



# Family Leave Policy

Maternity  
Paternity  
Adoption  
Shared Parental Leave  
Neonatal Care Leave

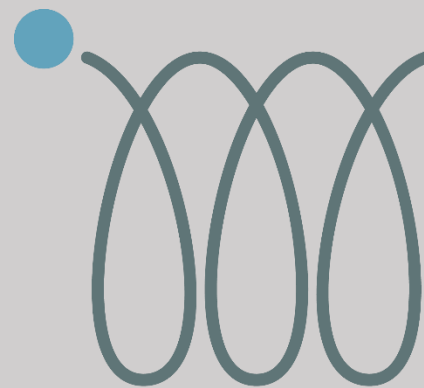
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## 1. Introduction

This policy sets out the entitlements for maternity, paternity and adoption. This policy is **entirely non-contractual** and does not form part of an employee's contract of employment. Throughout this policy, references to "The Company" mean IMG (UK) Holdings Limited, its subsidiary entities, and those companies connected through common ultimate ownership.

The purpose of this policy is to provide staff with information about their entitlement to leave and pay for the birth or adoption of a baby or child. The policy includes information on the qualification requirements for leave and pay in both of these circumstances and provides guidance on the steps staff should take. This policy has been written to comply with legal requirements.

IM Group recognises that, from time to time, employees may have questions or concerns relating to their rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees must ensure they clarify the relevant procedures with the HR department to ensure the procedures are followed correctly.

This policy applies to all employees of I.M Group.

The following abbreviations are used in this policy:

|      |                                    |
|------|------------------------------------|
| SMP  | Statutory Maternity Pay            |
| KIT  | Keep in Touch Days                 |
| SPP  | Statutory Paternity Pay            |
| SAP  | Statutory Adoption Pay             |
| SPL  | Shared Parental Leave              |
| SHPP | Shared Parental Pay                |
| BPPL | Bereaved Partner's Paternity Leave |

## 2. Data Protection

When managing an employee's leave and pay, the Company processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee

informs the Company that they plan to take leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the employee's leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Company's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Company's disciplinary procedure.

## 3. Maternity Leave

### 3.1 Introduction

All pregnant employees, regardless of length of service, have the right in law to take up to 26 weeks' ordinary maternity leave and up to a further 26 weeks' additional maternity leave. The employee is therefore entitled to a total period of 52 weeks' maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

All employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave, except during the first two weeks from the date of childbirth, subject to their following of the correct notification procedures set out below.

### 3.2 Notice Requirements

On becoming pregnant, an employee should notify their line manager as soon as possible. The line manager should then notify the HR department. This is important as there are health and safety considerations for the company.

By the end of the qualifying week which is the 15<sup>th</sup> week before your baby is due, or as soon as reasonably practicable afterwards, the employee is required to inform the company in writing of:

- The fact that the employee is pregnant
- Their expected week of childbirth
- The date on which the employee intends to start maternity leave

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The employee is permitted to bring forward/postpone their maternity leave start date, provided that the employee advises the company in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably possible.

The company will formally respond in writing to the employee's notification of their leave plans within 28 days, confirming the date on which they are expected to return to work if the full 52-week entitlement is taken.

The employee is required to give at least 28 days' notice of the date they want their SMP to begin. If it is not possible for the employee to give 28 days' notice, for example, if the baby arrives early, the employee should tell the company as soon as reasonably possible.

### 3.3 Timing of Maternity Leave

Ordinary maternity leave can start any time after the beginning of the 11<sup>th</sup> week before the employee's expected week of childbirth (unless the child is born prematurely before that date, in which case it will start earlier). Maternity leave will start in whichever date is earlier of:

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

If the employee gives birth before their maternity leave was due to start, they must notify the company in writing of the date of birth as soon as reasonably possible.

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

### 3.4 Time off for Antenatal Care

Once an employee has advised the company that they are pregnant, they will not be unreasonably refused paid time off work to attend antenatal appointments as advised by the doctor, registered midwife or registered health visitor.

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

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

The employee should endeavour to give their line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible. If the appointment finishes during the working day, the employee must return to work.

An individual who has qualifying relationship with the employee, who includes the employee's husband or civil partner and the father of the expected child, is eligible to take unpaid time off to accompany the employee at up to two antenatal appointments. The individual with the qualifying relationship should ask the expecting mothers' employer for more details of the right.

### 3.5 Health and Safety

The company has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding, where the work is of a kind that could involve a risk of harm or danger to their health and safety or that of their baby, and that arises from either processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, the company will provide the employee with information as to any risks identified. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out their normal job duties, the company will take such steps as are reasonably necessary to avoid those risks, such as

altering the employee's working conditions. In some cases, this may mean offering the employees suitable alternative work.

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

## 3.6 Maternity Pay

### 3.6.1 Option 1 – Enhanced Maternity Pay

The company pays employees with the required one year's continuous service at the end of their qualifying week (which is the 15<sup>th</sup> week before the baby is due), their net gross salary (this is defined as gross salary less salary sacrifice pension) during the first thirteen weeks' (3 months) of maternity leave. Should the employee have two years' continuous service at the end of their qualifying week, this would be followed by half pay for the subsequent thirteen weeks' maternity leave. This is then followed by thirteen weeks Statutory Maternity Pay.

*Example:*

1-year continuous service = 3 months full pay + 6 months SMP

2-years continuous service = 3 months full pay + 3 months half pay + 3 months SMP

For the purpose of this policy, continuous service may exclude any period over four weeks where the employee has been absent from work for any reason other than annual leave.

### 3.6.2 Option 2 – Employees entitled only to Statutory Maternity Pay

Employees who have been continuously employed by the company for at least 26 weeks at the end of their qualifying week and are still employed during that week, will also qualify for statutory maternity pay, providing that:

- They are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth)
- They have provided a MAT B1 form stating their expected week of childbirth; and
- Their average weekly earnings are not less than the lower earnings limit for national insurance contributions

SMP is payable for up to 39 weeks, with the first six weeks payable at 90% of the employee's average weekly earnings. The remaining 33 weeks are payable at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. It is treated as earnings and is therefore subject to PAYE and national insurance deductions.

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether ordinary maternity leave or additional maternity leave),

the higher or standard rate of SMP will be recalculated to take account of the employee's pay rise, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively, or that they may qualify for the SMP if they did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable because of the pay rise.

Payment of SMP cannot start prior to the 11<sup>th</sup> week before the employee's expected week of childbirth. It can start from any day of the week in accordance with the date the employee starts their maternity leave.

SMP is payable regardless of whether the employee intends to return to work following maternity leave

Employees who are not entitled to SMP may be entitled to receive maternity allowance payable directly from the Government. If an employee is not entitled to SMP, the company will provide the employee with an SMP1 form to allow them to pursue a claim for maternity allowance.

There will be no claw back of enhanced maternity leave payments. The company seeks to positively support employees through their maternity leave and encourage employees to return to work after maternity leave in a committed way and does not wish employees to feel obliged to return where this might not suit personal circumstances.

### 3.7 Bonus

The arrangement in relation to an early return from maternity leave bonus is at the discretion of the Managing Director and HR Manager. It will depend on the health of the employee and the employee's baby, as well as the company requirements during the period of maternity leave. An early return would not be proposed during the ordinary maternity leave (first 26 weeks following childbirth).

### 3.8 Sickness Absence

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

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

### 3.9 Rights during Maternity Leave

During ordinary maternity leave and additional maternity leave, the terms and conditions of the employee's contract, except normal pay, will continue. Salary will be replaced by SMP if the employee is eligible for it. This means that, while sum is payable by way of salary will cease, other benefits, such as holiday entitlement, will remain in place.

The company's pension contributions will continue based on the employee's normal pay during ordinary maternity leave and additional maternity leave. However, the company's pension

contributions will cease during any periods of unpaid additional maternity leave. The employees will remain in the life assurance and private medical insurance schemes.

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

### 3.10 Contact and Keeping in Touch (KIT) Days

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

Prior to starting Maternity Leave employees are expected to review their contact details on the HR System (Cascade) to ensure that they are accurate and up to date. Employees can agree to work for the company (or to attend training) for up to 10 days during their maternity leave without that work bringing their maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch days". Any work carried out on a day shall constitute a day's work for these purposes.

The company has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave.

KIT Days will be recorded as a full KIT Day regardless of the number of hours worked on that day. Any work undertaken on a KIT Day, including a period of as little as one hour, will count as one KIT Day for maternity leave tracking purposes.

Pay for KIT days will be calculated based on the actual hours worked. Hours worked will be rounded to the nearest whole hour for payroll purposes. Employees will be paid at their normal hourly rate for any hours worked.

### 3.11 Returning to Work

The employee may return to work at any time during ordinary maternity leave or additional maternity leave, provided that the appropriate notification is given. Alternatively, the employee may take the full period of maternity leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of maternity leave has elapsed, they must give at least eight weeks' notice in writing to the company on the date on which they intend to return.

The employee has the right to resume working in the same job if returning to work from ordinary maternity leave. If the employee returns to work after a period of additional maternity leave, they are entitled to return either to the same job, or if this is not reasonably practicable, to another suitable job.

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

If the employee decides during maternity leave that they do not wish to return to work, they should give written notice of resignation to the company as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after maternity leave has

ended, the Company may require the employee to return to work for the remainder of the notice period.

If the employee works full time prior to maternity leave, they have no automatic right to return to work on a part time basis or to make other changes to their working patterns. However, all requests for part time work or other flexible working arrangements will be considered in line with the operational requirements of the Company's business. If the employee would like this option to be considered, they should write to their line manager setting out their proposals as soon as possible in advance of their expected return date, so that there is adequate time for consideration of the request. More information can also be found in the Flexible Working Policy.

## 4. Paternity Leave

### 4.1 Introduction

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' paternity leave from day one of employment. A week's paternity leave will reflect the normal working week of the employee, for example if the employee works 2 days in any 7-day working week, 'one week' of paternity leave will equate to two days.

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave.

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

Paternity leave is granted in addition to an employee's normal annual holiday entitlement. Paternity leave can be taken as two consecutive weeks or two non-consecutive blocks of one week within the first year of the child's birth, or adoption of the child. Paternity Leave can also be taken following a period of Shared Parental Leave.

### 4.2 Notification of Paternity Leave

Where an employee wishes to request paternity leave in respect of a birth child, they must give their line manager 15 weeks' written notice of the date the baby is due.

Employees must provide their employers with at least 28 days' notice of the date they wish their paternity leave to commence, and how much leave they wish to take.

In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify:

- The date the child is expected to be placed for adoption
- The date the employee intends to start paternity leave
- The length of the intended paternity leave period
- The date on which the adopter was notified of having been matched with the child

If an employee subsequently wishes to change the timing of the paternity leave, they must give 28 days' written notice of the new dates. The employee must also, if requested, complete and sign a self-certificate declaring they are entitled to paternity leave and statutory paternity pay.

### 4.3 Time off for Antenatal Care

Employees have the right to take time off to accompany a pregnant employee with whom they are having a child at up to two antenatal appointments. The company's policy is that this time off will be paid but appointments should be confined to the start or end of the day where possible and the employee should endeavour to make the time up.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should contact their line manager or the HR department and give as much notice as possible. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse.

### 4.4 Paternity Pay

#### 4.4.1 Option 1 – Enhanced paternity pay

Employees who have been continuously employed by the company for a minimum of 52 weeks before the child is born, will receive 2 weeks fully paid paternity leave.

For the purposes of this policy, continuous service would exclude any period over four weeks where the employee has been absent from work for any reason other than annual leave.

#### 4.4.2 Option 2 – Statutory Paternity Pay

Employees who have been continuously employed by the company for at least 26 weeks at the end of their qualifying week and are still employed during that week, will qualify for SPP during paternity leave. This will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for SPP.

SPP is treated as earnings and is therefore subject to PAYE and national insurance deductions. SPP can start from any day of the week in accordance with the date the employee starts his/her paternity leave.

### 4.5 Your rights on returning to work

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

If they are a full-time employee, they have no automatic right to return to work on a part-time basis or to make other changes to their working patterns at the end of their paternity leave. However, all requests for part time work or other flexible working arrangements will be considered in line with the operational requirements of the Company's business. If the employee would like this option to

be considered, they should write to their line manager setting out their proposal as soon as possible in advance of their expected return date, so that there is adequate time for consideration of the request. More information can also be found in the Flexible Working Policy.

## 5. Adoption Leave

### 5.1 Introduction

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of their employment.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is therefore 52 weeks.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below.

### 5.2 Adoption Pay

#### 5.2.1 Option 1 – Enhanced Adoption Pay

The company pays employees with the required one year's continuous service their net gross salary (this is defined as gross salary less salary sacrifice pension) during the first thirteen weeks' (three months) adoption leave.

Should the employee have two years' continuous service, this would be followed by half pay for the subsequent thirteen weeks' adoption leave. This is then followed by thirteen weeks Statutory Adoption Pay (SAP).

Example

1-year continuous service = 3 months full pay + 6 months SAP

2-years continuous service = 3 months full pay + 3 months half pay + 3 months SAP

For the purpose of this policy, continuous service would exclude any period over four weeks where the employee has been absent from work for any reason other than annual leave.

#### 5.2.2 Option 2 – employees entitled only to Statutory Adoption Pay

Employees who take adoption leave will also qualify for SAP, provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions. SAP is payable for up to 39 weeks. SAP is payable at 90% of normal earnings for the first six weeks, following which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings, if that is lower than the Government rate).

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of their adoption leave (whether ordinary adoption leave, or additional adoption leave),

the higher or standard rate of SAP will be recalculated to take account of the employee's pay regardless of whether SAP has already been paid. This means that the employee's SAP will be recalculated and increased retrospectively, or that they may qualify for SAP if they did not previously. The employee will be paid a lump sum to make up any difference between SAP already paid and the amount payable because of the pay rise.

SAP is payable whether the employee intends to return to work after their adoption leave.

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

### 5.3 Timing of Adoption Leave

Parents who will become the legal parents of a child under surrogacy arrangements are entitled to take SAP. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take adoption leave.

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. To make administration as easy as possible, the employee should discuss the timing of their adoption leave with their immediate manager as early as possible.

### 5.4 Notice Requirements

To be entitled to take adoption leave and receive SAP, the employee is required to give the company written notification of their intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which may be in writing, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends their adoption leave to start.

The employee can bring forward their adoption leave start date, provided they advise the company in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their adoption leave start date, provided they advise the company in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

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

### 5.5 Time off to attend adoption appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments. An employee adopting a child alone is entitled to take paid time off to attend up to five appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

The purpose of the appointment is to enable the employee (and their partner) to have contact with the child (for example, to bond with them before the placement) and for any other purposes connected with the adoption (e.g. meeting with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The company will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (e.g. a letter or email from the adoption agency).

## 5.6 Rights during adoption leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue, and pension contributions will continue to be paid. The employee will remain in the life assurance and private medical insurance schemes.

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

## 5.7 Contact and Keeping-in-touch (KIT) days

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

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

The company has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave.

KIT Days will be recorded as a full KIT Day regardless of the number of hours worked on that day. Any work undertaken on a KIT Day, including a period of as little as one hour, will count as one KIT Day for maternity leave tracking purposes.

Pay for KIT days will be calculated based on the actual hours worked. Hours worked will be rounded to the nearest whole hour for payroll purposes. Employees will be paid at their normal hourly rate for any hours worked.

## 5.8 Returning to work after adoption leave

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that they give the appropriate notification. Alternatively, the employee may take their full period of adoption leave entitlement and return to work at the end of this period. If the

employee wishes to return before the full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing to the company of the date on which they intend to return. The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, they are entitled to return to either the same job or, if this is not reasonably practicable, to another suitable job.

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

If the employee decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to the company as soon as possible and in accordance with the terms of their contract of employment.

## 6. Shared Parental Leave

Shared parental leave enables employees to commit to ending their maternity/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from leave and opt in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the company is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the company's agreement).

To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the employee curtailing their maternity/adoption leave.

The employee and the partner should ensure they are each liaising with their own employer when making requests for shared parental leave.

## 7. Unpaid Parental Leave

Employees are entitled to 18 weeks' unpaid leave for each child and adopted child, up to their 18th birthday as a day one right. The limit on how much parental leave each parent can take in a year is 4 weeks for each child (including adopted children).

Parental leave must be taken as whole weeks, rather than individual days, unless the company agrees otherwise or if your child is disabled. You do not have to take all the leave at once. A 'week' of leave corresponds to the number of days the employee normally works in a week.

Employees are eligible to a total of 18 weeks' unpaid parental leave from the first day of employment.

Employees qualify if all of these apply:

- They are named on the child's birth or adoption certificate, or they have or expect to have parental responsibility
- They are not self-employed or a 'worker', for example an agency worker or contractor
- They are not a foster parent (unless they've secured parental responsibility through the courts)
- The child is under 18

## 7.1 Notice requirements

Employees intending to take unpaid parental leave must give 21 days' notice before their intended start date.

If they or their partner are having a baby or adopting, notice must be given at least 21 days before the expected week of childbirth or placement. Employees must confirm the start and end dates in their notice.

## 8. Neonatal Care Leave

When a baby is born prematurely or sick, they may receive neonatal care in hospital, palliative/end of life care or another agreed care setting, often for a prolonged period of time. We understand that this is extremely difficult for parents.

Neonatal care leave is a day one right for anyone legally classed as an 'employee' and is applicable to birth and adoptive parents, partners, parents who are fostering to adopt, and the intended parents in surrogacy arrangements.

### 8.1 Eligibility

Neonatal care refers to care provided to newborn babies within the first 28 days after birth. This may be for:

- Hospital care
- Medical care after leaving hospital - this must be under a consultant and include ongoing visits or checks arranged by the hospital where your baby was treated
- Palliative or end of life care

Eligible employees may be entitled to:

- Neonatal Care Leave
- Statutory Neonatal Care Pay

Eligible parents can take between 1-12 weeks of neonatal care leave in addition to their other parental leave entitlements. The neonatal leave must be taken either before or after the parent's other parental leave entitlements. For example, if a parent has already commenced maternity leave, they would then need to take their neonatal care leave at the end of their maternity leave. Neonatal care leave must be taken within 68 weeks of the date of the child's birth or date of placement in the case of adoption.

Neonatal care leave will be paid in line with the statutory neonatal care pay. Payment will be made at the rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings, whichever is lower.

To qualify for Statutory Neonatal Care Pay, the employee must have been continuously employed by your employer for at least 26 weeks up to the end of what's called the 'qualifying week'.

## 8.2 Required Information

When intending to take neonatal care leave, employees must provide the Company with the following information:

- The child's date of birth
- The date of placement and/or entry into Great Britain (if applicable when adopting)
- The date the child started to receive neonatal care, or each date it started if there is more than one occasion
- The date neonatal care ended (if applicable)
- The date the employee plans for the neonatal care leave to begin and for how many weeks

For pay and leave, employees will also need to confirm:

- That they will care for the baby during the period you're claiming for
- That they are the baby's parent or mother's partner with caring responsibilities for the baby. This information will only need to be given the first time you claim leave and pay

This can be done by completing the NEO3 declaration form online: [What is your full name? – Guidance – GOV.UK](#)

## 8.3 Leave: a two-tiered approach

Leave can be taken in 2 tiers:

- **Tier 1** ○ Tier 1 is for the period when the child is still receiving neonatal care, and including 1 week after the care has ended.
  - Notice can be given informally, before work is due to begin on the first day of absence.
  - Neonatal care leave in Tier 1 can be taken in non-consecutive weeks. For example, one week of neonatal care leave, one week of paternity leave and another week of neonatal care leave.
- **Tier 2** ○ Tier 2 is for the period outside tier 1 and before the end of 68 weeks from the date of the child's birth
  - Typically taken after another period of family leave, for example, being tagged on to the end of maternity or adoption leave.
  - Written notice is required.
  - Weeks must be taken consecutively.

## 9. Bereaved Partner's Paternity Leave (BPPL)

Bereaved Partner's Paternity Leave (BPPL) is available to support eligible employees following the death of a child's primary carer, enabling them to care for the child.

Eligible employees may take one continuous period of up to 52 weeks' Bereaved Partner's Paternity Leave. The leave must be taken after the bereavement and within 52 weeks of the death of the child's primary carer, in line with the statutory eligibility period.

The entitlement is not increased where more than one child is born or adopted as part of the same birth or adoption arrangement.

### 9.1 Eligibility

Eligibility for Bereaved Partner's Paternity Leave is subject to the employee meeting the relationship and responsibility criteria set out in legislation. Guidance should be sought from HR when determining eligibility. Eligibility applies across birth, adoption (including overseas adoption), and parental order arrangements.

An employee may be eligible where:

- the death of the child's primary carer occurs on or after 6 April 2026; and
- the employee has, or expects to have, main responsibility for the care and upbringing of the child; and
- the employee has a qualifying relationship to the child's primary carer, including where the employee:
  - is the child's father; or
  - was the spouse, civil partner, or partner of the child's primary carer at the time of the child's birth or placement, or immediately before the primary carer's death; and
  - where relevant, the employee has been granted, has applied for, or intends to apply for a parental order in respect of the child and reasonably expects the court to make that order.

### 9.2 Notice Requirements

Employees must notify the Company of:

- their intention to take Bereaved Partner's Paternity Leave • the intended start date of the leave; and
- the intended return-to-work date.

Notice should be given as soon as reasonably practicable, recognising the circumstances following a bereavement.

- Where leave is due to start within 8 weeks of the bereavement, notice may be given verbally or in writing and should be provided before the first day of absence, where possible.
- Where leave is due to start more than 8 weeks after the bereavement, notice must be given in writing and at least one week before the leave begins.

If an employee begins leave within 8 weeks of the bereavement and has not yet confirmed how long they intend to be absent, they must confirm their intended return date in writing as soon as reasonably practicable, and no later than 8 weeks after the bereavement. The date must be at least one week before the intended return date.

Where required, employees may be asked to confirm that:

- the purpose of the leave is to care for the child; and
- they meet the statutory relationship and responsibility requirements.

Employees may change a previously notified start date by informing the Company:

- verbally or in writing where the revised start date is within 8 weeks of the bereavement; or
- in writing where the revised start date is more than 8 weeks after the bereavement.

In all cases, notice should be given before the originally notified start date and, where possible, before the new start date. Where the revised start date is more than 8 weeks after the bereavement, at least one week's notice should be given.

An employee may cancel Bereaved Partner's Paternity Leave by giving written notice to the Company:

- before the leave start date, where leave was due to begin within 8 weeks of the bereavement; or
- at least one week before the leave start date, where leave was due to begin more than 8 weeks after the bereavement.

## 9.4 Changing the Return-to-Work Date

Where an employee wishes to return to work earlier than originally notified, they must give at least 8 weeks' notice, unless it is not reasonably practicable to do so.

Employees may change their intended return-to-work date by giving written notice:

- where the return date is within 8 weeks of the bereavement, at least one week's notice must be given before both the original and revised return dates
- where the return date is more than 8 weeks after the bereavement, at least 8 weeks' notice must be given before both the original and revised return dates.

## 9.5 Contact During Leave

The Company may maintain reasonable contact with the employee during Bereaved Partner's Paternity Leave. This may include discussions about:

- return-to-work plans
- any support, training, or adjustments required to facilitate a return; or
- relevant workplace developments during the employee's absence.

## 9.5 Keeping in Touch (KIT) Days

By mutual agreement, an employee can undertake up to 10 Keeping in Touch (KIT) days during Bereaved Partner's Paternity Leave without bringing the leave to an end. Any work or training undertaken on a KIT Day will count as one full day for these purposes.

The Company is not entitled to require an employee to work during Bereaved Partner's Paternity Leave, and employee is not obliged to do so.

KIT Days will be recorded as a full KIT Day regardless of the number of hours worked on that day. Any work undertaken on a KIT Day, including a period of as little as one hour, will count as one KIT Day for maternity leave tracking purposes.

Pay for KIT days will be calculated based on the actual hours worked. Hours worked will be rounded to the nearest whole hour for payroll purposes. Employees will be paid at their normal hourly rate for any hours worked.

#### 9.6 Rights during Bereaved Partner's Paternity Leave

During Bereaved Partner's Paternity Leave, an employee's contract of employment will continue. All contractual terms and conditions will apply as normal, except for salary or wages, unless otherwise stated. The period of leave will count as continuous employment.

Employees returning from Bereaved Partner's Paternity Leave have the right to return to the same role on the same terms and conditions. Where this is not reasonably practicable, a suitable alternative role on no less favourable terms will be offered.

Employees will not be subjected to any detriment or unfavourable treatment, nor dismissal for taking or seeking to take Bereaved Partner's Paternity Leave. Where a redundancy situation arises during a period of leave, employees will be given priority consideration for suitable alternative roles, in line with statutory requirements.