoption leave. This will be done by giving the required eight weeks' notice of her planned return and providing SEStran with a curtailment notice.

A 'maternity/adoption leave curtailment notice' from the **mother/adopter** sets out when they propose to end their maternity/adoption leave (**see Appendix 1**).

The mother/adopter must provide the curtailment notice at the same time as the notice of entitlement and intention (Appendix 2) to take ShPL or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention.

Revocation of maternity leave curtailment notice

The curtailment notice can be withdrawn in limited circumstances. The withdrawal of a curtailment notice must be in writing and can be given only if the mother/adopter has not returned to work. The curtailment notice can be withdrawn if:

- it is discovered that neither the mother/adopter nor the partner are entitled to ShPL or statutory shared parental pay and the mother withdraws her curtailment notice within eight weeks of the date on which the notice was given;
- the curtailment notice was given before the birth of the child and the curtailment notice is withdrawn within six weeks of the child's birth; or
- the partner has died.

If a mother and her partner have already started a period of shared leave or agreed a period of shared leave which is due to start within 8 weeks following the revocation, they may be required to be absent from work on unpaid leave for some or all of this period. SEStran is under no obligation to accept an employee back to work with no notice.

Notice of entitlement and intention

This notice is from the employee (whether they are the mother/adopter or partner) giving an initial, non-binding indication of their entitlement to, and intention to take, shared parental leave. This is a one-off notification and is only to inform SEStran of their intention to take shared parental leave **(See Appendix 2)**.

A separate notice to book leave is required once an employee wishes to request specific dates of leave).

Adoption or Surrogacy Notice of Entitlement

In addition to the notice of entitlement and intention, adoptive parents must also confirm:

- the date the parents were notified as having been matched with the child;
- the date the child is expected to be placed with the parents; and

- a declaration from the parents and consent to the amount of time the other parent intends to take.

Evidence of eligibility in this case will be copies of documents issued by the adoption agency confirming the date the parents were matched with the child.

For surrogacy arrangements, if the intended parents have applied, or intend to apply, for a 'parental order' then, subject to meeting qualifying conditions, the nominated 'primary' adopter will be entitled to take adoption leave and pay and to end their adoption leave early and move onto ShPL .

Booking Notice

The employee's notice to book shared parental leave, must be in writing and be provided at least eight weeks before the start date of the first period of ShPL to be taken by the employee (**see Appendix 3**). However, the earlier an employee informs SEStran of their intentions, the more likely it is that SEStran will be able to accommodate the employee's wishes, particularly if they want to take periods of discontinuous leave.

Within 14 days of receiving a booking notice from the employee, whether the mother or partner, SEStran can request from the employee:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice or a copy of the MATB1); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

The employee has 14 days from the date of the request to send SEStran the required information.

Variation or cancellation of notice of entitlement and intention

The employee can vary or cancel their proposed ShPL dates following the submission of a Booking Notice. They must provide SEStran with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence (**see Appendix 4**). The written notice can:

- vary the start date or the end date of any period of ShPL or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

Any indication of leave intended to be taken that the employee provides in a Variation Notice is non-binding, until they provide a Booking Notice in relation to the new period of leave being requested.

Limit on number of requests for leave

The employee can provide a total of up to three Booking Notices per pregnancy (including the original request).

Continuous period of shared parental leave

If the employee submits a Booking Notice requesting one continuous period of leave, they will be entitled to take that period of leave provided they have followed the correct notification process. Discussions should however take place with the employee's line manager prior to any leave requests.

Discontinuous periods of shared parental leave

The employee may submit a Booking Notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits notice requesting discontinuous periods of leave, SEStran, in the two weeks beginning with the date the notice was submitted, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested. If the decision is taken to refuse the leave, the employer must provide clear reasons for this to the employee.

Any response to the employee should be in writing. If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the leave notice was originally submitted. The employee must notify SEStran of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave originally requested.

Alternatively, if SEStran has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw

their Booking Notice requesting discontinuous periods of leave. The employee can withdraw this at any time on or before the 15th day after the notice was submitted. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make (maximum 3 requests).

Shared Parental Pay

Only statutory pay is payable to either party for the duration of the ShPL period.

Statutory shared parental pay is available for eligible parents to share between them while on ShPL. The number of weeks' statutory shared parental pay available to the parents will depend on when the mother has ended her maternity leave and how much statutory maternity pay or maternity allowance the mother/adopter has been paid when her maternity leave or pay period ends.

A total of 39 weeks' statutory pay is available to the mother/adopter. As there is a compulsory maternity leave period of two weeks, this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

It is up to the parents to identify the period(s) of leave they are taking as shared parental leave in order that the appropriate rate of statutory shared parental pay is paid.

Statutory ShPL is paid for 37 weeks at the **lower** of the statutory prescribed rate or 90% of the relevant parent's normal weekly earnings (subject to the lower earnings limit). The remaining 13 weeks of ShPL are unpaid.

This means that statutory shared parental pay is paid at the statutory level throughout the leave period. Unlike occupational maternity/adoption pay, there is no provision for the first six weeks to be paid at 90% of the parent's actual weekly earnings. This is the case even if the mother returns from maternity leave after only two weeks, during the period where the higher (occupational) level of maternity would have been available to her.

Eligibility for statutory shared parental pay

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with her employer until the week before any period of shared parental pay that they get;

Or in the case of the partner, have been employed or a self-employed earner during at least 26 of the 66 weeks immediately before the expected week of childbirth.

- have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth/adoption placement of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which they receive statutory shared parental pay; and

The mother must also be entitled to statutory maternity pay in respect of the child, but the maternity/adoption pay period has been curtailed.

Terms and Conditions during shared parental leave

During ShPL, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory shared parental pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place.

Shared Parental Leave in Touch days (SPLIT)

An employee can agree to work for SEStran (or to attend training) for up to 20 days during ShPL without that work bringing the period of his/her ShPL and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days. These will be in addition to the 10 keeping in touch (KIT) days already available for women on statutory maternity leave (as per paragraph 3.7.1).

SEStran has no right to require employees to carry out any work and employees have no right to undertake any work during their ShPL. Any work undertaken on SPLIT days, is entirely a matter for agreement between employees and SEStran. An employee will be paid the equivalent of their normal pay for time worked on a SPLIT day which will be inclusive of Statutory Shared Parental Pay.

6. PARENTAL BEREAVEMENT LEAVE

Parental bereavement leave is designed to give parents additional leave to provide extra support through their grief following the loss of a child. This leave can be taken by the child's birth parent, adoptive parent, the partner of the child's parent or adoptive parent – anyone with parental responsibility for the child.

This can be taken by all employees, regardless of their length of service. It is also available to parents who suffer a stillbirth after 24 weeks of pregnancy.

Where an employee is eligible to take parental bereavement leave under this regulation as a result of the death of more than one child, they are entitled to parental bereavement leave in respect of each child.

The statutory right is for parents of children under the age of 18 however, SEStran are flexible on this as we appreciate that the loss of a child is equally as distressing for any parent.

The employee can take one or two weeks' parental bereavement leave. This is in addition to bereavement leave which is available for up to five days (as noted in point 7 below). It is not available as individual days and can be taken as

- a single block of two weeks or
- two separate blocks of one week at different times.

This leave can be taken within 56 weeks of the date of the death of the child.

Payment

Under legislation, employees with 26 weeks' continuous service are entitled to two weeks of paid leave at the statutory rate and employees with less than 26 weeks will be entitled to unpaid leave.

SEStran have extended this to allow all employees, including those with less than 26 weeks service, access to their normal pay during the 2 week parental bereavement leave period.

Notification

Employees do not need to provide notice in writing. Informal notification, such as a phone call, is sufficient to take parental bereavement leave.

Within the first 56 days of a child's death, the employee can take the leave straight away. This can begin by the employee letting their line manager know before they would have been due to start work or, if that is not feasible, as soon as possible.

If an employee wishes to take the leave more than 56 days after the child's death, they are required to give one week's notice of their intention to take the leave.

If an employee wishes to cancel parental bereavement leave, they must give notice before the leave starts of at least one week if it is 56 days after the child's death and no later than the first day the leave was due to start if it is within 56 days of the child's death. Bereavement leave which has already started cannot be cancelled.

Right to return

If an employee requires a flexible return to work following parental bereavement leave, they should discuss this with their line manager. Employees have the right to return to the same job, in the same location as they had before starting parental bereavement leave. Any changes to their job or location must be in accordance with the normal consultation procedures, and not in any way related to the leave.

If the employee is on a temporary contract, they will not have the right to return to work where their contract would have expired during the leave. They will however be entitled to all other provisions noted above if relevant eligibility criteria are met.

7. NEONATAL CARE LEAVE & PAY

Neonatal Care Leave applies to parents of babies, born after 6th April 2025, who are admitted into neonatal care up to 28 days old and who have a continuous stay in hospital of 7 full days or longer. These measures allow eligible parents to take up to 12 weeks of leave (and, if eligible, pay) on top of any other leave they may be entitled to, including maternity and paternity leave. Employees are entitled to this right from day one of employment and there is no qualifying service needed.

Qualifying Conditions

Statutory neonatal pay: to qualify for statutory neonatal pay, employees must have at least 26 weeks' continuous employment with SESTRAN up to the end of the 'qualifying week'.

If the employee is already entitled to other statutory parental pay - for example, maternity or paternity pay – the qualifying week is the 15th week before the baby is due. Otherwise, the qualifying week is the week immediately before the baby enters neonatal care.

The employee must also:

- remain employed up to the week before they want the pay to start
- meet the earnings criteria set out at <https://www.gov.uk/neonatal-care-pay-leave/check-eligible>

Slightly different rules apply if:

- the child is born before the relevant week, or
- the employee has between 25 and 26 weeks' continuous service ending with the relevant week.

In such circumstances contact the Business Manager so that further guidance can be obtained.

To be eligible for neonatal care leave, the employee must be either:

- The child's parent and, at the date of their birth, have (or expect to have) responsibility for their upbringing; or

- At the date of the child's birth, the partner of the child's mother and have (or expect to have) the main responsibility (apart from the mother) for the child's upbringing.

A 'partner' is someone (of the same or a different sex) who lives with the mother in an enduring family relationship but is not their child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew – these include half-blood relationships.

Neonatal leave must be taken to care for the child. This condition does not apply if the child has died since receiving neonatal care. Please see Parental Bereavement Leave.

The employee should not work for SESTRAN during neonatal leave. If they work for another employer during neonatal leave, they will lose their entitlement to statutory neonatal pay unless: (i) the other employer is not liable to pay statutory neonatal pay; and (ii) they worked for them during the 15th week before the expected week of childbirth.

If the employee works for another employer during neonatal leave, and did not work for them during the 15th week before the expected week of childbirth, they must notify SESTRAN in writing (e.g. via email) within 7 days of the first day of that work.

Neonatal Leave

The employee will accrue one week of neonatal leave for each 'qualifying week' in which the child receives neonatal care, up to a maximum of 12 weeks' neonatal leave.

A week will only be a 'qualifying week' if the period of neonatal care:

- starts within 28 days running from the day after the child's birth ('the 28-day period'); and
- lasts for an uninterrupted period of 7 days, with the first qualifying week starting the day after neonatal care starts.

Neonatal leave will not accrue in respect of part-weeks of neonatal care.

If neonatal care starts within the 28-day period and continues, uninterrupted, for a number of weeks, the employee will accrue neonatal leave in respect of each qualifying week, including those that extend beyond the 28-day period.

If neonatal care stops, then restarts, the employee can accrue neonatal leave in respect of each separate period but only if each period independently meets the 'qualifying week' conditions above (including starting within the 28-day period).

Employees should contact the Business Manager to check whether a period of neonatal care is continuous or has been interrupted. Care can be received in different places (as described below) and is not interrupted just because a child is transported between different places where they are receiving neonatal care.

Neonatal Care Definition

Neonatal care means any of the following:

- Medical care received in a hospital. This includes maternity homes, and clinics or outpatient departments connected to hospitals or maternity homes. The child does not necessarily need to have been admitted to hospital as an inpatient.
- Medical care received in any other place if: (i) the child was an inpatient in hospital and the care is received upon leaving hospital; (ii) the care is under the direction of a consultant; and (iii) the care includes ongoing monitoring by, and visits to the child from, healthcare professionals arranged by the hospital where the child was an inpatient.
- Palliative or end of life care.

Multiple Births from the Same Pregnancy

In the case of multiple births from the same pregnancy:

- Neonatal leave is only accrued in respect of any individual child whose neonatal care lasts for an uninterrupted period of 7 days (running from the day after neonatal care starts). For example, neonatal leave will not accrue if twins each receive neonatal care for only 5 days.
- Neonatal leave can accrue in respect of more than one child, if they are receiving neonatal care at different times. If they receive neonatal care at the same time, leave can only accrue in respect of one child.
- The maximum neonatal leave available remains at 12 weeks, even if more than one child receives neonatal care.

Statutory Neonatal Pay

Employees will not be entitled to normal pay during neonatal leave but will be entitled to statutory neonatal pay during any weeks of neonatal leave if they meet the eligibility conditions set out above.

The rate of statutory neonatal pay is the lower of either: (i) 90% of the employee's normal weekly earnings; or (ii) a prescribed rate set by the government each year – contact the Business Manager for the current rate.

SESTRAN will deduct tax and national insurance from neonatal pay. We may also deduct pension contributions.

Statutory neonatal pay will not be due for a week if, during any part of it, the employee is entitled to statutory sick pay. There are some other exceptional circumstances in which it will not be due, and employees will be notified if these arise.

Tier 1 and Tier 2 – time periods

There are two time periods for neonatal leave:

- Tier 1: runs from the start of neonatal care until 7 days after neonatal care stops.

- Tier 2: covers any other period during which you can take neonatal leave.

In the case of multiple births from the same pregnancy, if more than one child is receiving neonatal care, Tier 1 runs from the first day that any of the children starts receiving neonatal care and ends 7 days after the last child stops receiving it.

When/how can neonatal leave be taken?

Employees can take neonatal leave while a child is receiving neonatal care or later, however:

- The earliest they can start neonatal leave is on 'day 9' of the child's neonatal care – so if neonatal care starts on a Monday, they cannot start neonatal leave until the Tuesday of the following week.
- Leave can start on any day of the week.
- Neonatal leave must be taken within 68 weeks of the child's birth. Any neonatal leave not taken within that time will be lost. In the case of multiple births from the same pregnancy, the 68-week period runs from the first child's birth.
- The leave must be taken in blocks of one or more weeks. It cannot be taken as single days or periods of less than a week.

If neonatal leave is taken:

- During Tier 1: the weeks of leave do not need to be consecutive.
- During Tier 2: the leave must be taken in consecutive weeks i.e. one block. The employee can choose how much of the accrued leave they want to take, and don't need to use it all, but they will lose any leave they do not take in that block and will not be able to take it at a different time.

Neonatal leave is available in addition to other statutory family leave (such as maternity or paternity leave) and taking neonatal leave does not impact on the amount of other leave available.

Employees should not stop any adoption, maternity, paternity or shared parental leave that has already started to take neonatal leave. They can take the neonatal leave after the other leave has ended, even if the child is not receiving neonatal care at that point.

Employees cannot give notice to take neonatal leave during Tier 2 if they know it will be interrupted by other family leave.

If a block of neonatal leave started during Tier 1 and is interrupted by other pre-booked statutory family leave (such as paternity or shared parental leave), the neonatal leave is paused and the employee moves to the other family leave. If the other family leave then ends:

- During Tier 1: the employee immediately moves back onto neonatal leave for the remaining duration of the neonatal leave they originally gave notice for (which might not be the full amount of accrued neonatal leave) – they do not need to give any additional notice to take this; or

- During Tier 2: the employee does not need to move straight back onto neonatal leave. They should give notice of when they want to take neonatal leave (as referred to below) and must take the remaining neonatal leave they originally gave notice for consecutively with any other neonatal leave they take.

Process for Taking Neonatal Leave

To take neonatal leave, employees must give us notice of the following:

- Name
- The child's date of birth
- The start and end dates of each period of neonatal care. If neonatal care is ongoing when notice is given, the employee should give the date it ends, as soon as is reasonable after that.
- The date the neonatal leave is to begin
- How many weeks of neonatal leave they plan to take
- Confirmation that they are taking neonatal leave to care for the child
- If this is the first notice of neonatal leave in respect of the child, confirmation that they meet the relationship and responsibility requirements described above.

Guidance on notice requirements is at Appendix 5.

All normal terms and conditions remain in force during neonatal leave except for terms relating to pay.

Any employee pension contributions will be based on the level of pay received during neonatal leave. The employee can seek to make these up. Further information can be sought from the Business Manager.

Any employer pension contributions SESTRAN are due to make during neonatal leave will be based on normal pay.

8. CARERS' and DEPENDANTS' LEAVE

Definitions

A person is a "dependant" for the purposes of carer's leave if they:

- Are a spouse, civil partner, child or parent of the employee.
- Live in the same household as the employee, otherwise than by reason of being the employee's boarder, employee, lodger or tenant, or reasonably rely on the employee to provide or arrange care.

A dependant has a "long-term care need" for these purposes if:

- they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months.
- they have a disability for the purposes of the Equality Act 2010, or
- they require care for a reason connected with their old age.

Carer's leave is available to all employees of SESTRAN irrespective of length of service, and whether they are part-time or full-time. It is available to deal with family/dependant emergency obligations or where normal care arrangements fall down.

Unplanned leave (paid)

Unplanned carer's leave is intended to cover unforeseen matters and should not be used for pre-planned occurrences such as hospital and dental appointments.

Carer's leave consists of up to a maximum of 5 days' paid leave (pro-rated for part-time/week workers) in any one leave year to deal with emergency obligations. Notwithstanding, when normal care arrangements break down, employees will be expected to make alternative arrangements as soon as possible.

Leave may be taken as half days, single days or block periods.

Planned/Statutory leave (unpaid)

Planned carer's leave is to deal with situations where reasonable advance notice is available. This leave is to cover pre-planned occurrences such as hospital or dental appointments, legal meetings or residential care meetings.

This leave is unpaid although employees may request annual and flexi leave or for extended periods, parental leave can be requested for childcare issues.

It is an over-riding principle that service provision will not suffer and, whilst every effort will be made to support employees in relation to pre-planned leave requests, there may be occasions where due to other circumstances, such as office cover or service provisions, requests may be refused. This will be discussed with the employee and alternative options considered.

Different notice periods apply for statutory carer's leave as noted below:

If statutory leave is being used to provide or arrange care for a dependant with a long-term care need, the employee can request up to one week's unpaid leave (pro rata for part time) in a rolling 12-month period which can be taken as one continuous block of leave, or multiple shorter periods through the year. The minimum period is half a day.

If an employee wishes to take statutory carer's leave, they will need to give notice which must:

- specify that they are entitled to take statutory carer's leave

- specify the days on which they want to take carer's leave (and specify if the leave relates to part of a day); and
- be given in advance - the notice period is either at least twice as many days as the period of leave requested or, if longer, 3 days.

The notice can relate to all or part of the entitlement and does not need to be in writing. The notice requirement could on occasion be waived, provided the employee is otherwise eligible to take carer's leave.

Statutory carer's leave cannot be declined but may be postponed where all the following apply:

- SESTRAN reasonably consider that the operation of the business would be unduly disrupted if it allowed the leave during the requested period.
- We allow the employee to take a period of carer's leave of the same duration, within a month of the period initially requested.
- We give the employee written notice within seven days of the initial request (or sooner if possible), setting out the reason for the postponement and the agreed dates on which the leave can be taken.

Where the leave is in respect of bereavement the provisions for bereavement leave as noted in section 9 will apply. Where a parent has lost a child, see also section 6 For neonatal care leave see section 7.

In cases of serious illness, up to 3 months' leave may be granted at the discretion of the Partnership Director. This leave may be paid, unpaid, and in exceptional circumstances unpaid leave may be extended.

Authorisation for carer's leave should be obtained by following the normal procedures for absence notification.

9. SPECIAL LEAVE

Bereavement Leave

SESTRAN has discretion to grant up to 5 working days paid leave where a family member or close friend of an employee dies. In exercising discretion, the following will be taken into account:

- (a) the circumstances which justify leave to attend the funeral;
- (b) the requirement of an employee to make funeral arrangements and/or deal with financial or legal issues which occur immediately around the time of the death; and/or
- (c) the requirement for an employee to travel over long distances (for travel outside the UK absence may be part paid and part unpaid).

REVIEW

This policy will be reviewed annually, to take account of developments within SESTRAN and legislative requirements.

Appendix 1 – Curtailment Notice Form

Appendix 2 – Notice of Entitlement and Intention to Take Shared Parental Leave

Appendix 3 – Shared Parental Leave Booking Notice

Appendix 4 – Notice to Vary a Period of Shared Parental Leave

CURTAILMENT NOTICE
To be completed by the Mother only.

Please complete and return this form to your manager.

This form is to inform SEStran that you wish your maternity leave/pay to end in order that the person who shares the main responsibility to care for your child can take shared parental leave.

You must give at least 8 weeks' notice of your curtailment date. If you are entitled to maternity leave, the curtailment date must be at least two weeks after the birth of your child.

I wish my maternity/adoption leave to end on:..... (insert date)

Name	
Employee No	
Job Title(s)	
Signature	
Date	

Please note: This form is only notification that you wish to curtail your maternity leave. You are required to complete a Notice of Entitlement and Intention Form. This form can be completed and handed in at the same time as your curtailment notice.

- (*) **If you have 2 or more jobs either with SEStran (or with SEStran and another employer) you are required to curtail your maternity leave in all posts. Please ensure that all your job titles are noted in this Curtailment Notice**

Appendix 2

Notice of Entitlement and Intention to Take Shared Parental Leave

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave. If you are the mother, you must also complete a curtailment notice confirming you are bringing your maternity leave to an end.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Employee Name:	
Employee No:	
Job Title(s):	
Date on which maternity / adoption leave commenced / will commence	

Declaration:

☐ I confirm that I am the mother/main adopter of the child;

Or

☐ I confirm that I am the partner of the mother/main adopter of the child: And

☐ I confirm that I meet the eligibility criteria for shared parental leave (as per Section 5 of the Policy).

Signed:	Date:
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Note (Mother only): If you have 2 or more jobs either with SEStran (or with SEStran and another employer) you are required to curtail your maternity leave in all posts.

Note (Partner only): If you have 2 or more jobs with SEStran you are required to give notice for shared leave in both posts. If you have one post with SEStran and one with another employer you can decide if you wish to take shared leave from all posts.

(*) You are required to highlight details of all your posts in the Curtailment Notice.

SHARED PARENTAL LEAVE BOOKING NOTICE

This form should be completed should you wish to book shared parental leave.

You must give at least 8 weeks' notice of any dates in which you wish to take as shared leave.

Name	
Employee No	

A. Date in which you (or the mother/adopter) has curtailed their maternity leave		
B. Number of weeks maternity or adoption leave taken by the mother/ adopter.	<u>Start Date</u>	<u>End Date</u>
C. Remaining number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates) (e.g. 52 – B above)		
D. Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates) (e.g. 39 – B above)		
E. Total number of shared parental leave/pay you intend to take	<u>Shared Parental Pay</u>	<u>Shared Parental Leave</u>
F. Total Number of weeks of Shared parental leave/pay the other parent intends to take.	<u>Shared Parental Pay</u>	<u>Shared Parental Leave</u>

Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

Declarations

By the Employee

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- ☐ I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- ☐ I meet the eligibility criteria for shared parental leave If appropriate:
 - ☐ I meet the eligibility criteria for shared parental pay
 - ☐ I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy
 - ☐ I consent to you retaining and processing the information contained in this form

Signed: _____ Date: _____

For completion by the Employee's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- ☐ I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date.
- ☐ I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks leading up to the due date.
- ☐ I consent to your employee taking shared parental leave and shared parental pay as detailed above.

If appropriate:

- ☐ I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave).
- ☐ I consent to you retaining and processing the information contained in this form.

Signed: _____ Date: _____

Notice to Vary a Period of Shared Parental Leave

You should complete this form if you wish to vary a previously approved period of shared parental leave.

You must have previously submitted a **Booking Notice for Shared Parental Leave** (Appendix 8) and have had your eligibility for shared parental leave confirmed.

Name	
Employee No: <i>(if employed by SEStran)</i>	
Name of Partner	

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request (Including start and end dates)

We confirm that we agree to the request as per the variation outlined above.

Signed:
(Employee) _____ Date: _____

Signed: (Employee's Partner) _____ Date: _____

Neonatal Care Leave – Notice Requirements

DURING TIER 1**How much notice?**

You must give us notice before you are due to start work on the first day of each week of neonatal leave (or, if this is not reasonably practicable, as soon as is reasonably practicable).

If you give notice on a day when you have already started work, your neonatal leave cannot start until at least the following day. If you need time off work before that, speak to your line manager about your options.

Does it need to be in writing?

You can give notice verbally at first, but if you want to claim statutory neonatal pay, you must follow this up with written notice within 28 days of neonatal leave starting.

Can I withdraw notice?

You cannot return to work part-way through a week of neonatal leave – it must be taken in full weeks.

If you wish to cancel future weeks of neonatal leave that you have given notice of, this will be at our discretion and you should speak to your line manager to discuss the situation.

DURING TIER 2**How much notice?**

You must give us notice:

- For one week of leave, no later than 15 days before the first day of leave.
- For two or more consecutive weeks of leave, no later than 28 days before the first day of leave.

In some cases, we may accept shorter notice, but this will be at our discretion.

Does it need to be in writing?

Notice must be in writing.

Can I withdraw notice?

Yes, so long as you give us notice in writing and:

- For one week of leave, no later than 15 days before the first day of leave.
- For two or more consecutive weeks of leave, no later than 28 days before the first day of leave.

If you withdraw your notice to take leave, you can then give notice to take leave on different dates, so long as those meet the other conditions in this policy.

In some cases, we may accept shorter notice of withdrawal, but this will be at our discretion.

