

Maternity, Adoption and Paternity Leave Policy

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1. Scope

This policy sets out the statutory and occupational rights and obligations relating to **Maternity Leave, Adoption Leave, Paternity Leave, Neonatal Care Leave, and Bereaved Partner Leave** for all employees of Barnsley Metropolitan Borough Council, including nonteaching staff employed in locally managed schools. There is a separate policy for covering Teachers' Maternity, Adoption and Paternity Leave.

- 1.1. It applies to all employees regardless of length of service unless otherwise stated within specific sections of the policy. The provisions incorporate statutory requirements and local conditions of service, ensuring that all eligible employees are afforded appropriate leave, pay, and protections during periods of family related absence.
- 1.2. The policy must be read in conjunction with associated corporate procedures, including but not limited to the Shared Parental Leave Policy, the Parental Leave Scheme, the Managing Attendance Policy, recruitment and selection procedures, and relevant health and safety guidance.
- 1.3. This policy replaces any previous versions of maternity, adoption, paternity, or neonatal leave procedures and is intended to provide a single, comprehensive framework for family related leave entitlements.

2. Terminology and Definitions

- 2.1. For the purpose of this policy, the following terms apply:
 - **Ordinary Maternity Leave (OML)** - A period of 26 weeks' maternity leave, constituting the first half of the statutory maternity entitlement.
 - **Additional Maternity Leave (AML)** - A further 26 weeks' maternity leave, commencing immediately after OML and providing up to one full year of maternity absence
 - **Ordinary Adoption Leave (OAL)** - A period of 26 weeks' adoption leave, forming the first half of the statutory adoption entitlement.
 - **Additional Adoption Leave (AAL)** - A further 26 weeks' adoption leave, commencing immediately following OAL and providing up to one full year of adoption leave in total.
 - **Expected Week of Childbirth (EWC)** - The week in which a registered medical practitioner or midwife certifies that childbirth is expected to occur.
 - **ML1 Form** - The form completed by employees to confirm the details of their maternity leave and pay.
 - **AL1 Form** - The form completed by employees to confirm the details of their adoption leave and pay.
 - **MATB1 Form** - The official maternity certificate issued by a GP or midwife around the 20th week of pregnancy, confirming the EWC.
 - **Statutory Maternity Pay (SMP)** - Statutory payments for eligible employees during maternity leave, payable for up to 39 weeks to those whose earnings meet or exceed the Lower Earnings Limit.
 - **Statutory Adoption Pay (SAP)** - Statutory payments for eligible employees during adoption leave, payable for up to 39 weeks to those whose earnings meet or exceed the Lower Earnings Limit.
 - **Statutory Maternity Allowance (SMA)** - A benefit payable by the Department for Work and Pensions to employees who do not qualify for SMP due to insufficient earnings or service.
 - **Statutory Adoption Allowance (SAA)** - A benefit payable by the Department for Work and Pensions to employees who do not qualify for SAP due to insufficient earnings or service
 - **Occupational Maternity Pay (OMP)** - An enhanced maternity pay entitlement providing 12 weeks' pay to employees with at least one year's service whose earnings exceed the Lower Earnings Limit.
 - **Occupational Adoption Pay (OAP)** - An enhanced adoption pay entitlement providing 12 weeks' pay to employees with at least one year's service whose earnings exceed the Lower Earnings Limit.
 - **Keeping in Touch (KIT) Day** - A day on which an employee may undertake work during maternity or adoption leave without bringing the leave to an end, up to a statutory maximum of 10 days.
 - **Nominated Carer** - A relative or person in a caring relationship with the mother and/or child who is expected to act as the primary provider of assistance during the post-birth or post-placement period.

3. **Responsibilities**

3.1. Managers and Headteachers

3.1.1. Managers and headteachers must:

- Apply this policy consistently and ensure the correct provisions are followed for each leave type, taking into account length of service and earnings thresholds where relevant.
- Liaise with Payroll and Pensions to confirm pay entitlements, deductions, and any pension implications connected with statutory and occupational payments.
- Coordinate with external payroll providers for school-based employees where applicable, including forwarding statutory forms and notifications in a timely manner.
- Acknowledge and process notifications of maternity, adoption, paternity, neonatal care leave and bereaved partner leave in accordance with the notification rules set out in Section 5, forwarding the relevant documentation to Financial Services Payroll and Pensions (or the school's external payroll provider).
- Maintain appropriate contact with employees during leave to keep them informed of vacancies, significant workplace developments, training opportunities, restructures and any changes that may affect their role, in line with the "Reasonable Contact" provisions.
- Arrange and record KIT days (or equivalent) by agreement with the employee, ensuring statutory limits are observed and completed forms are submitted to Payroll for payment processing.
- Undertake Health and Safety duties including risk assessments for expectant or breastfeeding mothers and arranging suitable control measures and facilities, as required by the Council's Health and Safety procedures.
- Plan for cover and resourcing in accordance with the Council's recruitment procedures when temporary staffing is required.
- Manage early returns and changes to return dates, ensuring statutory notice requirements are met, and communicate any changes to Payroll.
- Safeguard statutory protections during organisational change, including the duty to offer suitable alternative vacancies to employees on maternity leave where redundancy situations arise, in accordance with the extended protections effective from 6 April 2024.

3.2. Employees

3.2.1. Employees must:

- Submit timely notifications and statutory documentation for the relevant leave type (e.g., MATB1, ML1, AL1, SC5/SC6, NE03), in line with the notice requirements set out in Section 5.
- Provide evidence of eligibility for adoption and paternity entitlements when requested, including documents issued by an adoption agency or a copy of the MATB1 where applicable.
- Cooperate with payroll processes, including completion of KIT Day payment forms and any required declarations relating to occupational pay arrangements.
- Keep the Council informed of changes in circumstances that affect leave or pay (e.g., early childbirth, changes to start dates, revised return dates).
- Engage in reasonable contact with their manager during leave, as agreed, to facilitate communication and a smooth return to work.
- Adhere to health and safety guidance, including notifying managers if they intend to breastfeed on return and cooperating with any required risk assessments.
- Access HR information through the Employee Hub as the primary source for policy guidance and related procedures.

4. Eligibility and Leave Types

This section outlines the statutory and occupational entitlements available to employees in relation to maternity, adoption, paternity, neonatal care, and bereaved partner leave. Entitlements apply to all employees unless otherwise specified.

4.1. Maternity leave

All pregnant employees, regardless of their length of service, are entitled to up to 52 weeks of maternity leave. This comprises:

- 26 weeks Ordinary Maternity Leave (OML)
- 26 weeks Additional Maternity Leave (AML), beginning immediately after OML

Employees retain the right to return to work following maternity/adoption leave unless they resign. Employees who are on a fixed term contract due to end whilst on leave, will have their FTC period extended to the end of the maternity pay period. Where employees are part of Managing Change during their leave, they will be given a suitable alternative role, either within the same Service, or the wider council.

4.1.1. Earliest Start Date

Maternity leave may begin no earlier than 11 weeks before the Expected Week of Childbirth (EWC)

4.1.2. Compulsory Maternity Leave

Employees must not work for a minimum of two weeks immediately following childbirth.

4.1.3. Multiple Births

Only one period of maternity leave is available per pregnancy, irrespective of the number of babies born.

4.1.4. Pregnancy Loss

If the expectant mother loses the baby beyond 24 weeks, the employee retains the right to maternity leave.

4.2. Adoption leave

All employees who meet adoption eligibility criteria are entitled to up to 52 weeks of adoption leave, comprising:

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL), beginning immediately after OAL

Adoption leave may be taken where:

- The employee is adopting as a single or joint adopter.
- The employee is a dual-approved prospective adopter under section 22C of the Children Act 1989 (“fostering for adoption”).
- The employee is an intended parent in a surrogacy arrangement eligible for a Parental Order.

4.2.1. Start Date

Adoption leave may begin:

- On the day the child is placed, or
- A pre-determined date no earlier than 14 days before placement.

4.2.2. Overseas Adoption

Employees adopting from overseas must provide statutory notifications regarding:

- Date of “official notification”
- Expected date of arrival in the UK
- Actual date of arrival
- Intended leave dates
- Changes to placement arrangements

4.2.3. Joint Adopters (Overseas)

One adopter will receive Statutory Adoption Leave and Pay; the other may receive Paternity Leave. Required forms include SC5 and SC6.

4.2.4. Multiple Children Adopted

Only one period of adoption leave is available even when more than one child is placed simultaneously.

4.3. Paternity leave

All employees, regardless of service, are entitled to paternity leave if they meet statutory criteria, including being:

- The biological or adoptive father or partner
- The spouse or partner of the child's mother or adopter
- A nominated carer

Employees must also have or expect to have responsibility for the child's upbringing. The employee could also consider adding unpaid parental leave to allow more time to care for their partner and new child.

4.3.1. Paid Paternity Leave

Employees with at least 26 weeks' continuous service by the 15th week before the EWC (or comparable adoption date) are entitled to paid paternity leave, subject to the eligibility criteria set out in section 6.2.

4.3.2. Duration

Paternity leave entitlement is:

- Up to two weeks, taken as either:
 - One block of two weeks, or
 - Two separate blocks of one week
- Must be taken within 12 months of birth or placement

4.3.3. Multiple Births

Only one period of paternity leave is permitted even in cases of multiple births.

4.3.4. Pregnancy Loss

If the expectant mother loses the baby beyond 24 weeks, the employee retains the right to paternity leave.

4.4. Neonatal care leave

Neonatal care leave provides additional time off for employees whose baby requires neonatal care. It is a day-one entitlement. Employees may qualify for Neonatal Care Pay if:

- They have at least 26 weeks' employment by the qualifying week, and
- Their earnings meet or exceed the Lower Earnings Limit.

4.4.1. Eligibility

The baby must:

- Enter neonatal care within 28 days of birth
- Spend at least 7 consecutive full days in neonatal care

4.4.2. Duration

Up to 12 weeks of neonatal care leave may be taken, with one week allowed per qualifying 7-day period in neonatal care.

4.4.3. Tier Structure

- **Tier 1:** Leave taken while the baby is in neonatal care or within the first week after discharge; may be taken in multiple blocks of at least one week.
- **Tier 2:** Leave taken after the Tier 1 period; must be taken as one continuous block.

4.4.4. Interaction With Other Leave

Neonatal care leave must be taken after maternity or adoption leave, but paternity or shared parental leave may interrupt neonatal leave during Tier1

4.5. Bereaved partner leave

4.5.1. Employees have an automatic right to up to 52 weeks of unpaid leave if the mother or primary adopter dies within the first year of the child's life.

4.5.2. The duration and conditions of return to work will follow statutory requirements and the Council's employment protections, ensuring that bereaved partners are supported to remain in or return to their role.

5. Notification Requirements

Employees must provide timely and accurate notification to their Manager/Headteacher when requesting maternity, adoption, paternity, neonatal care, or bereaved partner leave. Managers are responsible for forwarding all relevant documentation to Financial Services Payroll and Pensions (or the external payroll provider for school-based staff) in accordance with this section.

5.1. Maternity Leave Notification

Employees must:

- Notify their Manager/Headteacher that they are pregnant no later than the end of the 15th week before the Expected Week of Childbirth (EWC).
- Provide at least 28 days' notice of the intended start date of maternity leave, confirming:
 - Pregnancy
 - The EWC
 - Proposed commencement date of maternity leaveEmployees must complete the ML1 Form and submit it with their MATB1 certificate.
- Submit all documents to their Manager/Headteacher, who will forward them to Financial Services Payroll and Pensions.

5.1.1. Variation of Maternity Leave Start Date

Employees may vary their start date by providing 28 days' notice before either the original or the new date, whichever is sooner. The Manager/Headteacher must notify Payroll of the revised arrangements.

5.1.2. Early Childbirth

If childbirth occurs before the notified start date (or before any date was notified), maternity leave automatically commences on the day after childbirth. Employees must inform their Manager/Headteacher as soon as reasonably practicable in writing. The Manager must forward the notification to Payroll.

5.2. Adoption Leave Notification

Employees must provide the following information to their Manager/Headteacher, who must forward all documents to Payroll:

- Confirmation of intention to take adoption leave
 - Expected dates of placement
 - Proposed start date of adoption leave
 - Required adoption documentation (e.g., matching certificate, statutory declarations)
- Employees must provide this information within seven days of being notified of a match or as soon as reasonably practicable.

5.2.1. Start Date

Employees may begin adoption leave either:

- On the date the child is placed, or
- A pre-determined date no earlier than 14 days before placement and no later than the actual date of placement.

5.2.2. Variation of Adoption Leave Start Date

Employees must give 28 days' notice of a change to the original or new start date, whichever is later.

5.2.3. Surrogacy (Parental Order)

Employees must inform their Manager/Headteacher of:

- The due date
- Intended start date of leave this notice must be given at least 15 weeks before the due date.

5.2.4. Overseas Adoption

Employees adopting from overseas must provide notice of:

- "Official notification" date
- Expected date of arrival in the UK
- Actual arrival date
- Intended leave dates
- Any changes to placement circumstances
- Where applicable, employees must complete SC5 or SC6 forms for overseas arrangements. Managers must forward completed forms to Payroll.

5.2.5. Adoption Leave Forms

Employees must complete the AL1 Form and attach:

- Matching certificate (UK)
- SC6 (Overseas)
- Certificate of declaration (Surrogacy)

Managers must forward documents to Payroll.

5.3. Paternity Leave Notification

5.3.1. Birth

Employees must give notice by the 15th week before the EWC or as soon as reasonably practicable thereafter and provide the MATB1 certificate as evidence.

5.3.2. Adoption

Employees must provide notice within seven days of being notified of a match, with variations permitted on 28 days' notice. Employees must provide official adoption agency documentation.

5.3.3. Application Form

Employees must complete the PL1 Form and return it to their Manager/Headteacher, who will confirm approval and forward it to Payroll.

5.4. Neonatal Care Leave Notification

Employees must submit notice via the NE03 Form and return a copy to their Manager/Headteacher, including:

- Baby's date of birth
- Dates of neonatal care
- Proposed leave dates
- Confirmation of eligibility and caregiving responsibility

Managers must forward NE03 forms to Payroll.

5.4.1. Tier 1 Notice (Baby Currently in Neonatal Care or the first week after)

Employees should give notice as soon as possible, ideally before their usual start time. If leave must continue, notice must be renewed by the end of the previous week. Employees must inform their manager when the baby leaves neonatal care.

5.4.2. Tier 2 Notice (More Than One Week After Neonatal Care Ends)

Employees must give:

- 15 days' notice for one week of leave
- 28 days' notice for two or more weeks of leave

5.5. Cancellation of Neonatal Care Leave

Leave cannot be cancelled if it was due to start while the baby was still in neonatal care or within the first week after. Where eligible for cancellation (Tier 2 period), employees must notify the Council in writing by:

- 15 days before the start of a one-week period, or
- 28 days before the start of a two-week or longer period

5.6. Bereaved Partner Leave Notification

Where the mother or primary adopter dies within the first year of the child's life or adoption, employees must notify their Manager/Headteacher as soon as reasonably practicable. The Council will advise on documentation requirements based on the individual circumstances and the statutory provision of an automatic right of up to 52 weeks unpaid leave which must be taken in one block. There's an exception, if the death happens less than 14 days before the end of the 52 weeks. The father or partner can still take 14 days' leave.

5.6.1. Returning to the Same Role

If an employee takes 26 weeks or less of BPPL, they are entitled to return to the **same job** they had before their absence.

5.6.2. Returning to a Similar Role

If the total statutory leave (including BPPL and other leave) exceeds 26 weeks, the employee is entitled to return to their same job, or if that is not reasonably practicable, to another job that is both **suitable and appropriate** for them in the circumstances.

6. Pay Entitlements

Pay entitlements for maternity, adoption, paternity, and neonatal care leave depend on an employee's length of continuous service, average weekly earnings, and statutory eligibility criteria. All payments are subject to tax, National Insurance contributions, pension arrangements, and any lawful deductions as applicable under the Council's procedures. Further information on Lower Earnings Limit can be found here.

6.1. Maternity/Adoption Leave Pay

- 1 years' service is on the basis; employees have at least 1 years' service before the 11th week before the EWC/date of adoption.
- 26 weeks service is on the basis; employees have 26 weeks service into the 15th week before the EWC or 26 weeks service by the week they are matched with a child for Adoption.

Criteria	Weeks 1–6	Weeks 7–18	Weeks 19–39
1 years' service & ABOVE Lower Earnings Limit (LEL)	6 weeks at 90% of Average Weekly Earnings (AWE)	SMP/SAP or 90% AWE (whichever is lower) and	SMP/SAP for remaining 21 weeks

		12 weeks Half Pay Occupational Maternity/Adoption Pay*	
1 years' service & BELOW LEL†	6 weeks at 90% AWE	12 weeks Half Pay Occupational Maternity/Adoption Pay*	N/A
26 weeks' service but less than 1 year & ABOVE LEL	6 weeks at 90% AWE	SMP/SAP or 90% AWE (whichever is lower)	SMP/SAP for remaining 21 weeks
Less than 26 weeks' service or Less than 1 year & BELOW LEL†	No entitlement to Statutory or Occupational Maternity/Adoption pay	No entitlement to Statutory or Occupational Maternity/Adoption pay	No entitlement to Statutory or Occupational Maternity/Adoption pay

Notes:

*The 12 weeks Half Pay Occupational Maternity/Adoption Pay is only payable where the employee confirms intention to return to local authority employment for at least 3 months. Employees who do not return back to work should note that any excess monies will be recovered.

†Employees earning below the LEL or have less than 26 weeks service at the relevant qualifying week are not entitled to SMP/SAP. However, they may be eligible to claim Maternity/Adoption Allowance from DWP.

Where Half Pay and SMP/SAP exceed an employee's normal weekly salary, it is capped at their normal full pay.

6.2. Paternity Pay

Paternity Pay is paid as follows, subject to eligibility:

Week 1 – Occupational Paternity Pay

Paid at the employee's normal weekly rate of pay, provided the employee:

- has 26 weeks' continuous service by the 15th week before the EWC (or equivalent adoption date).

Week 2 – Statutory Paternity Pay

Paid at the statutory rate or 90% of average weekly earnings, whichever is lower, provided the employee:

- has 26 weeks' continuous service by the relevant qualifying week; and
- has average weekly earnings at or above the LEL

Employees who do not meet the eligibility for paternity pay may still take unpaid paternity leave or request annual leave.

6.3. Neonatal Care Pay

Employees may be entitled to Statutory Neonatal Care Pay where they:

- Have at least 26 weeks' continuous employment by the qualifying week,
- Remain employed up to the week before the pay period begins, and
- Earn at least the LEL during the relevant 8-week assessment period.

6.3.1. Pay Duration

Eligible employees may receive up to 12 weeks of statutory neonatal care pay, corresponding to the number of qualifying neonatal care weeks.

Rates are based on statutory levels published annually by the UK Government.

6.4. Deductions from Pay

6.4.1. Standard Deductions

During paid maternity, adoption, or paternity leave, all standard deductions—including tax, National Insurance, and pension contributions—continue to be made.

6.4.2. Pension Contributions

- Pension contributions continue throughout the period of Ordinary Leave and any period of paid Additional Leave (maternity or adoption).
- No employee contributions are payable during periods of unpaid leave, although, from 1 April 2026, for members of the Local Government Pension Scheme (LGPS), the council/school will continue to pay the employer contributions based on your assumed pensionable pay and your pension whilst on Maternity, Adoption or Paternity Leave will be deemed as paid. Previous scheme rules apply prior to this date. Further advice can be obtained from **South Yorkshire Pensions Authority**.

For employees in the NHS Pension Scheme and Teachers' Pensions, employees must contact their respective pension provider for further advice on any pension implications.

6.4.3. Salary Sacrifice Schemes / Employee Loans

- Salary sacrifice deductions and employee loan repayments will continue where the employee is in receipt of contractual pay.
- Where an employee moves onto statutory pay only or nil pay, salary sacrifice deductions and loan repayments may be affected.
- Employees who participate in a salary sacrifice scheme or have an employee loan must contact Payroll for advice on how their arrangements will be managed during these periods.

6.5. Overpayment Recovery

The Council reserves the right to recover any overpayments made during periods of family leave, including where employees do not return to work following receipt of occupational pay.

7. Working During Leave (Keeping in Touch Days and Reasonable Contact)

This section outlines the arrangements that permit limited work activity during periods of maternity, adoption or shared parental leave, without affecting statutory entitlements. It also sets out expectations regarding reasonable contact between managers and employees throughout the leave period.

7.1. Keeping in Touch (KIT) Days

Employees taking maternity or adoption leave may undertake up to 10 Keeping in Touch (KIT) Days without bringing their leave to an end or losing their entitlement to Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP).

7.1.1. Timing Restrictions

KIT Days must not be undertaken during:

- The first two weeks following childbirth (Compulsory Maternity Leave), or
- The first two weeks of adoption leave

Allowing work during these periods is strictly prohibited.

7.1.2. Definition of Work

Work undertaken on a KIT Day includes:

- Any activity performed under the employee's contract of employment
- Training
- Participation in workplace activities intended to facilitate contact with the organisation

7.1.3. Counting KIT Days

Any amount of work undertaken on a KIT Day counts as one full day, regardless of the number of hours worked. Employees may not undertake more than 10 KIT Days. Any work undertaken beyond the statutory limit will result in the loss of SMP/SAP for the week in which additional work occurs.

7.1.4. Voluntary Participation

- Managers cannot require employees to undertake KIT Days.
- Employees cannot insist on being permitted to work a KIT Day.
- Participation must be mutually agreed.

7.1.5. Pay for KIT Days

Payment for KIT Days is based on the number of hours actually worked. SMP/SAP is offset against contractual pay where relevant.

7.1.6. Recording KIT Days

Employees must complete the Keeping in Touch Day Payments Form, which managers must validate and forward to Financial Services Payroll and Pensions (or external payroll provider for school-based staff).

7.1.7. Effect on Leave Duration

Undertaking KIT Days does not extend the duration of maternity or adoption leave.

7.2. Reasonable Contact During Leave

Managers and employees may maintain communication during maternity, adoption, and shared parental leave for the purposes of ensuring smooth reintegration and continued organisational awareness. Such contact does not constitute work and does not count toward the 10 KIT Days entitlement.

7.2.1. Purpose of Contact

Reasons for reasonable contact may include, but are not limited to:

- Updates on organisational developments
- Information about job vacancies
- Training opportunities
- Consultation about workplace restructures

7.2.2. Agreeing Contact Arrangements

It is beneficial for managers and employees to discuss preferred methods and frequency of contact before leave begins, to ensure clarity and mutual expectations.

7.3. Interaction with Other Leave Types

Where shared parental leave or paternity leave applies, equivalent "SPLIT" (Shared Parental Leave in Touch) days operate under similar principles. Neonatal care leave has separate contact rules (see Section 5), but managers and employees should maintain appropriate communication throughout.

8. Time Off for Antenatal Care and Pre-Adoption Training/Interviews

Employees are entitled to reasonable paid time off to attend antenatal or adoption related appointments in accordance with statutory requirements and Council policy. Evidence of appointments must be provided upon request.

8.1. Time Off for Antenatal Care (Pregnant Employees)

All pregnant employees are entitled to paid time off to attend antenatal care appointments. Antenatal care may include medical examinations, relaxation classes, and parental support classes. Except for the first appointment, employees must provide evidence upon request, including:

- A certificate from a registered medical practitioner, midwife, or health visitor confirming the pregnancy.

- An appointment card or other documentation verifying the appointment.

Managers must ensure that paid time off for antenatal care is granted in accordance with statutory rights.

8.2. Time Off for Adoption Appointments

Employees eligible for adoption leave are entitled to paid time off to attend adoption appointments. Each appointment may be up to 6.5 hours, including travel time.

8.2.1. Entitlement

- Single adopters: Up to five paid adoption appointments.
- Joint adopters (both employed by the Council):
 - One adopter: Up to five paid appointments.
 - Second adopter: Up to two paid appointments.

Time off must be taken between notification of a match and the date the child joins the family. The number of appointments does not increase when adopting multiple children simultaneously. Employees must provide appropriate documentation issued by the adoption agency confirming their required attendance.

8.3. Surrogacy (Parental Order) Antenatal Appointments

Employees who will become the legal parent(s) through a surrogacy arrangement are entitled to unpaid time off to accompany the surrogate mother to up to two antenatal appointments.

8.4. Time Off for Paternity Related Appointments

Employees who will take statutory paternity leave are entitled to paid time off to attend two pregnancy related or adoption appointments, including appointments relating to a surrogate pregnancy. These appointments may be up to 6.5 hours each, including travel time, and will be recorded as time taken under the Council's Special Leave Policy.

Appropriate documentation must be provided upon request.

9. Health and Safety

The Council has statutory obligations to safeguard the health, safety and welfare of employees who are pregnant, have recently given birth, or are breastfeeding. Managers must ensure that all relevant assessments, control measures and adjustments are completed in accordance with the Management of Health and Safety at Work Regulations 1999, Council guidance, and this policy.

9.1. Risk Assessments for Pregnant Employees

Where workplace activities may pose a risk to an expectant mother, the Council is required to undertake a New and Expectant Mother Risk Assessment Form to identify hazards and determine appropriate control measures.

When an employee notifies their Manager/Headteacher that they are pregnant, the Manager must:

- Carry out a risk assessment using the Council's Generic Risk Assessment for Expectant Mothers.
- Record identified risks and the measures required to control them.
- Inform the employee of any risks and the measures being implemented to protect them.

9.1.1. Required Management Actions

Where risks are identified, the Manager/Headteacher must consider the following hierarchy of measures:

- Implement suitable control measures to eliminate or minimise risks.
- If this is not reasonable or does not resolve the risk, temporarily adjust working conditions and/or hours of work.

- If the risk remains or adjustments are not feasible, offer suitable alternative work if available.
- If no alternative work is available, suspend the expectant mother from work on full pay for as long as necessary to protect her safety or that of her unborn child.

Managers must consult with their Directorate People Partner before implementing adjustments, alternative work or suspension.

Advice and guidance are available from Occupational Health and the Council's Be Healthy Hub via the Intranet Site.

9.2. Pregnancy and Display Screen Equipment (DSE)

In accordance with guidance from the Health and Safety Executive (HSE) and the National Joint Council for Local Government Services, current medical research indicates that Display Screen Equipment (DSE) does not pose a risk to pregnant employees or their unborn children.

However, the Council recognises that employees may experience concerns or anxiety regarding DSE use during pregnancy. Managers should therefore:

- Consider adjusting workloads or providing suitable alternative work where practicable if concerns arise.
- Ensure any alternative work provides terms and conditions not less favourable than the employee's substantive post.

9.3. Breastfeeding Employees

Barnsley Council are a Breastfeeding Friendly Employer and are committed to supporting employees returning to work after maternity leave by fostering a breastfeeding-friendly environment. Managers have a duty to ensure that breastfeeding employees returning to work are supported in a healthy and safe manner.

9.3.1. Employee Responsibilities

Before returning to work, employees who plan to continue breastfeeding should inform their manager so that any necessary adjustments to their working day can be discussed. While there are no legal restrictions on breastfeeding at work, employees may take up to one hour in their own time across the working day to breastfeed or express milk. Where it is safe to do so, managers should support employees who wish to bring their child into the workplace. If the child is in childcare close to the workplace, employees may arrange time to leave work to breastfeed, though expectations should remain realistic. Where breastfeeding cannot be accommodated within normal arrangements, employees should discuss flexible working options with their manager. For additional support, employees can contact Barnsley Council's Infant Feeding Team on the details below.

9.3.2. Manager Responsibilities

Before the employee returns, managers should request written confirmation that the employee is breastfeeding on their return to work, so that suitable arrangements can be made. This enables managers to provide a healthy, safe and appropriate rest environment. If an employee intends to continue breastfeeding, managers must complete the New and Expectant Mothers Risk Assessment Form and ensure the employee is protected from any inappropriate behaviour. Where an employee plans to express milk at work, managers must also ensure that suitable facilities have been identified and take a flexible approach to break times to facilitate this.

9.3.3. KIT Days

If you are breastfeeding and want to attend work for a KIT Day, speak to your manager about identifying a safe and private place to breastfeed your child or express and store your breastmilk. If you are expressing breastmilk, it is your responsibility to ensure that this is stored in appropriately labelled containers.

9.3.4. A private space

A breastfeeding employee may ask for a private, hygienic, safe and secure area where she can express milk, this could be an unoccupied office, or an area used for meetings that can be discreetly screened. If in doubt an employer should ask the employee what would be most appropriate. It would be inappropriate to use toilets or sick rooms as there may be a hygiene risk. If, after careful consideration, an employer is physically unable to provide an appropriate space, they should discuss the issue with the employee to see if there is any alternative facility.

- If an employee is based at Westgate, there is a dedicated breastfeeding room located on floor 1.
- If the employee works out in the community, BMBC Family Centres can be utilised for breastfeeding and/or expressing.

9.3.6 Fridge and storage

Managers should consider enabling expressed milk to be stored in a fridge or cool area, perhaps secured in a re-sealable container for hygiene purposes. It would be good practice to discuss storage preferences with the employee.

9.4. Additional Health and Safety Considerations

The Council will continue to monitor workplace conditions throughout pregnancy, adoption processes, neonatal periods and breastfeeding. Managers must take proactive steps to ensure employees are not exposed to inappropriate risks and must guard against discriminatory or unfavourable treatment relating to pregnancy or family leave.

10. Return to Work

This section outlines the requirements for employees returning from maternity, adoption, paternity, shared parental, or neonatal care leave, and the Council's obligations in relation to reinstatement, early returns, and statutory protections.

10.1. Return Following Maternity or Adoption Leave

All periods of Maternity/Adoption leave will automatically be set by Financial Services Payroll and Pensions to 52 weeks regardless of the return date documented on the ML1/AL1 form to avoid over payments. Managers must notify Financial Services Payroll and Pensions if the employee is due to return prior to this date.

Early Return from Maternity or Adoption Leave If an employee has already notified an early return date and subsequently wishes to return even earlier, they must give at least eight weeks' notice before the new return date.

If an employee has notified an early return date but wishes to postpone their return, they must give eight weeks' notice before the original notified date. Managers must communicate any changes to Financial Services Payroll and Pensions.

10.2. Ending Maternity or Adoption Leave Early to Take Shared Parental Leave

Employees may convert part of their maternity or adoption leave into Shared Parental Leave (SPL). To do so, they must give at least eight weeks' written notice to their Manager/Headteacher.

Employees must refer to the Council's Shared Parental Leave Policy for full details.

10.3. Not Returning to Work

Employees who do not wish to return following maternity or adoption leave must give at least their contractual period of notice. Such employees may still be entitled to receive outstanding statutory maternity or adoption pay up to the date their employment terminates.

10.4. Return to the Same Job Following Maternity or Adoption Leave

Employees returning from maternity or adoption leave are entitled to return to the same job on the same terms and conditions as if they had not been absent.

10.4.1. Protection During Organisational Change

Pregnant employees, those on maternity/adoption leave, or those recently returned from maternity leave, adoption leave, or shared parental leave benefit from enhanced protections under the Maternity and Parental Leave Regulations (Amendments) 2014, requiring the Council to:

- Offer any suitable alternative vacancy to an employee whose role becomes redundant during maternity/adoption leave,
- Without requiring the employee to apply or undertake an interview,
- Ensuring the alternative role is on terms and conditions not substantially less favourable than the original role.

These protections must be fully considered in any Managing Change process.

10.5. Return Following Paternity Leave

Employees returning from paternity leave are entitled to resume work in their original post on the same terms and conditions, unless the organisational context requires otherwise under statutory provisions. The Council will ensure that no employee is disadvantaged for having taken paternity leave.

10.6. Return Following Neonatal Care Leave

Employees returning from neonatal care leave are entitled to return to their original job on the same terms and conditions, in accordance with statutory provisions. Neonatal leave is taken after maternity or adoption leave and may therefore extend the total period of absence.

The Council will ensure that return to work discussions occur as early as possible and that all relevant adjustments, support plans, and welfare considerations are implemented.

11. **Additional Support for Employees Taking Maternity, Adoption and Paternity Leave**

The Council is committed to supporting employees during pregnancy, maternity, adoption, paternity, shared parental leave, neonatal care leave and bereavement-related family leave. A range of external and internal support services are available to assist employees with their wellbeing, health, and practical needs throughout these periods.

The following services are available to all employees and should be signposted by managers as appropriate.

11.1. Barnsley Family Hubs

Barnsley Family Hubs provide a range of support services for families, including early help, health guidance, parental support, and community services. Employees may access information and support by contacting:

- Telephone: 0800 034 5340
- Website: <https://www.barnsley.gov.uk/services/children-families-and-education/family-service-directory-fsd>

11.2. The DadPad

The DadPad is an online resource designed to support new fathers and partners by offering practical advice on caring for a baby, supporting the mother, and understanding key health and safety topics. Website: <https://www.thedadpad.co.uk>

11.3. Barnsley Infant Feeding Team

The Barnsley Infant Feeding Team provides support and specialist advice on breastfeeding, expressing, infant nutrition, and feeding challenges. They can also provide guidance for employees who are preparing to return to work while breastfeeding.

- Telephone: 01226 775700

- Website: <https://www.barnsley.gov.uk/services/health-and-wellbeing/children-and-young-peoples-health/infant-feeding/>

11.4. Mental Health and Wellbeing Support

The Council acknowledges that pregnancy, adoption, neonatal care, and baby loss can have a significant emotional impact. Employees may access additional support through the Council's Mental Health and Wellbeing resources.

11.5. Manager Responsibilities in Providing Support

Managers should:

- Ensure employees are signposted to appropriate support services at relevant stages of family leave.
 - Maintain appropriate and sensitive communication before, during and after periods of leave.
- Consider employee wellbeing in all return to work discussions.
- Respond sensitively to circumstances involving pregnancy complications, neonatal care, or pregnancy loss.

12. Links to Other Policies/Resources

12.1. The following Council policies and procedures should be read in conjunction with this Family Leave Policy. These documents provide further detail on related entitlements, processes, and corporate requirements:

- Shared Parental Leave Policy – providing guidance on eligibility, notification requirements and arrangements for sharing leave between parents.
- Special Leave Policy – detailing provisions for paid and unpaid leave for specific circumstances, including attendance at certain antenatal or adoption appointments as referenced in this policy.
- Managing Attendance Policy – setting out the Council's procedures for managing sickness absence, including pregnancy related sickness.

These documents are available via the Employee Hub and must be referred to where relevant.

Up-to-date information on the Lower Earnings Limit (LEL)

13. Equality and Diversity

13.1. The Council is committed to ensuring that all policies, procedures, and employment practices promote equality of opportunity and do not discriminate on the grounds of any protected characteristic as defined under the Equality Act 2010. The Maternity, Paternity and Adoption Leave Policy has been developed to support fair and consistent treatment of all employees requiring maternity, adoption, paternity, shared parental, neonatal care or bereaved partner leave.

13.2. In accordance with corporate requirements, this policy will undergo an Equality Impact Assessment (EIA) to identify and address any potential equality or diversity implications. Should any employee, manager or representative identify possible equality concerns when reviewing or applying this policy, they must contact their Directorate People Partner, who will arrange for a review and, where necessary, initiate or update the EIA.

13.3. The Council will ensure that no employee is treated less favourably, disadvantaged, or subjected to any detriment as a result of pregnancy, childbirth, adoption, neonatal care responsibilities, or the exercise of statutory family leave rights.

14. Income Tax and National Insurance Contributions

- 14.1. All payments made to employees during periods of maternity, paternity and adoption leave are subject to Income Tax and National Insurance contributions in accordance with HMRC regulations and the Council's payroll procedures.
- 14.2. Maternity, paternity and adoption leave pay is assessable to tax under Schedule E (75) [ICTA 1988, S150; FA 2002, S35].
- 14.3. Statutory and occupational payments received during periods of paid family leave are treated as earnings for tax and National Insurance purposes and will be processed through the Council's payroll systems in the usual manner.
- 14.4. Where applicable, deductions such as pension contributions, salary sacrifice arrangements, loan repayments, and voluntary contributions will continue to be applied in line with Section 6 of this policy.
- 14.5. The Council is responsible for ensuring that all statutory deductions are accurately calculated and applied to relevant payments during periods of family leave.
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Document Control

Title:	Maternity, Adoption and Paternity Leave Policy	Version:	1.0		
Owner/Author:	People Services	Implemented:	April 2026	Revised/Updated	
Brief Reason for Change:	Amended for: <ul style="list-style-type: none">• Addition of new legislative requirements• Merge Maternity and Adoption Leave Procedure and Maternity Adoption Support Leave Policy into one and subsequent re-write for flow.				

15. **Appendix 1 – Neonatal flowchart**

