

Family Leave Policy

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We understand the need for time off to manage family/parental commitments and comply with or exceed statutory requirements.

We also recognise and value the contribution that foster carers and kinship carers make to the lives of children and young people in care and understand that they may need some flexibility in their working arrangements to support fostering.

Family leave is available to everyone within the Council whether you have a permanent or temporary contract and irrespective of your work pattern, as long as you meet the requirements for the specific leave you are applying for.

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Any requests for leave in respect of IVF will be considered under the Council's policies on [flexible working](#) or [special leave](#).

Definitions

SMP – Statutory maternity pay

SAP – Statutory adoption pay

OMP – Occupational maternity pay

OAP - Occupational adoption pay

(EWC) - Expected week of childbirth is the period of seven days in which the childbirth is expected to take place.

SPP - Statutory paternity pay

ShPP - Shared parental pay

SNCP – Statutory neonatal care pay

Maternity Leave Entitlement

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

You must take compulsory maternity leave of 2 weeks starting on the day your baby is born.

Health and safety

Once you confirm to your manager that you are pregnant, they will carry out a [risk assessment](#) to identify any risks that could affect your health and safety at work. Managers guidance is available from the HSE for [Protecting new and expectant mothers at work](#).

You may also wish to look at HSE guidance - [new and expectant mothers at work: your health and safety](#).

The assessment will also apply if you have recently given birth or are breastfeeding. There is a separate [Breastfeeding Policy](#) in place and you should refer to this for further information.

You and your manager should avoid any risks and should consider other ways of working if necessary. This can be through adjusting hours, conditions or temporary redeployment. Your manager should always discuss this with the Service HR Business Partner before speaking to you. Any changes should only be made following a full consultation with you. You should be given the opportunity to have Trade Union or colleague representation at any discussion.

Ante-natal care

You will be allowed reasonable time off with pay for ante-natal care including parentcraft classes and dental appointments. Your manager might need to see

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evidence of the appointments. Where possible, these appointments should be arranged outwith working hours or to suit your service.

Fathers or partners of pregnant women are entitled to time off to attend two ante-natal appointments with the expectant mother. This time off is unpaid and time off on each occasion is a maximum of six and a half hours. Your manager might need to see evidence of the appointment and, if required, evidence that you are:

- The baby's father or
- The expectant mother's spouse, her civil partner, or partner (of any sex) in a continuing relationship or
- Intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.

You can find out more on how to apply in [Maternity, Adoption and Surrogacy Leave Guidance](#).

Adoption & Surrogacy Leave Entitlement

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.

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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.

You can find out more on how to apply in [Maternity, Adoption and Surrogacy Leave Guidance](#).

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 will 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.

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

If you are 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.

You must also:

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

More information can be found in [Neonatal Leave Guidance \(link to be inserted\)](#).

Payments for Maternity, Adoption & Surrogacy Leave

Payments made for maternity, adoption and surrogacy leave vary depending on your length of service and earnings. Payments are normally made up of Statutory

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Maternity Pay (SMP) and Occupational Maternity Pay (OMP) or Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP).

The term “a weeks pay” for employees whose pay for normal working hours does not vary each week is the amount payable by the Council to the employee under the current contract of employment for working their normal hours in a week.

Where there are no normal working hours, a weeks pay is the average pay in the period of 12 weeks before the date on which the last complete week ended, excluding any week in which no pay was earned.

The table below shows the different levels of entitlement:

Service: If you have	Entitlement: You are	Additional Information
All employee groups: Less than 41 weeks continuous service during your EWC (26 weeks service in the 15 th week before the EWC) or week matching is notified	Entitled to up to 52 weeks unpaid leave Not entitled to payments of SMP/SAP or OMP/OAP from us	Maternity only: You may be entitled to Maternity Allowance (MA). You should submit your application form and Mat B1 form to Human Resources. We will provide you with an SMP1 form when we confirm your entitlement. You should take the SMP1 form to your local Jobcentre or Benefits Agency who will provide you more information on MA.
SJC & Craft: 41 weeks continuous service during your EWC or week matching is notified	Entitled to 39 weeks paid leave plus up to 13 weeks unpaid leave <ul style="list-style-type: none"> • Weeks 1- 6 OMP: Paid at 90% of earnings • Weeks 7 – 18 OMP: Half pay plus SMP • Weeks 19 – 39: SMP only • Weeks 40 – 52: Unpaid 	The half pay element of this payment is given based on you returning to work for a period of 3 months. If you do not return for 3 months after your leave, you will be required to repay the 12 weeks OMP. If you tell us that you do not intend to return to work before you start your leave, payments during weeks 7-39 will be at the current rate of SMP/SAP only.
Teachers: 41 weeks continuous service (including probationary periods) during your EWC or week matching is notified	Entitled to 39 weeks paid leave plus up to 13 weeks unpaid leave <ul style="list-style-type: none"> • Weeks 1 – 13: OMP plus SMP. These payments together will equal normal salary. • Weeks 14-39: SMP only • Weeks 40 – 52: Unpaid 	
All employee groups: 41 weeks continuous service during your EWC or week matching is notified but earnings are below the lower earnings limit for National Insurance	May not be entitled to SMP/SAP from us	If your average weekly earnings are below the current rate of SMP/SAP then we will pay 90% of your weekly earnings for the full 39 weeks

Other than for keeping in touch days, if you return to work before the end of the 52 weeks maternity, adoption or surrogacy leave, you will not be entitled to any balance of maternity, adoption or surrogacy leave or maternity, adoption or surrogacy pay.

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You will receive your normal salary from the date you return to work. If you are a term time worker or in a teaching post, your salary may be adjusted to accommodate your actual working days in the year.

Maternity & Adoption Support Leave

This leave is designed to help support the mother at or around the time of the birth or placement of the child (adoption or surrogacy).

You are entitled to this leave if you are:

- the child's father or
- the mother's partner (including civil partner) or
- a nominated carer or support partner

and

- have 41 weeks continuous service (including probationary periods for teachers) during the EWC or date of 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 provider 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 employees) which can be taken between the 11th week before the EWC and 52 weeks after the birth/placement. The leave may be taken as half working days, full working days or block periods as appropriate.

Notification Requirements

You should request this leave from your manager in the same way you request annual leave on MyView using the Paid Special Leave – Maternity Support Leave option. Your manager will need to see a copy of the MATB1 certificate or matching certificate, confirming the expected date of childbirth/placement. If you are not the father, you will be required to produce a statement from the expectant mother confirming you are the nominated carer/support partner. This will also be the case if the mother is unable to produce a MATB1 certificate.

In the event of a stillbirth, the 5 days' maternity support leave will still be available.

You will be entitled to return to the same job after maternity or adoption support leave.

Paternity Leave

In addition to maternity and adoption support leave described above, if you are a father or partner (of any gender) of an expectant mother or person taking adoption or surrogacy leave and have 41 weeks continuous service during the EWC or date of placement, you are entitled to a further weeks Statutory Paternity Leave.

Paternity leave must be taken as blocks of 1 week.

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Where the EWC/expected date of placement is after 6 April 2024 your Maternity Support Leave and Paternity Leave do not need to run consecutively. The Maternity Support Leave conditions as noted above still apply however the Paternity Support Leave can be taken as a separate block of one week's duration and must be taken within 52 weeks of the actual birth or placement.

Regardless of whether more than one child is placed for adoption or in the case of multiple births there is only 2 weeks leave (maternity support leave/paternity leave) available.

You are entitled to this in circumstances where the child is stillborn after 24 weeks or has died immediately after birth or where the child's mother has died within the period of leave.

Teachers only

Where paternity leave is before and during a period of annual leave or school closure period, the paternity leave comes first and the whole period of annual leave and any unpaid leave follows. If the birth is earlier than the EWC, leave must be taken within the period from the actual date of birth up to 52 weeks after the expected week of birth. For example, if a birth occurs during the October week, the employee would be entitled to take their paternity leave during the school week and then take the leave days they have missed immediately after this.

Payment during paternity leave

You will be paid statutory paternity pay (SPP) or 90% of average weekly earnings if this is less than SPP.

If your average earnings are below the lower earnings limit for national insurance contributions you will not qualify for SPP. In this situation you may obtain information on additional financial support from the Jobcentre or Benefits Agency.

Notification requirements

You must tell your manager and HR about your intention to take paternity leave 4 weeks before each period of leave. In the case of adoption, you must tell us about your intention to take paternity leave within 7 days of you being notified by your adoption agency that you have been matched with a child, unless this is not practical.

You must use the [application form](#) and provide a copy of the Mat B1 or adoption placement paperwork.

You can change the date on which your leave starts by giving 4 weeks notice in writing where this is practical.

You will be entitled to return to the same job after paternity leave.

Shared parental leave (SPL)

Shared parental leave (SPL) is designed to give parents more flexibility in how to share the care of their child in the first year following birth, adoption or surrogacy.

If you are eligible you can share up to 50 weeks leave and up to 37 weeks of pay between both parents during the child's first year. You can decide to be off work at

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the same time and/or take turns to have periods of leave to look after your child. This option applies whether you are the mother/adopter or the partner.

The amount of SPL which an individual is entitled to will depend on when the mother curtails (puts on hold) her maternity/adoption leave period. The first 2 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 SPL until 2 weeks after the birth and the maximum period that the parents could take as SPL is 50 weeks between them (although it will be less than this if the mother/adopter has taken maternity or adoption leave before the birth or adoption placement).

The mother's partner can begin a period of SPL at any time from the date of the child's birth/placement if the correct booking notification has been given.

The partner must ensure that they use up any paternity leave and maternity/adoption support leave prior to taking shared parental leave. If maternity/adoption support leave or paternity leave is not taken before shared parental leave it will be lost.

If you have 2 or more posts with the Council, you are required to take shared leave for all posts. If you are the mother, you are required to curtail your maternity leave for all posts.

Eligibility for shared parental leave
SPL 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

For you to be able to take SPL, **both** parents must meet certain eligibility requirements.

Eligibility for the mother/adopter
The mother/adopter of the child must:

- be entitled to maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance
- have curtailed their entitlement to maternity/adoption leave (or maternity/adoption pay or maternity allowance period) before they have taken their full entitlement
- share the main responsibility for the care of the child with the child's father or their partner
- have been employed by the same employer for 41 continuous weeks during their EWC or date of placement of a child and remain employed by that employer at the start of the week in which shared parental leave is to be taken

An employee who is entitled to SMP or SAP is likely to meet the continuity of employment test for shared parental leave.

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Eligibility for the other parent

The other parent must be the partner of the employee (the mother's/adopter's partner or the child's father – even if the father is not in a relationship with the mother). There is an employment and earnings test which requires that, in the 66 weeks leading up to the EWC (or the date when the adopter is notified of a match):

- they have worked in the UK for at least 26 weeks
- 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.

Eligibility for statutory shared parental pay (ShPP)

For employees to be eligible for ShPP, both parents must meet certain eligibility requirements.

The mother/adopter must:

- have at least 41 weeks continuous service at the the during the EWC or date of placement and remain in continuous employment with their employer until the week before any period of shared parental pay that they get
- also be entitled to statutory maternity pay in respect of the child. The maternity/adoption pay period must be curtailed to enable the partner to take the shared leave.

The partner must:

- have been employed by the Council or another employer or be a self-employed earner during at least 26 of the 66 weeks immediately before the EWC/placement
- have normal weekly earnings for a period of 8 weeks ending with the 15th week before the EWC/placement of at least the lower earnings limit for national insurance contribution purposes
- have, at the date of the child's birth/placement, the main responsibility, apart from the mother, for the care of the child
- be absent from work and intend to care for the child during each week in which they receive ShPP

During SPL, all terms and conditions of your contract, except normal pay, will continue. Salary will be replaced by ShPP if you are eligible for it.

Both parents are responsible for notifying their own employer of their entitlement and intention to take shared parental leave. For example, if the mother is employed by the Council, she should submit her notification to the Council and her partner must submit any notifications to take SPL to their own employer.

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

You can find out more in [How to Apply for Shared Parental Leave \(SPL\)](#).

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General information – terms and conditions (relating to maternity, adoption, surrogacy, neonatal and shared parental leave)

All periods of maternity, adoption/surrogacy, neonatal, paternity, shared parental, parental, maternity support and carer's leave count towards continuous service.

Keeping in touch days (KIT)

You can work up to 10 KIT days (pro rated if you work part time) without bringing your maternity, adoption or surrogacy leave to an end. There is no requirement for you to work during maternity, adoption or surrogacy leave, or for the Council to provide work. However, the option is in place for you and your manager to discuss KIT days. These days do not have to be consecutive and can be used to attend training or other work related activity. You should discuss and agree any KIT days in advance with your manager.

You cannot, in any circumstances, undertake a KIT day within 2 weeks of childbirth.

If you are a member of the Local Government Pension Scheme or the Scottish Teachers Pension Scheme both employee and employer pension contributions would be payable for any KIT days worked.

You will be paid for the actual hours worked on the KIT day which will be inclusive of any maternity/adoption pay you may be in receipt of at the time.

Shared parental leave in touch days (SPLIT)

You can agree to work or to attend training for up to 20 days during SPL without that work bringing the period of your SPL and pay to an end. These are known as shared parental leave in touch (SPLIT) days. Both parents have up to 20 SPLIT days each. These will be in addition to the 10 keeping in touch (KIT) days already available for women on statutory maternity leave. KIT days, if used, must be used before curtailing maternity leave.

We have no right to require employees to carry out any work and employees have no right to undertake any work during their SPL. Any work undertaken on SPLIT days, is entirely a matter for agreement between you and your manager. You will be paid for the actual hours worked on the SPLIT day which will be inclusive of any ShPP you may be in receipt of at the time.

Where you are a member of the Local Government Pension Scheme or Teachers Pension Scheme both employee and employer pension contributions would be payable in respect of any SPLIT days worked.

Returning to the same role

Maternity only:

You cannot, in any circumstances, return to work within 2 weeks of childbirth.

All types of leave (excluding Paternity Leave/Support Leave):

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You must inform Human Resources of your return to work by emailing hrhelpdesk@falkirk.gov.uk

You will be advised of your latest expected return date before going on maternity, adoption or surrogacy leave. If you choose to return to work before this date, you must give 8 weeks notice (SJC & Craft)/ 28 days notice (Teachers) to hrhelpdesk@falkirk.gov.uk to make sure you are paid correctly.

If you change your mind about the agreed return to work date, and wish to return to work earlier or later, you must give hrhelpdesk@falkirk.gov.uk and your manager 8 weeks notice (SJC/Craft)/28 days notice (Teachers) before the previous agreed date and 8 weeks (SJC/Craft)/28 days notice (Teachers) before the new date you wish to return to work.

If you return to work early without giving the appropriate notice, we may postpone your return by up to 21 days to a date no later than the end of the 52 weeks leave period.

You have the right to return to the same job, in the same location as you had before starting maternity/adoption/surrogacy leave except in circumstances outlined below. Any changes to your job or location must be in accordance with the normal consultation procedures, and not in any way related to your maternity/adoption/surrogacy leave.

In exceptional circumstances it may not be practical for the Council to allow you to return to work in your job as described above (such as a restructure) and therefore you will be entitled to be offered a suitable alternative vacancy. Any post offered will be suitable and appropriate to the circumstances, and the capacity and place of employment and terms and conditions of employment will not be substantially less favourable than if you had been able to return to the job in which you were employed before your maternity/adoption/surrogacy leave. You will be consulted as soon as the Council becomes aware of this situation at the same time as any other employees involved in the restructure.

If you are on a temporary contract, you will not have the right to return to work where your contract would have expired during the maternity/adoption/surrogacy leave but will be entitled to all other provisions within the Policy, as long as you meet the eligibility criteria where these are stated.

You may apply for a further period of 4 weeks unpaid leave under the parental leave option immediately after your maternity leave. You should make an application using the information provided on parental leave in this policy.

Failure to return to work

SJC/Craft only - If you do not return to work and have received OMP/OAP or any allowances during your maternity, adoption or surrogacy leave, you will have to repay these, unless you return to work for 3 months. You will not have to repay SMP/SAP.

For the purposes of the 3 month period, the return must be a physical return unless normal sickness absence management procedures are followed and supported by appropriate medical certificates. Periods of authorised annual leave and public holidays will also count towards the 3 month period.

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Termination of placement (adoption only)

Where the placement of a child ends during the adoption period, the adopter will be entitled to remain on adoption leave for up to 8 weeks after the end of the placement. In this circumstance you must tell your manager about this as soon as possible.

Return to work when you have ended employment (maternity only)

If you have ended your employment due to pregnancy or childbirth, but in the unfortunate circumstances that your child does not live immediately after birth, you may be entitled to return to work. There is no right to return to the same post with the same grade and salary. You must provide a doctors statement stating that you are medically fit to return to work and give 8 weeks notice of when you want to return. A redeployment search will be carried out to identify any suitable vacancies.

Reasonable contact

You and your manager should maintain reasonable contact during maternity, adoption or surrogacy leave to discuss your return to work and to keep you informed of other issues, such as workplace developments and training opportunities. This does not count as work or keeping in touch days. This contact will not bring your leave period to an end.

Annual leave – SJC & Craft

Wherever possible, prior to going on maternity, adoption, surrogacy or shared parental leave, any outstanding proportional annual leave should be taken.

You will accrue full annual leave entitlement during the period of maternity, adoption, neonatal, surrogacy or shared parental leave, as long as you return to work as agreed.

Wherever possible, and by mutual agreement, most of the accrued leave should be taken at the end of the maternity, adoption, surrogacy, neonatal or shared parental leave period and if the leave covers two annual leave periods, this will be carried forward.

Public holidays – SJC and Craft

As long as you return to work, a day in lieu of each public holiday will be given for each day which fell during your period of maternity, adoption, surrogacy, neonatal or shared parental leave taken, up to a maximum of 52 weeks (pro-rated to hours worked).

Annual Leave & Public Holidays - Term time

You continue to accrue annual leave whilst on maternity, adoption, surrogacy, neonatal or shared parental leave. Annual leave accrues based on scheduled working days only.

The HR Helpdesk will be your point of contact for this and they will provide advice and guidance. The HR Helpdesk can only work out annual leave once your baby has been born.

Annual leave – Teachers and Associated Professionals

You will accrue annual leave during your maternity, adoption, surrogacy or neonatal leave in line with your national conditions of service. The arrangements for taking your accrued leave are in line with national conditions.

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For teachers and music instructors - once you confirm your return to work date, your accrued leave will be calculated and notified to you. The maximum annual leave per year for a full time teacher is 40 days, and you cannot be given more than this amount. Some of these will be paid as school closure days.

Excess travel costs

Excess travel costs will automatically stop when maternity, adoption, surrogacy or shared parental leave starts.

Pension scheme – SJC and Craft

Employees on maternity, adoption or surrogacy leave, who are members of the Local Government Pension Scheme, will continue to accrue pension during the paid period of leave (up to 39 weeks) and for those taking paid shared parental leave.

No pension contributions will be made by either yourself or the Council during the unpaid period of leave. You will not be able to pay optional contributions to buy back the lost pension during the period of unpaid leave. You will however have the option to buy back this period on your return to work.

If you wish to buy back any unpaid periods of pension you can make a Shared Cost Additional Pension Contribution within 30 days of the end of your maternity leave (not 30 days after any accrued leave is taken). The Council will pay 2/3rds of the cost. Your contribution can be paid as a lump sum or in regular payments over a period of time. If you don't meet this timescale and want to buy back your pension you will be liable for the full cost of both employee and employer contributions.

Please contact payroll (payroll@falkirk.gov.uk) to get the amount of lost pensionable pay. Once you have this you can then input this figure to the online calculator (<http://www.scotlgps2015.org/apc/lost.php>) in order to work out how much pension you have lost and the cost of buying it back. You can then print this form and send it to payroll fully completed to start your repayments.

Pension scheme – Teachers and Associated Professionals

Employees on maternity, adoption or surrogacy leave, who are members of the Scottish Teachers Pension Scheme, will continue to accrue pension during the paid period of leave (up to 39 weeks) and for those taking paid shared parental leave.

Any period of unpaid leave is regarded as non-pensionable, therefore you'll not be eligible to pay scheme contributions during this period - or to cover any 'missed' contributions by paying extra when you return to work. Any pension you have accrued will be preserved and, while on authorised leave, you'll continue to remain covered for death in service benefits.

Flexible benefit schemes

If you are a member of any flexible benefit scheme, for example, childcare vouchers, cycle to work, shared cost additional voluntary contributions (SCAVC) (SJC/Craft only) or purchased annual leave, you should contact the HR Helpdesk on 01324 506222 or hrhelpdesk@falkirk.gov.uk as soon as possible to discuss your payments. More information on your options if you are in the childcare voucher scheme or SCAVC scheme is detailed below.

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Childcare voucher scheme and SCAVC scheme

If you are in the childcare voucher scheme you are required to confirm whether or not you wish to stay in or leave the scheme before maternity, adoption or surrogacy payments are calculated as your pay will be based on your salary after the childcare vouchers salary sacrifice deduction, which will reduce the amount of pay whilst on maternity, adoption surrogacy or shared parental leave.

If you stay in the scheme during maternity, adoption, surrogacy or shared parental leave, you will be responsible for salary sacrifice payments during any period of OMP/OAP.

Salary sacrifice payments cannot be deducted from SMP/SAP or when you are on nil pay. During the SMP/SAP/Nil pay period, HR will arrange for your amount to be reduced to zero and your vouchers will stop.

If you want to restart your childcare vouchers, you will need to do this using your online account on your return to work. You must have a deduction within 12 months of stopping deductions to stay in the scheme.

If you want to restart your SCAVC's, you will need to re-apply using your online account on your return to work.

You must contact the HR Helpdesk **no later** than 28 weeks before starting maternity, adoption, surrogacy or shared parental leave to discuss your options. This allows appropriate calculations of SMP/SAP to be carried out by Payroll within legislative timescales (the 8 week period prior to 15 weeks before the EWC or placement).

No manual adjustments will be made if you decide at a later date to leave the scheme or change your salary sacrifice amount and your SMP/SAP will be calculated at the lower (salary sacrifice) salary.

You should seek advice from any relevant agencies in relation to tax credit implications or ongoing childcare costs before making a decision.

Parental leave

Parental leave is a right for all employees who are registered as the parent or have parental responsibility for the child and who have at least one year's continuous service to take time off work to look after or make arrangements for their child's welfare. Parental leave is unpaid.

The leave is for reasons such as: to spend more time with the child, to accompany a child during a stay in hospital, to check out new schools, to settle a child into new childcare arrangements or to enable the family to spend more time together.

You are entitled to a maximum of 18 weeks per child until the child is 18 years old. The minimum amount of leave to be taken at any time is 1 week, except for parents of a disabled child who can take parental leave in individual days.

The maximum amount of leave to be taken within any leave year is 4 weeks per child. In exceptional circumstances applications exceeding 4 weeks will be considered at the discretion of the Chief Officer.

Family Leave Policy

You are not entitled to parental leave for a child after the date of their 18th birthday.

Notification requirements

You must give a minimum of 21 days' notice of your intention to take a period of parental leave using the [application form](#). If you are not able to give 21 days' notice, you must notify us as soon as possible.

Postponement of leave

The Chief Officer may postpone parental leave for up to 6 months if the absence would disrupt service provision but not in the case of leave required following the birth or adoption of a child.

Notification of postponement arrangements should be issued to you no later than 7 days following your notice to take leave. Your manager should discuss this with HR in the first instance.

Alternative dates for postponed leave should be agreed between yourself and the Chief Officer.

Return to work

You have the right to return to the same job, in the same location as you had before starting parental leave.

Any changes to your job or location must be in accordance with the normal consultation procedures, and not in any way related to your parental leave absence.

Carer's and dependants' leave

We rely on people with personal caring responsibilities for both adults and children to provide our services and accept that there may be the need for these employees to take a break from work or alter their working arrangements to deal with such caring commitments.

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 or
- 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.

Family Leave Policy

Leave provisions

Carer's leave is available to all employees of the Council irrespective of their length of service as covered by the definitions above.

You should request carer's leave from your manager by following the current absence or annual leave notification procedure. All requests for carer's leave should be recorded on MyView.

Unplanned leave (paid)

Unplanned carer's leave is to deal with emergency obligations such as illness, injury or where normal care arrangements break down. This leave should not be used for pre-planned occurrences, for example hospital and dental appointments.

Carer's leave consists of **up to** a maximum of 5 days paid leave (pro-rated for part time) in any one leave year to deal with emergency obligations and may be taken in half days, single days or block periods. When normal care arrangements break down, you will be expected to make alternative arrangements as soon as possible.

For any leave requests in excess of 5 days, you should discuss the reasons for this request in more detail with your manager. Requests for additional leave must be approved by the Chief Officer in consultation with Human Resources. This leave may be paid or unpaid, and, in exceptional circumstances, unpaid leave may be extended (up to a maximum of 3 months) subject to the needs of the Service.

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 you may request annual and flexi leave or for extended periods, and parental leave can be requested for childcare issues. This should be requested using MyView - Unpaid Special Leave.

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 you and alternative options considered.

Where the leave is due to a bereavement, the provisions for compassionate leave or parental bereavement leave will apply.

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

If you are using statutory leave to provide or arrange care for a dependant with a long-term care need, you 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 you wish to take statutory carer's leave, you will need to give notice which must:

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

Family Leave Policy

- specify the days on which you 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, three days.

The notice can relate to all or part of your entitlement and does not need to be in writing. Your manager, may on occasion, be able to waive the notice requirement provided you are otherwise eligible to take carer's leave.

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

- We reasonably consider that the operation of the business would be unduly disrupted if it allowed the leave during the requested period.
- We allow you to take a period of carer's leave of the same duration, within a month of the period initially requested.
- We give you 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.

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.

Family Leave Policy

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.

The staff member should send the leave request to the line manager for authorisation using MyView.

Parental bereavement leave

Parental bereavement leave is designed to give parents additional leave as a means 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 you are eligible to take parental bereavement leave under this regulation as a result of the death of more than one child, you 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, we are flexible on this as we appreciate that the loss of a child is equally as distressing for any parent.

You can take one or two weeks' parental bereavement leave. This is in addition to compassionate leave which is available for up to five days as part of your terms and conditions. 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.

You can take this leave within 56 weeks of the date of the death of your child.

Payment

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

We 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

We do not need you 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 your child's death, you can take the leave straight away. You can begin the leave by letting your line manager or HR know before you would have been due to start work or, if that is not feasible, as soon as possible.

Family Leave Policy

If you wish to take the leave more than 56 days after your child's death, we require you to give one week's notice of your intention to take the leave.

If you wish to cancel your parental bereavement leave you must give us notice before the leave starts of at least one week if it is 56 days after your child's death and no later than the first day your leave was due to start if it is within 56 days of your child's death. You cannot cancel any week of parental bereavement leave if it has already started.

Right to return

If you require a flexible return to work following your parental bereavement leave, you should discuss this with your manager.

You have the right to return to the same job, in the same location as you had before starting parental bereavement leave. Any changes to your job or location must be in accordance with the normal consultation procedures, and not in any way related to your leave.

If you are on a temporary contract, you will not have the right to return to work where your contract would have expired during the leave but will be entitled to all other provisions within the Policy, as long as you meet the eligibility criteria where these are stated.

Right to apply to work flexibly

While legislation provides for employees with caring responsibilities for children and relevant adults to work flexibly all Falkirk Council employees have the right to apply to work flexibly.

You will be required to make your request for flexible working using the [application form](#) and in line with the [Flexible Working Policy](#). We will ensure that full consideration is given to your request and that any reasons for refusal will be provided in writing.

Advice is available from Human Resources to support managers in assessing and responding to requests to work flexibly.

Unpaid leave

Unpaid leave granted under this policy will be treated as unpaid leave of absence for the purposes of holiday and sick pay entitlement and will not affect the calculation of the period of continuous employment. For employees, who are members of the Local Government Pension Scheme, periods of unpaid leave will be treated as follows:

- periods of 31 days or less - pension contributions will be collected automatically from pay on your return to work

Family Leave Policy

- periods of more than 30 days – If you wish to buy back any unpaid periods of pension you can make a Shared Cost Additional Pension Contribution within 30 days of your return to work. The Council will pay 2/3rds of the cost. Your contribution can be paid as a lump sum or in regular payments over a period of time. If you don't meet this timescale and want to buy back your pension you will be liable for the full cost of both employee and employer contributions.

Please contact payroll (payroll@falkirk.gov.uk) to get the amount of lost pensionable pay. Once you have this you can then input this figure to the online calculator (<http://www.scotlgps2015.org/apc/lost.php>) in order to work out how much pension you have lost and the cost of buying it back. You can then print this form and send it to payroll fully completed to start your repayments.

Enquiries about the LGPS should be made to (01324) 506329.