



**people policies**

# Maternity, Adoption and Paternity Support (MAPS) Policy





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# Policy

## 1 About this policy

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Bristol City Council is fully committed to helping all its staff balance the needs of work and family life. This Scheme sets out the rights and responsibilities of employees who are pregnant, have recently given birth or are undertaking an adoption/surrogacy or fostering arrangement. This scheme also covers other policies applicable to those employees with caring responsibilities for children up to the age of 16 or a dependant adult who relies on the employee for care.

This scheme does not apply to Teachers. For Teachers, please refer to the Teachers Maternity scheme.

### Terminology

- **Mother:** the employee who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay regardless of gender).
- **Partner:** the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child regardless of their sexual orientation or gender identity.
- **Parents:** applies to both mother and partner.
- **SPL:** Shared Parental Leave.
- **ShPP:** Statutory Shared Parental Pay.
- **OShPP:** Occupational Shared Parental Pay.
- **Continuous leave:** a period of leave that is taken in one block e.g. four weeks' leave.
- **Discontinuous Leave:** a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months.

- **SPLIT day:** Shared Parental Leave in Touch Day.
- **Unpaid Parental Leave:** separate to SPL, entitles employees to take up to 18 weeks off work to look after a child's welfare, this leave is normally unpaid.
- **Match:** when an adopter is approved to adopt a named child or children.
- **Curtail:** where an eligible mother brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early. This is sometimes referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or Maternity Allowance period.
- **Expected week of childbirth (EWC):** the week, starting on a Sunday, during which the employees GP or midwife expects the mother to give birth.
- **Qualifying week:** the 15<sup>th</sup> week before the expected week of childbirth.

## 2 Maternity Scheme

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### 2.1 Do the council's maternity provisions cover me?

The Council's maternity provisions covers all pregnant employees.

It may not apply if you are employed on a temporary, fixed term, casual or call-out contract.

You will need to check the conditions and dates of your appointment and any projected contract termination date to establish your entitlements.

This is because the Council can only grant you maternity leave, maternity pay, the right to return to work and certain other benefits if you have a current contract in force at the relevant time.

For example, someone employed on a temporary contract which covered the period 1 June 2020 to 31 January 2021 could commence maternity leave on 1 December 2020. You would not however be able to

return to work after 31 January because beyond that date there is no contract of employment.

In this instance, when your contract ends, you will no longer be entitled to be paid Occupational Maternity pay, but payroll will continue to pay your Statutory Maternity Pay (SMP) until your entitlement is exhausted or is notified that found employment elsewhere.

## 2.2 What am I entitled to under the Council's maternity scheme?

If you qualify for the Council's scheme, you are entitled to the following benefits:

- Time-off with pay for antenatal care.
- Time off with pay for fertility treatment.
- Maternity & Adoption leave up to a maximum of 52 weeks.
- Maternity & Adoption pay.
- Maximum 10 paid keeping-in-touch days, without affecting your maternity rights. See section 5.5.
- The right to return to work after maternity leave- See section 5.3; and section 2.1 if you are on a fixed term contract.
- The right not to be unfairly treated because of your pregnancy or for a reason connected with your pregnancy.
- Participation in the Council's Contact Scheme. See section 10.
- Paternity/Partner's leave.

## 2.3 Antenatal care

During your pregnancy you will be entitled to paid time off as necessary for appointments which have been advised by your midwife, health visitor or GP.

You may be asked to produce evidence of appointments (e.g. an appointment card) by your manager.

Antenatal care may include up to 6 relaxation or parent craft classes that your GP, midwife or health visitor has advised you to attend, in addition to medical examinations.

**2.4 Fathers-to-be and partners**, regardless of sexual orientation and gender identity, are entitled to a half-day's paid leave to attend one antenatal session with them. Employees are also entitled to unpaid time off to attend 2 further antenatal appointments, up to a maximum of 6.5 hours per session.

Your manager may require you to produce your partners certificate of expected week of childbirth (MATB1)

## 2.5 Time off for Fertility treatment

Paid time off for fertility treatment will be granted to both partners who are Council employees, to attend one fertility programme of treatment.

You may be asked to produce evidence of appointments.

## 2.6 Maternity leave - how much can I have and how soon can it start?

### When does it apply from?

Your first day of employment

### How much?

Up to 52 weeks. You must take a minimum of two weeks following the birth of your baby.

### When is the earliest date I can take it?

Beginning of 11<sup>th</sup> week before your baby is due unless your baby is born early.

If you leave work before the 11th week prior to the expected week of childbirth, without your line manager's agreement or without a doctor's certificate, you will be in breach of contract. You may not be eligible to claim OMP or SMP from the Council although you may qualify for maternity allowance from the Department of Work and Pensions

### When is the latest date I can take it?

The date that your baby is born.

However, if you are off sick for a reason associated with your pregnancy less than four weeks before the birth, your maternity leave will start automatically (See 2.11). Your manager should inform the MAPS team if this is the case.

## 2.7 What must I tell the Council and when?

Provide the following in writing to your manager:

1. That you are taking maternity leave to have a baby.
2. The expected date of birth of your child.
3. Completed maternity scheme form and MATB1 certificate.
4. Please send the HR Advice Centre (MAPS) Team scanned copies of your Maternity Leave Notification forms and MATB1 certificate. If you are unable to scan them then you can post a photocopy of your MATB1 and retain the original certificate for future reference.

### When must I tell them?

At least 15 weeks before the expected week of childbirth to enable your employer to plan for your leave.

The HR Advice Centre (MAPS) Team ([hr.advicecentre@bristol.gov.uk](mailto:hr.advicecentre@bristol.gov.uk)) will confirm with you the support that is available from the Council and will also supply you with the relevant documentation & information, including the Maternity Scheme forms. Any approach made in the early stages of pregnancy (before your condition is apparent) will be treated in the fullest confidence.

You will receive an acknowledgement within 28 days setting out the date that you are expected to return to work if you take your full entitlement to maternity leave. It will be assumed that you will be returning on this date unless you inform the Council otherwise. However, you should confirm your return to work date with the HR Advice Centre (MAPS) Team 28 days before the actual return date.

### 2.7.1 I intend to return to work at the end of my full entitlement

If you take your full entitlement to maternity leave (52 weeks), you should still give at least 28 days written notification before you return to work to the HR Advice Centre. This notification will ensure your salary is reinstated.

We will write to you during the 6th month following the birth of your baby asking whether it is still your intention to return to work. It would be helpful, if, at this stage, you could confirm your return to work date with the HR Advice Centre (MAPS) Team.

Unless an agreement has been drawn up between yourself and your manager, prior to your return, then you will be expected to return to work on the same hours and similar duties that you worked prior to your maternity leave. This is subject to contractual terms and conditions. See section 4.

### 2.7.2 I intend to return to work before my full entitlement

Advise your manager and the HR Advice Centre (MAPS) Team as soon as possible and at least 8 weeks in advance of your intended return to work date, including:

- When you want to return
- If you want to return on a flexible basis.

If you are interested in returning to work on a flexible basis you must discuss this possibility with your line manager well in advance of your return. This is very important if arrangements need to be made, for example, to recruit a job share partner. For further information refer to section 6.

If you do not give 8 weeks' notice of your return to work date, your manager could postpone your return to work to ensure that the required 8 weeks' notice period is given.

The postponement cannot extend beyond the end of the maternity leave period.

Your manager may agree with you a shorter notice period. If they do it should be confirmed in writing.

### Who do I tell?

Your manager and the HR Advice Centre (MAPS) Team

### What must I tell them in writing and send to them?

When you want to return. If you want to return on a flexible basis.

### When must I tell them?

As soon as possible and at least 8 weeks in advance of your intended return to work date.

### What will they do?

If you do not give 8 weeks' notice of your return to work date, your manager could postpone your return to work to ensure that the required 8 weeks' notice period is given.

The postponement cannot extend beyond the end of the maternity leave period.

Your manager may agree with you a shorter notice period. If they do it should be confirmed in writing

### 2.7.3 I have found a new job or I am in custody

If any time during your maternity leave you commence work for another employer or you are in legal custody you must inform your manager and HR Advice Centre (MAPS) Team. No further maternity payment will be paid.

## 2.8 Maternity pay - how much do I get and for how long?

Maternity pay is broken down into two elements, occupational and statutory.

Please refer to the HR Employee Life Cycle for exact details of your particular entitlement.

### 2.8.1 Occupational Maternity Pay (OMP)

- Still be pregnant at the 11th week before the week the baby is due or have had the baby by that time
- Have given medical evidence of the date the baby is due or born within three weeks of the start of the maternity pay period.
- Have stopped working to go on maternity leave
- Have given at least 15 weeks' notice of the expected date of the birth of your child and given at least 28 days' notice of the exact

date that you wish your maternity absence to start.

| First 6 weeks         | Next 12 weeks   | Final 21 weeks                             | After 39 weeks |
|-----------------------|---|--|----------------|
| 90% of basic earnings | Up to 50% of basic earnings, plus lower rate SMP can be paid as well if the qualifying conditions are met as outlined in 2.8.2 below. | Basic rate SMP or 90% of earnings if less. | Unpaid         |

### 2.8.2 Criteria for entitlement to Statutory Maternity Pay (SMP)

To get Statutory Maternity Pay (SMP) you must satisfy all these conditions:

- Have been employed continuously by Bristol City Council for at least 26 weeks up to the end of 15th week before the baby is due. This 15th week is known as the "qualifying week".
- Have weekly earnings of not less than the lower earnings limit for the payment of National Insurance, which applies at the end of the qualifying week.
- Still be pregnant at the 11th week before the week the baby is due or have had the baby by that time.
- Have given medical evidence of the exact date the baby is due or born within 28 days of the start of the maternity pay period (MATB1).
- Have stopped working to go on maternity leave
- Have given and confirmed notice of the exact date that your maternity absence is due to start at least 28 days before the expected week of childbirth.

If you satisfy both the continuous employment rule and the earnings rule, the Council will pay you only SMP if your contract ends at some time after the start of the 15th week before the week your baby is due.



The payments due for this scheme are:

- For the first six weeks, 90% of pay (using the average of the last two calendar months' pay before the end of the qualifying week as a basis for calculation). This is known as higher rate Statutory Maternity Pay.
- 33 weeks lower rate Statutory Maternity Pay.

If you do not qualify for Statutory Maternity Pay you may be entitled to Maternity Allowance from the Department for Work and Pensions.

If you are due to go out on maternity leave and get called to undertake jury service (and this would fall within the period when maternity pay is calculated) the Council will continue to pay you at the contractual rate when you are called to jury service and you can claim any loss of income (e.g. expenses and travel) from the court.

## 2.9 What happens to my pension?

If you are a member of the Local Government Pension Scheme (LGPS), the 39-week paid maternity leave period will count as pensionable service. This also means that deductions for your pension will be made automatically from all maternity pay that you receive from the Council during the 39 weeks. You can choose to pay contributions for the unpaid period of maternity leave upon your return to work.

This would mean that your total period of absence on maternity leave is counted for pension purposes - as though you had never been away.

You should contact the HR Advice Centre upon your return to work to ask about how to make retrospective contributions and how this will work.

## 2.10 Probationary Period

If you commence your maternity leave whilst you are within your probationary period, the probationary period will be stayed, and any

outstanding time will re-commence upon your return from maternity leave.

## 2.11 Sickness absence immediately before your maternity leave

If your sickness is unrelated to pregnancy and the illness continues past the date you have said that you wish to begin maternity leave then your maternity leave will start at this date, as will maternity pay rather than sick pay.

If your sickness is pregnancy-related your maternity leave must start 4 weeks before the baby is due, as will maternity pay. Pregnancy related sickness absence will not count towards trigger points under the Managing Attendance policy. If your sickness is unrelated to pregnancy, it will be treated as normal sickness absence.

## 2.12 Sickness absence at the end of your maternity leave or absence

If you are ill and cannot return to work at the end of your maternity leave you must inform your manager immediately. The provisions of the Managing Attendance Policy will then apply.

## 2.13 Dismissal during pregnancy

You have a statutory right not to be dismissed because of your pregnancy or for a reason connected with your pregnancy. Such a dismissal would automatically be unfair.

If your pregnancy made it impossible for you to do your job or it was against the law for you to do that particular job while you were pregnant the Council will undertake to redeploy you into a suitable alternative job.

## 2.14 Premature Births

If your baby is born prematurely before the start of your maternity pay period, you must inform your line manager and HR Advice Centre MAPS team in writing as soon as reasonably practicable, informing them of the actual date of the birth.

This is so that your maternity pay can be correctly calculated and paid. Where the birth is before or during the qualifying week, "average earnings" for SMP

purposes will be calculated on the 8 weeks immediately before the week during which the birth occurred.

The start of your maternity leave and Maternity Pay Period will be calculated following the birth.

### 2.15 Stillbirths

If your baby is stillborn and the stillbirth occurs after the start of the 25th week of pregnancy you will be entitled to the same rights to maternity leave and pay. If the stillbirth occurs before reaching the 25th week of pregnancy you will not receive maternity pay but you will be eligible for Statutory Sick Pay or incapacity benefit.

If your baby dies during the maternity pay period, full maternity entitlement (SMP & OMP) would continue.

You should approach your manager to discuss your individual needs together with the advice from your doctor. Your manager may discuss with you a referral to Occupational Health, who can arrange for counselling and can give advice with regards to workplace adjustments and/or return to work arrangements. You can also get support from the [Employee Assistance Programme](#) (EAP).

### 2.16 Transfer of maternity rights

In cases where the mother dies or becomes permanently incapacitated following the birth, maternity leave and pay entitlements may be transferred to their partner, if Bristol City Council employs them.

For further guidance please contact please contact the Maternity, Adoption and Paternity Support (MAPS) team at [hr.advicecentre@bristol.gov.uk](mailto:hr.advicecentre@bristol.gov.uk).

## 3 Health and Safety Provisions

### 3.1 Introduction

Health & Safety provisions cover employees who are pregnant or recent mothers. They apply from the time you notify your manager that you are pregnant until 6 months from the

date of birth of your child, or until you stop breast feeding, whichever is the later date.

As soon as you contact the HR Advice Centre (MAPS) Team you will be sent a risk assessment pack containing all the relevant paperwork/information for completion.

### 3.2 Risk assessment

A risk assessment must be undertaken by your manager with your involvement as soon as practicable to consider any potential risks. Your line manager can contact Occupational Health and Welfare or the Departmental Safety Advisor for help. This risk assessment must be reviewed whenever there is a change, which significantly alters the level of risk.

Where an unacceptable risk is identified in your workplace or where you have a doctor's note stating the potential risks to you and your unborn child, the council will take any preventative or protective measure required by health and safety legislation to eliminate the risk. Where this does not avoid the risk, then the following options will apply in the order stated, to remove you from the risk:

- Temporary adjustment of your working conditions; or if this is not possible
- Redeployment to another job; or if this is not possible
- Paid leave

It is envisaged that in the majority of cases the first option will be to remove the risk, and that only in exceptional circumstances would the third option be used. If alternative work is found for you during this period, it may be quite different from the work you were originally employed to do. Your normal rate of pay will be maintained, excluding any non-contractual overtime payments but including average bonus over the preceding 8 weeks if applicable.

A facility to lie down or recline should be provided at locations with over 100 employees.



### 3.3 Emergency situations

You may find it useful to advise your local first aider that you are an expectant or new mother. The first aider may be called to assist you in cases of emergency.

Further information regarding Health and Safety Provisions can be found on the [Source](#).

## 4 Adoption and Surrogacy Leave

Bristol City Council provides adoption benefits including adoption pay and time off that are above the statutory minimum to match the provisions in relation to Maternity Leave.

The employee must be matched with the child by an adoption agency, which must be recognised in the UK.

These provisions also cover eligible employees having a child through surrogacy. Although not an adoption, adoption leave and pay is available to eligible employees who become the legal parents following an application for adoption or parental order.

The employee must have applied, or be intending to apply for a Parental Order in relation to the child.

For Early Permanence placements this will be considered the same as adoption, with all associated rights, from the date of the placement.

All employees who are notified that they have been newly matched (individually or jointly as a couple, regardless of sexual orientation and gender identity) with a child for adoption, or those staff who are intended parents subject to a Parental Order as described above, are entitled to adoption leave totalling 52 weeks regardless of their length of service or numbers of hours worked.

The right to adoption leave is available to one member only of a couple jointly adopting, or one of the intended parents subject to a surrogacy Parental Order. It is up to the adoptive/intended parents to decide which of

them takes this leave. Employees who are going to be the secondary carer will have an entitlement to ordinary and additional paternity/partner's leave. See section 7.

### 4.1 Information on Adoption leave

Adopted leave applies to parents adopting a child or children up to age of 18.

You can take up to 52 weeks which is made up of 39 weeks ordinary adoption leave (OAL) and 13 weeks additional adoption leave (AAL).

Write to your manager and HR Advice Centre (MAPS) Team:

- With your intention to adopt.
- When the child is due to be placed with you.
- When you want your leave to start. You can choose to start your leave either from date of the child's placement or from a fixed date, which can be up to 14 days before the expected date of placement.
- For surrogacy arrangements adoption leave and pay will start from the day of birth, or day after the birth. You should notify the MAPS Team and your manager of the expected week of childbirth and that you are eligible and intend to apply for a Parental Order. Notice should be given by the end of the 15th week before the baby is due.
- You can change your mind about the date on which you want your leave to start but you must give your manager 28 days' notice and notify the HR Advice Centre (MAPS) Team (Use Form SC4 BCC)
- Provide original documentary evidence as proof of your entitlement to adoption leave. The adoption agency will be able to provide you with a matching certificate. If you are adopting a child from overseas you must be able to provide official notification.

### 4.2 Time off to attend Adoption Appointments

Eligible employees and agency workers with 12 weeks service are entitled to paid time off to attend all mandatory adoption

appointments, including training:

- If a couple is adopting a child jointly then paid time-off to attend mandatory adoption appointments apply to both the primary and secondary adopter. This is because they are both required to attend mandatory appointments and training to complete the adoption process.
- You will be asked to produce evidence of appointments by your manager.

The intended parents in a surrogacy arrangement who are eligible and intend to apply for a Parental Order are entitled to paid time off to accompany the surrogate mother to up to two antenatal appointments.

#### 4.3 Am I entitled to paid adoptive leave?

To be eligible for paid adoptive leave you must have weekly earnings of not less than the lower earnings limit for the payment of National Insurance. If you do not qualify for paid adoptive leave you may be able to seek financial support from other sources. Further information is available from the Department for Work and Pensions.

#### 4.4 How much Adoption pay will I get?

Adoption pay is broken down into two elements, occupational and statutory. Please refer to HR Advice Centre (MAPS) Team for details of your entitlement.

##### 4.4.1 Occupational Adoption pay (OAP)

- Have provided the manager with evidence of the adoption and have been matched to a child by the adoption agency
- For surrogacy, employees should confirm they have applied, or be intending to apply for a Parental Order.
- Have stopped working to go on adoption leave

| First 6 wks           | Next 12 wks   |  | Next 21 wks   | Remaining 13 wks |
|-----------------------|---|--|---|------------------|
| 90% of basic earnings | Up to 50% of basic earnings, plus Statutory Adoptive Pay (SAP) can be paid if the qualifying conditions are met |  | Basic rate SAP or 90% of your average weekly earnings if this is less | Unpaid           |

It can start from the date of the child's placement or up to 14 days before the expected date of the placement.

##### 4.4.2 Statutory Adoption Pay (SAP)

To qualify for SAP you must:

- Have provided your manager with evidence of the adoption and have been matched to a child by the adoption agency
- Have been employed without a break for at least 26 weeks up to and including the week the adoption agency told you that you had been matched with a child for adoption
- Earn at least £123 a week (before tax) in an 8-week period - the 'relevant period' (2023/24)

| First 39 weeks  | Remaining 13 weeks |
|---|--------------------|
| Basic rate SAP or 90 per cent of your average weekly earnings if this is less | Unpaid             |

It can start from the date of the child's placement or up to 14 days before the expected date of the placement.

##### 4.5 I have found a new job or I am in custody

If any time during your adoption leave you commence work for another employer or you are in legal custody you must inform your manager and HR Advice Centre (MAPS) Team. No further payment will be paid.

#### 4.6 What happens to my pension?

If you are a member of the LGPS the 39-week paid adoptive leave will count as pensionable service. This means that deductions will be made from all adoptive pay received from the Council during the first 39 weeks. As with maternity leave you can elect to pay contributions for the unpaid period of adoptive leave when you return to work.

#### 4.7 What about the secondary carer / my partner?

Employees who are going to be the secondary carer will have an entitlement to ordinary & additional paternity/partner's leave. This includes all partners regardless of sexual orientation and gender identity. See Section 7.

#### 4.8 What if the adoption is delayed or disrupted?

You must be sure that the placement is going ahead if you are starting adoption leave before the actual date of placement, as you cannot stop the leave and start again if there are any delays. Where adoption is disrupted, adoption leave and pay will end 8 weeks after the event in question. This may be one of the following:

- The death of the child
- Ending of the placement
- The placement not going ahead

#### 4.9 What about returning to work?

You will have received an acknowledgement from the HR Advice Centre (MAPS) Team setting out the date you are expected to return if you take your full entitlement to adoption leave.

If it is your intention to return to work at the end of your full adoption leave entitlement (52 weeks) you do not have to give any further notification but you should confirm with the HR Advice Centre (MAPS) Team, your return to work date at least 28 days before this date.

If you are returning to work before the end of your adoption leave period you must give your manager 8 weeks' notice of the date you intend to return. If you do not give this notice, your manager may postpone the date of your return.

## 5 Maternity and Adoption rights

### 5.1 Annual leave

When you are on maternity leave or adoption leave you accrue an annual leave entitlement during the period of your paid and unpaid leave. You are advised to take any annual leave accrued from the start of your leave year to the date of your maternity or adoption leave before going on your maternity or adoption leave. You are advised to discuss with your line manager when you will be taking annual leave accrued during your maternity or adoption leave. Accrued annual leave can be carried forward from one leave year to another if it has not been possible to take this within the leave year in question.

Employees continue to accrue an entitlement for paid bank holiday's during Maternity/Adoption leave in the same way that they would if not absent. Any untaken bank holidays accrued within the maternity/adoption leave period should be added to their leave upon return to work.

### 5.2 Sickness absence at the end of your maternity leave or absence

If you are ill and cannot return to work at the end of your maternity or adoption leave you must inform your manager immediately. The provisions of the Managing Attendance Policy will then apply.

### 5.3 Your right to return

Providing you have a current contract of employment at the date when you would like to return to work and you have completed the compulsory period of maternity or adoption leave, your right to return is as follows;

- i) If you return within 26 weeks of maternity/adoption leave, you have the right to return to the same job as that which you were employed to do before you went on maternity leave, on the same terms and conditions as if you had not been absent.
- ii) If you return after 26 weeks of your maternity/adoption leave, you have the right to return to the same job as that which you were employed to do before you went on maternity

leave. However, if it is not reasonably practical for your manager to allow you to return to the same job, you will be offered a suitable and appropriate job, not necessarily at the same location on terms and conditions no less favourable than if you had not taken maternity leave.

Consideration will be given to ensure that your working location does not change to cause you a unreasonable detriment.

If you are at risk of redundancy whilst on maternity leave, you must be offered a suitable alternative vacancy where one exists. There is no requirement for you to compete for a role, although an exploratory meeting can be undertaken if you agree to it. If you do not agree to an exploratory interview, you should be directly appointed to the post in question. This right is subject to you complying with the appropriate provisions on notifying your line manager of your intention to return.

#### **5.4 Employees resigning during maternity or adoption leave**

If you have advised that you intend to return to work and then decide while on maternity or adoption leave that you do not want to come back, you should write to the HR Advice Centre (MAPS) Team and your manager to formally resign in accordance with the terms of your contract. If the notice period will expire after your maternity leave has ended, your manager can require you to return to work for the remainder of your notice period. Your resignation will take effect from the date we receive your letter. Payroll will need to have written confirmation of your resignation so that they can issue you with your P45.

#### **5.5 Contact from your manager whilst on maternity leave and 'Keeping in touch' days**

Your manager is entitled to make reasonable contact with you (and you with them) whilst on maternity or adoption leave without this being treated as work. The purposes of such contact would be for such things as informing you about workplace developments, vacancies which will be advertised and clarifying return to work arrangements. The frequency and

nature of reasonable contact will depend upon things like; the nature of the work and your job, any agreement that you may have reached with your manager before you went on leave and whether you, or your manager need to communicate important information to the other, such as changes in the workplace that might affect you upon your return.

In addition to this, 'keeping-in-touch' (KIT) days enable you to agree with your manager to undertake work for up to 10 days during your statutory maternity or adoption leave period without

- i) bringing the period of maternity or adoption leave to an end and;
- ii) without the loss of a week's statutory maternity or adoption pay as a result of carrying out that work.

You can choose to work fewer hours than normal on a KIT day. However, it will still count as one of your 10 KIT days and you will be paid for the hours that you work

KIT days may only be worked if both you, and your manager agree in advance what work will be undertaken and the duration of any such work. For these purposes, 'work' may include training or any other agreed activity undertaken to support your return to work. This could include attending conferences, appraisals or team meetings. The opportunity to work 'keeping in touch' days will apply to the entire period of ordinary and additional maternity or adoption leave, except during the initial 2 weeks after childbirth, which is a period of compulsory maternity leave during which you are prohibited from working. You will be responsible for any childcare costs arising from working keeping in touch days.

**Related guidance and associated paperwork on these methods can be found on the [Source](#).**

## 6 Job Share and other forms of Flexible Working

### 6.1 Working on a Flexible basis

Flexible working is an option that a parent or carer may wish to consider. All employees have a statutory right to apply for flexible working and you can apply under the [Flexible Working Policy](#).

### 6.2 What do I do?

If you take a career break immediately after maternity leave and then become pregnant again during the career break, occupational maternity pay cannot be claimed unless you return to work between the career break and your next maternity leave for a minimum period of three months. This is separate to parental leave.

**6.3 Existing temporary Flexible Working arrangements** will be suspended during the maternity leave period. On return the employee can then return on these arrangements for the remaining period of the original arrangements.

## 7 Paternity/Partner's Leave & Paternity/Partner's Adoption Leave

Partners or fathers are entitled to 10 days ordinary paternity/partner's leave.

### 7.1 Ordinary Paternity/Partner's Leave

#### Who does it apply to?

- Partners of mothers expecting a child
- Primary carers for expectant mothers
- Partners of a person adopting a child (see note 1)
- This includes all partners regardless of sexual orientation and gender identity.

#### How long?

10 days during the 12 months following the birth or date of placement, this may be taken a single block or two separate one-week

periods.

#### Who must I tell in writing?

Your manager and HR Advice Centre (MAPS) Team

#### What must I tell them?

- When the baby is due
- How long you intend to take
- When you want the leave to start
- A completed self certificate form SC3 BCC

#### When must I tell them?

- You should notify your manager and MAPS Team of your entitlement at least 15 weeks before the baby is due.
- Notice of the actual dates should be given four weeks in advance of the intended dates of each leave period.
- For adoption - Within 7 days of being notified by your adoption agency that you have been matched with a child, unless this is not reasonably practicable (see note 2)

**Note 1:** This leave is not available in circumstances where a child is not newly matched for adoption, for example when a stepparent is adopting a partner's children.

**Note 2:** In both cases you can change your mind about the date on which you want your leave to start or how many days you require but you must give your manager and MAPS team 28 days notice, unless this is not reasonably practicable.

[Form SC4 BCC - Paternity/Partner's Leave - Request following the placement of a child](#)

### 7.2 How much will I be paid?

First 10 working days is at full basic pay.



## 8 Fostering Leave

### 8.1 What is Fostering leave

As a Fostering Friendly Employer, we understand that foster carers who do other work in addition to fostering need some flexibility in their working arrangements in order to meet the needs of their fostered child.

Bristol City Council values and will support employees fostering children by giving paid time off in any 12-month period of up to 5 days paid leave and 15 days unpaid leave (pro rata for part timers). This is to attend training or meetings during the fostering assessment and approval process and at the start of a long term foster placement.

### 8.2 Eligibility

The Council's fostering provisions apply to all employees who have contracts of employment. You will need to produce evidence of the fostering assessment and/or approval process.

Special Guardianship Orders will be treated as fostering, with all associated entitlements. Where formal adoption is subsequently confirmed, adoption leave and associated entitlements will be granted to eligible employees

### 8.3 Notice arrangements

Employees must give a minimum of 7 days' notice for fostering leave periods of 1 week or less. For periods in excess of 1 week, 21 days' notice is required. Notice must be given in writing to the line manager. In special circumstances fostering leave may be granted without the required notice at the manager's discretion.

## 9 Parental Leave

### 9.1 What is Parental Leave

The right to unpaid Parental Leave applies from the first day of employment to all employees with parental responsibilities such as birth and adoptive parents, foster parents, adoptive parents prior to placement, grandparents with a significant parenting role and stepparents.

Up to a total of 18 weeks can be taken for each child born or adopted until their 18<sup>th</sup> birthday. It can be taken in patterns (whole days), which provide a part-time reduced hours working arrangement for a period, equivalent to taking 18 weeks leave unpaid leave. The entitlement is pro rata for part-time workers. In the case of twins or multiple births, 18 weeks leave can be taken for each child.

### 9.2 Notice arrangements

Employees must give a minimum of 7 days' notice for parental leave periods of 1 week or less. For periods in excess of 1 week, 21 days' notice is required. Notice must be given in writing to the line manager. In special circumstances parental leave may be granted without the required notice at the manager's discretion. For emergencies see section 13.

### 9.3 Postponement

Parental leave may be postponed by the manager if business needs will be unduly disrupted, but not for any longer than 3 months. Postponement should be avoided if at all possible. Where it is necessary, efforts should be made to agree on an alternative arrangement. These might include:

- A different pattern of leave
- A shorter or longer period of leave
- Alternative dates within the 3-month period.

Reasons for the postponement must be supplied in writing to the employee within 7 days of their request. Postponement cannot be used in the following circumstances:



- Following maternity leave
- Following leave around the birth of a child.
- At the time of adoption.

#### 9.4 Pension Implications

Employees should be aware of the pension implications of taking parental Leave. Contributions must be paid for the first 30 days, for any leave taken in excess of 30 days employees are advised that they can pay arrears contributions.

#### 9.5 Sickness

Employees who become sick during a period of parental leave and provide the relevant notification are entitled to pay under the sickness scheme and the period will not count towards their parental leave entitlement.

#### 9.6 Return to work

Employees returning to work after a period of parental leave of 4 weeks or less, have the right to return to the same job.

For periods of parental leave lasting longer than 4 weeks, or where parental leave has been added to other statutory leave (e.g. maternity leave, paternity/partners leave) employees have the right to return to the same job or a suitable alternative if it is not reasonably practicable to return to the same job.

Employees at risk of redundancy whilst on parental leave will be treated in accordance with the Managing Change policy. The Council will endeavor to meet individual requirements for training whilst on parental leave and where requested to attend training, employees will be paid.

#### 9.7 Record-Keeping

The Council can make any enquiries of a previous employer or seek a declaration from an employee about how much parental leave they have taken. Line managers should keep records of the amount of parental leave taken by every employee and pass this information to any other Directorate where the employee is transferred, redeployed or promoted.

#### 9.8 Do employees denied parental leave have any rights?

Employees have the right to appeal against the decision made by their manager through the employee grievance procedure. An employee who takes parental leave is also protected from victimisation, including dismissal, for taking it. Please refer to the Grievance procedure for further information.

[Parental Leave Request Form](#)

## 10 Contact Scheme

### Introduction

This scheme is designed to make it easier for employees to combine their home, childcare and career responsibilities. However, the Council realises that some employees will prefer to stop working altogether while their children are young. It offers employees a formal means of maintaining contact with the council so that they can keep up to date with developments in the Council and in their former work area, making it easier to resume work in the future.

### 10.2 Who is eligible to take part in the Contact Scheme?

The Contact Scheme has been devised for employees, whatever their job, who opt to become the primary carer immediately after the birth of a baby or adoption of a child but think they may want to work again at some future date. Employees can access this scheme within 15 months of the birth or adoption of the child as long as they are the primary carers. The primary carer is defined as someone who:

- Has or expects to have primary responsibility for the child's upbringing
- And are the biological mother or father, or adoptive parents, or the mother's spouse or partner (regardless of sexual orientation and gender identity).
- This scheme may also be accessed if a career break is taken immediately after maternity leave on the basis that the time

on the scheme stems from the birth of the baby.

### **10.3 How does the scheme operate?**

The HR Advice Centre (MAPS) Team coordinates the Scheme and it is for managers to organise and facilitate placements.

- You will be required to return to the Council for two weeks each year, based on your contractual hours of work, (these can be taken together or separately) to undertake a work placement and/or refresher training, if appropriate;
- The service area will provide appropriate refresher training, or organise suitable work placements for you at the same or similar level of responsibility prior to your going on the Contact Scheme. The service area will ensure that you have sufficient notice in order to make childcare arrangements. Childcare costs incurred through registered childcare provision will be met during your placement (receipts will be required).

Work placements will be within your previous department. During the two weeks you will be paid at the same rate of pay (pro rata) that you were receiving when you left the Council, adjusted in line with national pay awards and re-grading if appropriate. Unless there are exceptional circumstances, you will be expected to undertake your first refresher period within 15 months of your entry on to the scheme.

The service area will pay your salary and expenses for the duration of your placement.

If you are in a professional field, we strongly recommend that you maintain your membership of professional bodies and continue receiving professional journals.

### **10.4 How long can I remain on the Contact Scheme?**

You may remain on the Contact Scheme for a period of 8 years from the time you resign from maternity leave/career break. Please note that when you resign you are

terminating your employment. If you return to work with the Council within 8 years your service prior to the career breaks will count towards sickness, maternity and annual leave entitlements. However, only service accrued since your return to work will be taken into consideration for the calculation of redundancy payments and length of notice period.

All vacancies are advertised in line with Council's Recruitment and Selection policy and all appointments will be made solely on the basis of merit. Therefore, you will not receive preferential consideration for jobs.

## 11 Tax-Free Childcare

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For information on tax-free childcare visit the government's gov.uk website.

## 12 Emergency Care Leave

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Everyone has to cope with emergencies from time to time. As a parent or carer you may be more likely to have sudden emergencies to deal with. For an urgent and unplanned emergency, employees who have responsibility for children up to the age of 16 or a dependant adult who normally relies on the employee for care are entitled to take up to 6 days (44.4 hours) paid leave each year (pro rata hours for part-time employees). This enables carers to make alternative and longer term care arrangements.

This applies to all employees who are the **primary** carers of children up to age of 16 or dependent adults.

### What for?

To attend to emergencies (unforeseen events that the primary carer has to deal with) for example - to provide assistance or make arrangements for care when a dependant falls ill, unexpectedly gives birth or is injured or assaulted.

To attend to issues relating to the death of a dependant. This can be in addition to compassionate leave in certain circumstances.

To deal with unexpected disruption or termination of arrangements for the care of a dependant.

To deal with an unexpected incident which involves a dependant child and which occurs during the school day or whilst on a school trip.

### Who must I tell and when?

Your manager before 10.00am or as soon as reasonably practicable on the first day that you take the leave. For absences, which exceed three days, you must send them a

doctor's statement with the reason for the dependant's need for personal care.

**Note 1:** The leave can only be taken when the unforeseen event occurs. You will be entitled to reasonable paid time off to deal with the emergency incident. In most cases one or two days will be the most that are needed to deal with the immediate care issues and deal with longer term care arrangements if needed. If the situation is ongoing you must take annual leave, flexitime or ask for unpaid leave.

**Associated paperwork can be found on the [Source](#).**

Please see also the [Leave Policy](#).

## 13 Shared Parental Leave

Shared parental leave (SPL) enables eligible parents to choose how to share time off work after their child is born or adopted. Following a minimum compulsory two weeks maternity/adoption leave immediately after the birth or adoption a mother or primary adopter can chose to bring their maternity/adoption leave to an end and share any remaining entitlement with their partner. This policy sets out the rights and responsibilities of employees who wish to take SPL.

All eligible employees have a statutory right to take SPL and there may also be an entitlement to Shared Parental Pay (ShPP). The council has agreed to enhance statutory ShPP in line with our current occupational maternity and adoption pay. This is called Occupational Shared Parental Pay (OShPP) and will be paid during weeks 7 to 18 starting from the maternity leave start date subject to clear notification of all requested blocks of SPL being given and agreed within the timescales required and before the first period of SPL is taken. Please note that OShPP is only available when the curtailment date is known because this date is used to calculate the SPL and ShPP entitlements.

### 13.1 Eligibility for SPL

SPL can only be used by two people:

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

Please note:

- The mother can share their leave with one other person only.
- Paternity Leave must be taken before Shared Parental Leave.

To qualify for SPL and ShPP/OShPP both parents must expect to share the main responsibility for the care of the child at the

time of birth/placement and have to meet the requirements of two tests:

#### Continuity of employment test

They must have worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due/placement date and is still working for the employer at the start of each leave period.

#### Employment earnings test

In the 66 weeks leading up to the baby's expected due/placement date, they must have worked for at least 26 weeks and earned an average of £30 (as of 2015) a week in any 13 weeks.

Additionally, an employee seeking to take SPL must satisfy each one of the following:

- the mother/primary adopter of the child must be entitled to statutory maternity/adoption leave in respect of the child and must have ended or given notice to reduce any maternity/adoption entitlements
- comply with the notice requirements to the council relating to entitlement to SPL

### 13.2 Shared Parental Leave Entitlement

The maximum amount of SPL available to a mother/primary adopter and their partner is 50 weeks. This is because the mother/primary adopter is required to take at least 2 weeks compulsory maternity/adoption leave after the birth or adoption. To calculate the actual amount of SPL available, any weeks of maternity/adoption leave taken must be deducted from the full entitlement of 52 weeks.

The father/partner can take SPL immediately after the birth/placement of the child but may first choose to use up any paternity leave entitlements as these cannot be taken once they have taken any SPL.

Where a mother/primary adopter gives notice to curtail their maternity/adoption entitlement then the mother/primary adopter's partner can take leave while the mother/primary adopter is still using their maternity/adoption entitlements.

SPL must end no later than one year after the birth/placement of the child.

### 13.3 Applying for Shared Parental Leave

Employees considering taking SPL are encouraged to have an informal discussion with their line manager as early as possible to talk about their entitlement and potential leave plans. All the notification requirements detailed here must first be agreed by an employee's line manager before sending the appropriate forms to the HR Advice Centre MAPS team. Although there are three stages detailed below, in practice it is likely that these will be completed at the same time.

- i) Before SPL can begin the mother/primary adopter must have ended or given notice to reduce ('curtail') any maternity/adoption entitlements. For employees of the council this is done by completing the form Curtailment of Maternity/Adoption Leave (SPL1-2). The completed form must be signed by the employee and their manager before being sent to the HR Advice Centre MAPS team at least 8 weeks prior to the start of SPL, preferably together with the Notification of Entitlement and Intention to Take Leave form and Notice to Take Leave form detailed below.

A father/partner employed by the council who wants to share leave with their partner (the mother/primary adopter) who is employed by another organisation will need to obtain a copy of the mother/primary adopters Curtailment of Maternity Notification. This should be sent to the HR Advice Centre MAPS team, together with their own Notification of Entitlement and Intention to Take Leave form and Notice to Take Leave form, at least 8 weeks prior to the start of SPL.

#### ii) Notification of entitlement

Notification of entitlement to SPL by both partners must be established prior to giving notice to take leave.

All employees of the council who wish to take SPL must provide their manager and the HR Advice Centre MAPS team with the correct notification of their entitlement and intention to take SPL at least 8 weeks before they take it. This must be done using the Notification of Entitlement and Intention to Take Leave (SPL1-2) which requires the following:

- The name of the employee
- The name of the other parent
- The start and end dates of any maternity/adoption leave or pay taken in respect of the child and the total amount of SPL available
- The date on which the child is expected to be born and the actual date of birth (if known) or, in the case of adoption, the date on which the employee was notified of a match and the date of placement (if known)
- The amount of SPL the employee intends to take
- A non-binding indication of when the employee expects to take the leave.
- That they meet or will meet the eligibility criteria
- That the information they have given is accurate
- If they are not the mother/primary adopter that they are the father of the child or partner of the mother/primary adopter
- That should they cease to be eligible they will immediately inform their line manager

#### iii) Notice to take leave

Employees have a statutory right to submit three notifications specifying the leave periods they are intending to take.



When leave has been agreed with the manager these must be submitted to the HR Advice Centre MAPS team using the Period of Leave notification form (SPL3) at least 8 weeks before the start of the leave. Each notification may contain either:

- a) a single period of weeks of leave (continuous leave); or
- b) two or more weeks of discontinuous leave, where they intend to return to work between periods of leave.

SPL must be taken in complete weeks but can begin on any day of the week. If employees return to work between periods of SPL, the next period of SPL can start on any day of the week.

**Continuous Leave Notifications:** A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave, for example, six weeks in a row. Employers cannot refuse a continuous leave notification.

Employees have the right to take a continuous block of leave notified in a single notification, as long as it does not exceed the total number of weeks of SPL available (specified in the notice of entitlement) and they have given at least eight weeks' notice.

Employees can submit up to three separate notifications for continuous periods of leave.

**Discontinuous leave notification:** A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where employees can return to work. For example, they could take a total of six weeks SPL and work every other week for a period of three months.

When an employee requests a pattern of discontinuous leave their manager can do one of the following:

- Agree the pattern of leave
- Propose an alternative pattern of leave, which the employee does not have to take but they may decide to agree with it
- Refuse the pattern of leave and require it to be taken in a single block – in which case it becomes continuous leave.

If there is concern over accommodating an employee's request, they and their manager should arrange a meeting to discuss it within 2 weeks with a view to agreeing an arrangement that meets the needs of both. All requests for discontinuous leave will be dealt with on a case by case basis. Employees will be informed in writing by their line manager of the decision as soon as possible and no later than the 14th day after the leave notification was made.

Employees may withdraw the notice at any time up to and including the 15th day of making the request. If no agreement can be reached during this time they will be required to take the leave in a continuous block.

### 13.4 Variations to SPL arrangements

Employees are permitted to vary or cancel an agreed and booked period of SPL, providing it is agreed with their manager. If agreed, employees must advise the HR Advice Centre MAPS team at least eight weeks before the date of any variation using the Variation of Shared Parental Leave form (SPL3).

Any new start date cannot be sooner than eight weeks from the date of the variation request.

Employees should be aware that where subsequent changes are requested this could affect their entitlement to OShPP. If agreed these will be paid at the statutory rate only.



This is to encourage early discussion and agreement between managers and employees to enable the management of planned absences.

Any variation or cancellation notification made by an employee, including notice to return to work early, will usually count as a new notification reducing their right to book/vary leave by one.

Notifications are not deducted from an employee's notification entitlement, and eligibility to OsHPP will not be affected, in the following circumstances:

- Their child is born early or other unforeseeable complications arise following birth or adoption
- The manager requests a change and the employee agrees.

The HR Advice Centre MAPS team will confirm any variation in writing.

### 13.5 Examples of SPL arrangements

- The mother could take the first eight months, with the partner taking the remaining months.
- The mother could return to work for a period in the middle of the 52 week leave period with the partner looking after the child during that time.
- The parents could both stay at home together with the child for up to six months (minus any maternity leave taken).
- One or both parents could take a discontinuous pattern of leave, for example taking leave for four weeks, then returning to work for four weeks, then taking leave for 4 weeks and so on.

### 13.6 Statutory Shared Parental Pay

The number of weeks Shared Parental Pay (ShPP) potentially available is 39 weeks, however, given that the mother/primary

adopter must take a minimum of 2 weeks compulsory maternity/adoption leave, this leaves up to 37 weeks which can be paid as ShPP. The actual number of weeks available will depend on the amount by which the mother/primary adopter reduces their maternity adoption pay period.

ShPP will be paid at a rate set by the government for the relevant tax year. The council has agreed to enhance statutory ShPP in line with our current occupational maternity and adoption pay. This is called Occupational Shared Parental Pay (OShPP) and will be paid during weeks 7 to 18 starting from the maternity leave start date, subject to clear notification of all requested blocks of SPL being given and agreed within the required timescales and at the start of the first period of leave.

**Week 1 to 6:** Statutory Shared Parental Pay\*

**Week 7 to 18:** up to 50% of basic earnings plus statutory ShPP

**Week 19 to 39:** Statutory ShPP

*\*Higher rate Statutory Maternity Pay at the rate of 90% of basic earnings is paid to the mother/primary adopter during weeks 1 – 6 of maternity leave (unless they curtail their maternity leave for this period). Statutory Shared Parental Pay is paid at an equivalent to the lower rate of statutory maternity pay during weeks 1 – 6 and employees should take this into account when considering their decision about SPL.*

OShPP will not be 'carried over' to another next block of leave where employees return to work for a period of time during their leave. For example, if an employee takes weeks 1 to 6 from the maternity leave start date as SPL or ML, then returns to work during weeks 7 to 18 before going back on SPL in week 18, they will be paid statutory ShPP for the remainder of their ShPP period.

### 13.7 Shared Parental Leave in Touch (SPLIT) days

Employees can agree to work for the council (or attend training) for up to 20 days during SPL. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. They are in addition to the 10 keeping in touch (KIT) days available to the mother or primary adopter during maternity or adoption leave. Employees are not required to take up these SPLIT days, any work undertaken is a matter for agreement between the employee and their manager.

Any work carried out on a day or part of a day shall constitute a day's work for these purposes, but employees will be paid only for the time worked.

Employees may, with the agreement of their manager, use SPLIT days to work part of a week during SPL. SPLIT days can be used for a gradual return to work by the employee towards the end of a long period of SPL or to trial a flexible working pattern.

### 13.8 Annual leave during SPL

Employees will continue to accrue annual leave while on SPL. This includes public holiday entitlement. Annual leave should be taken in the leave year it accrues.

### 13.9 Returning to work after SPL

Employees who return within 26 weeks of SPL have the right to return to the same job they had before they went on SPL, on the same terms and conditions as if they had not been absent. If they return after 26 weeks of SPL they have the right to return to the same job they had before they went on SPL. However, if it is not reasonably practicable for them to be offered this job, they must be offered a suitable and appropriate job on terms and conditions no less favourable.

### 13.10 SPL in surrogacy

Surrogate parents who meet the criteria to apply for a parental order will also be eligible for shared parental leave and pay subject to meeting the eligibility requirements.

## 14 Further Information

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We hope that this scheme has answered most of the questions you might want to ask. However, depending on your own circumstances you may need more detailed information on some points or have particular issues you would like to raise. In this case please contact the HR Advice Centre (MAPS) Team.

**Associated paperwork, related policies and guidance can be found on the [Source](#).**





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The audience of this document is made aware that a physical copy may not be the latest available version.

The latest version, which supersedes all previous versions, is available on The Source.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

#### History of most recent policy changes:

| Version | Date             | Change  |
|---------|------------------|---|
| V1.09   | 12 December 2024 | Clarifications regarding surrogacy  |
| V1.08   | 15 October 2024  | Simplified section on Flexible Working  |
| V1.07   | 13 March 2024    | Update to Paternity Leave entitlements, clarification on sickness                               |
| V1.06   | 30 August 2023   | Corrections and clarifications  |
| V1.05   | 27 Feb 2023      | Emergency Carer Leave in hours included; CVS/HVS amended to reference tax-free childcare gov.uk |
| V1.04   | 16 January 2022  | Updated process for Contact Scheme  |
| V1.03   | 30 May 2022      | Inserted guidance on Special Guardianship Orders  |
| V1.02   | 15 February 2022 | Updated SC4 form link   |
| V1.01   | 14 January 2022  | Clarification on Parental Leave entitlement   |
| V1.00   | 13 October 2021  | Merger of Maternity and Caring Employees and Shared Parental Leave Policies                     |

