

Freedom of Information – Response – 26674

I would please like to know:

1) Your parental leave policies, including paternity leave and pay and maternity leave and pay. If you have different policies for firefighters and non-firefighter staff, please include both. Please see attached current SCC Maternity and Paternity Polices, both are applicable to fire staff.

NOTE - Our maternity policy document is currently going through our internal sign off process and due to be republished in January 2026. We have attached this DRAFT policy also. When published, the revised policy will reflect what currently happens in practice in relation to maternity entitlements for employees on Grey Book terms and conditions.

We have implemented the new (draft) policy and this was in effect in July 2025, in advance of the policy document (attached) going through our internal sign off process and publication.

However, the maternity leave and pay entitlements for Firefighters being applied at 1 July 2025 in practice were in line with the entitlements set out in the 7th Edition of the Grey Book.

In addition to the entitlements set out in the Grey Book, Suffolk County Council has chosen to remove the national service requirement of 1 year that was previously attached to Occupational Maternity Pay (OMP), so all employees on maternity leave are eligible to receive OMP. This was applied from 1 April 2020.

Suffolk County Council also do not require an employee taking maternity leave to pay OMP back if they do not return to work for SCC.

2) In the last three years for which you have data, how many staff members were eligible for paternity leave?

information provided below is in calendar year (Jan to Dec).

2023 – 532 employees of which 473 are uniformed and 59 are non-uniformed employees

2024 – 520 employees of which 466 are uniformed and 54 are non-uniformed employees

2025 – 504 employees of which 450 are uniformed and 54 are non-uniformed employees

3) In the last three years for which you have data, how many staff members took paternity leave, and for how many weeks on average?

information provided below is in calendar year (Jan to Dec).

2023 – 18 employees with an average of 2.95 weeks – all uniformed employees

2024 – 19 employees with an average of 2.9 weeks – 18 uniformed employees with an average of 2.8 weeks & 1 non uniformed employee who took 4 weeks

2025 - 18 employees with an average of 3.1 weeks – all uniformed employees

4) In the last three years for which you have data, what was the average salary for staff who were eligible for paternity leave? (If it is not possible to provide this, please provide the average salary for all the organisation's staff instead)

information provided below is in calendar year as calculated as at 1st December each year.

2023 – SFRS £37,535.74 – uniformed £37,874.03 and non-uniformed £34,307.72
2024 – SFRS £39,046.39 – uniformed £39,282.46 and non-uniformed £36,761.58
2025 – SFRS £40,466.82 – uniformed £40,384.62 and non-uniformed £39,487.17

For queries 2 - 4, please provide separate data for firefighter and non-firefighter staff, but if this is not possible, please provide combined data for both instead.



Maternity & Paternity Policy

Document Owner : Tim Jermyn
Version : 2.c - DRAFT COPY
Date : Proposed - Jan 2026

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1 INTRODUCTION AND SCOPE

1.1 Introduction

At Suffolk County Council we understand the journey to parenthood can take many forms, this policy outlines the maternity and paternity statutory provisions and occupational entitlements available to employees growing their families.

We also recognise that not every pregnancy or early parenting journey results in a live birth or continues as planned. In such circumstances including, miscarriage, stillbirth, baby loss or abortion, employees are entitled to support through both statutory rights and occupational provisions. Suffolk County Council is committed to offering compassionate, practical assistance during these difficult times, ensuring employees feel supported and respected.

This policy ensures fair and consistent treatment for all employees, providing clear guidance and support during these significant life events. It is aligned with UK employment legislation and reflects our values.¹

For supporting guidance and materials please see our Family Friendly toolkit guidance on MyHelp.

1.2 Scope

This policy applies to all SCC employees including Suffolk Fire and Rescue employees on Grey Book, and school-based support staff working within Education, Skills and Learning and Inclusion Services.

This policy does not apply to teaching and support employees working for schools directly. Where SCC employees are on other terms and conditions (such as teachers or NHS) and have a policy that covers the same or similar their own policy will apply.

2 MATERNITY LEAVE

2.1 Maternity leave

All employees can take up to 26 weeks Ordinary Maternity Leave (OML) and up to a further 26 weeks Additional Maternity Leave (AML) This entitlement is regardless of hours worked or length of service.

An employee can return to work before the end of the full maternity leave period. Where an employee chooses to return to work before the full 52 weeks, notice of at least 8 weeks

¹ NB: Our parental policies avoid the use of gendered language as much as possible. They do continue to refer to maternity and paternity leave, pay and entitlements, as they have legal definitions. Trans and non-binary staff may not identify with these words, so, where relevant, managers should ask what the appropriate language to use in discussion is. Managers should be aware that cis women are not the only people who may experience pregnancy: the policy may also apply to trans men, and other gender diverse people, such as those who are intersex or non-binary.

should be given. There is no requirement to give notice if the expected return date is the full 52 weeks.

Only one period of leave is available, irrespective of whether more than one child is to be born.

2.2 Notification and starting of maternity leave

To qualify for maternity leave, an employee must give notice to their manager in writing by the end of the 15th week before the expected week of childbirth, confirming:

- That they are pregnant
- The expected week of childbirth, by means of a MATB1 form, when this is available
- The date they intend to start maternity leave. The earliest start date for maternity leave is 11 weeks before the expected week of childbirth. (You can work up until the day your baby is due).
- Or the day your baby is born
- If your baby is born prematurely and you have not started your maternity leave, your maternity leave will start on the day after the birth.

Intended leave dates should be discussed and agreed with your manager, however it is ultimately the employee's decision. The employee should give at least 28 days' written notice of when they intend to start their leave. Employees can make changes to the expected start of maternity leave with 28 days' notice, and changes to the return date with 8 weeks' notice.

When the baby is born, employees should wherever possible give notice of the actual birthdate within 28 days. The manager should ensure Payroll are informed of that date.

HR will respond to notification of maternity leave plans within 28 days, setting out the expected return to work date, assuming the employee will take the full statutory maternity leave entitlement.

2.3 Compulsory maternity leave, and automatic commencement

There is a period of two weeks immediately following the birth of a child which is known as 'compulsory maternity leave'. Employees who have given birth must take at least this length of time off, for the purposes of rest and recuperation after birth, and bonding with the child. It is the only period of maternity leave that is reserved: it cannot be used by the other parent as part of shared parental leave.

Maternity leave will also commence if the employee is absent from work because of a pregnancy-related illness on or after the 4th week before the expected birth date.

2.4 Time off for antenatal appointments

Pregnant employees have the right to paid time off for antenatal care. They should provide a medical certificate if requested.

Antenatal care includes appointments with a registered medical practitioner, midwife or health visitor. It may also be extended to include reasonable time for relaxation classes and parenting classes. Employees should give their manager reasonable notice of antenatal appointments, where possible.

2.5 Abortion

Abortion is something which we seek to support our employees through. Managers and colleagues are expected to act supportively towards a colleague who is undergoing, or intending to undergo, abortion. They should not seek to influence the decision in any way, but to support the individual, through what can be a difficult time, physically, mentally and emotionally. If this causes a conflict within themselves, they are asked to remember that they are not being asked to support the act, but the person. We all have a duty of care towards each other at work.

People who are undergoing an abortion and need leave on the day or immediately afterwards will be entitled to take pregnancy-related sick leave. This is excluded from the Bradford Factor. Compassionate leave may also apply, depending on the circumstances.

Co-parents, partners, or other close people can take unpaid emergency dependent's leave, to support the person who has had the abortion. As with other types of emergency dependent's leave, it is recommended they be allowed to upgrade this to annual leave, if they wish to avoid loss of income, waiving any usual requirements of notice for the annual leave. If the person is also themselves directly emotionally affected by the abortion, compassionate leave may apply.

2.5 Surrogacy

Surrogacy is when a third party agrees to undergo a pregnancy on behalf of other people, of a child they do not intend to parent, and who they may not be genetically related to.

Every pregnant employee has the right to paid time off for antenatal care, and to maternity leave. What a surrogate does after the child is born does not affect their rights in these respects. Surrogate carriers should also be protected from health and safety risks, and supported with their pregnancy and after the birth, just as other pregnant employees are.

The receiving parents are likely to be entitled to adoption, paternity and/or shared parental leave.

3 MATERNITY PAY

SCC operates two maternity pay schemes:

- Statutory Maternity Pay, which is paid by the Council on behalf of the Department of Work and Pensions, and
- Occupational Maternity Pay.

3.1 Eligibility for Statutory Maternity Pay

Statutory Maternity Pay (SMP) is payable for up to 39 weeks during maternity leave.

Eligibility is based on:

- Having continuous service with SCC for at least 26 weeks, at the start of the 15th week before the expected week when the baby is due (the 15th week is known as the qualifying week).
- Having weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions. If earnings are lower, employees may be entitled to a Maternity Allowance
Having provided notice of at least 15 weeks before the baby is due of the intended start of maternity leave.
- Having provided medical evidence of the date the baby is due at least 21 days before the maternity absence is due to start (or as soon as possible if the baby's born early). Usually this would be via a MATB1 certificate.

Grey Book Employees Only

An employee on Grey Book terms and conditions, who has less than a year's continuous local government service at the eleventh week before the expected week of childbirth shall receive their entitlement to Statutory Maternity Pay (SMP)

3.2 Rates for Statutory Maternity Pay

- For the first six weeks of absence an employee is entitled to 90% of a week's average pay made in Statutory Maternity Pay (or Maternity Allowance where not eligible). An average week is calculated by averaged earnings for the eight weeks up to and including the qualifying week, and includes shift allowances, overtime and other financial benefits and allowances.
- The remaining 33 weeks (of the 39-week allowance) is paid at a rate set by the government, or 90% of average earnings or Statutory Maternity Pay, whichever is lowest.
- Any pay rise during maternity leave will be calculated into a revised payment. This may lead to a lump sum payment being made to make up the difference

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- Statutory maternity pay is treated as earnings and is subject to PAYE and National Insurance.
- Statutory maternity pay is payable whether the employee intends to return to work following their maternity leave or not.

3.3 Eligibility for Occupational Maternity Pay

All employees on maternity leave will be eligible for Occupational Maternity Pay (OMP), regardless of length of service. Employees are not required to pay OMP back if they do not return to work for SCC.

3.4 Rates for Occupational Maternity Pay

Occupational maternity pay entitlements vary depending on the contractual terms and conditions. These differences reflect nationally negotiated agreements specific to each employment group.

As such the organisation applies the relevant provisions in accordance with the employee's contractual group to ensure compliance with national terms and to maintain fairness and consistency across the workforce.

- For the first six weeks of maternity leave, employees will be entitled to 90% of their pay, offset against payments made from SMP or Maternity Allowance (where employees are not eligible for SMP).
- Employees will, for the next 12 weeks, receive half pay without deduction
Alternatively, the equivalent amount (i.e. six weeks' pay) may be paid over 33 weeks.

Grey Book Employees

An employee on Grey Book terms and conditions, is entitled to:

- For the first 26 weeks of absence, full pay offset against SMP, or Maternity Allowance (MA) for employees not eligible for SMP.
- Then SMP (if eligible) for the subsequent thirteen weeks.

4 ANNUAL LEAVE, BANK HOLIDAYS AND STATUTORY HOLIDAYS

Employees will accrue annual leave during their maternity leave period. Wherever possible, leave should be taken during the current leave year, however this may not always be possible, and leave can be carried forward to the following leave year.

Employees may choose to take the accrued annual leave before and/or after the maternity period, subject to agreement with the line manager. Any foreseeable difficulties in taking the leave allowance should be discussed with the manager.

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Employees on maternity leave will be paid their usual entitlement to bank holidays and statutory holidays that fall within their leave period.

5 PREGNANCY/BABY LOSS AND PARENTAL BEREAVEMENT LEAVE AND PAY

Baby loss can have lasting physical effects for the pregnant person, and lasting mental and emotional effects for any parent. Managers and colleagues are expected to support staff who experience pregnancy/baby loss.

In the case of miscarriage, i.e., baby loss before 24 weeks, employees are entitled to receive compassionate leave of up to 10 days (two weeks pro rata) with pay. This can be used by any parent, and potentially by other people in the family who may be affected by the loss of the child.

5.1 Stillbirth

There are special provisions for stillbirth, i.e., the loss of a baby at birth or after 24 weeks of pregnancy. The pregnant person is entitled to the full maternity leave and pay if they so wish. They must take a two-week period of compulsory maternity leave for the purposes of recuperation after the loss of the baby.

There is a statutory entitlement to parental bereavement leave of two weeks following the death of a child under 18, or a stillbirth after 24 weeks.

The right to leave extends to employees who are parents, adopters, foster parents and guardians, as well as close relatives or family friends who have taken responsibility for the child's care.

6 PREMATURE BIRTH AND NEONATAL CARE PAY AND LEAVE

To support employees whose babies are born prematurely and/or require neonatal care, Suffolk County Council provides enhanced leave and pay entitlements. This also applies to employees who are partners with parenting responsibility. Where both premature birth and neonatal care are simultaneous, the employee will receive the greater of the two benefits.

Legally, the leave cannot be designated as maternity leave, so it will instead be added as a period of paid leave at the end of the period of parental leave.

Managers can require the employee to provide proof of a baby's due date and/or hospital treatment, but this will usually be taken on trust.

In terms of notice for the purposes of maternity pay, if the baby is born after the employee has gone on maternity leave, there will be no effect on maternity pay. If the baby is born before the maternity pay period is due to start, the employee must, if reasonably practicable, give

notice of the date of the birth within 28 days, and payments will be paid from the day following the day of childbirth.

6.1 Premature birth

Suffolk County Council is signed up to the 'The Smallest Things: Employer with Heart' charter, which means that it will give extra fully paid time off for employees who are parents or adopters of premature babies.

Babies are considered to be at 'term' at 37 weeks gestation, and premature if born before that. A standard pregnancy is for 40 weeks. Therefore, employees who are parents of babies born before 37 weeks, who require hospital treatment, are entitled to the same number of extra days of leave on full pay as the number of days that their child is born early.

An early birth will always be calculated backwards from the full term of 40 weeks, regardless of whether it was medically planned to happen earlier. This means anyone who qualifies will get at least 3 extra fully paid weeks, and potentially a lot more, SCC has not placed a cap on the maximum amount.

6.2 Neonatal Care Pay and Leave

Neonatal care refers to the medical support provided to newborn babies within the first 28 days following birth.

This care may include:

- In hospital treatment
- Post discharge medical care, where the baby remains under the supervision of a hospital consultant and attends follow up appointments or assessments arranged by the treating hospital
- Palliative or end of life care

For babies born on or after 6 April 2025, employees are entitled to one week of Statutory Neonatal Care leave for every seven consecutive days their baby receives qualifying neonatal care, up to a maximum of 12 weeks. This includes fathers and partners of birth parents. Parents are not eligible for neonatal care leave until their baby has been receiving care for 7 days or more. Each week of leave is taken in arrears.

Parents who are not already on leave might need to take another form of leave for the first 7 days. For example, time off for dependants, annual leave or special leave.

If Neonatal Care Leave is taken, employees may be eligible for Statutory Neonatal Care Pay. This is paid at either the Statutory Maternity Pay rate per week or 90% of your average weekly earnings, whichever is lower.

Proposed - Suffolk County Council has enhanced the statutory leave and pay provision by providing eligible employees the equal number of extra days of leave on full pay as the number

of days that their child is in Neonatal Care. This ensures employees are fully supported throughout the duration of their baby's hospital treatment, beyond the statutory entitlement.

Payments are made in the same way as your usual wages (e.g. weekly or monthly), with deductions for tax and National Insurance.

Neonatal Care Leave and Pay are provided in addition to existing statutory entitlements such as maternity, paternity, adoption and shared parental leave. Where an employee is already on maternity or adoption leave, Neonatal Care Leave must be taken immediately following the end of that leave period.

7 HEALTH AND SAFETY DURING PREGNANCY, MATERNITY AND BREASTFEEDING

Consideration must be given to any health and safety implications for pregnant and breastfeeding employees and workers. Managers should undertake a Workplace Risk Assessment as soon as a staff member informs them that they are pregnant or wish to express milk at work. Where any job duties or circumstances are identified that could cause the employee or the unborn child harm, steps must be taken to remove or reduce the risk as much as is reasonably possible. Where risks cannot be suitably addressed, medical suspension may be necessary.

7.1 Breastfeeding/Lactation³

SCC is committed to supporting breastfeeding parents.

- Breastfeeding parents should continue to have a risk assessment at work to mitigate any aspects of their work that may cause harm to them or their children.

Support will vary according to the needs of the parent and the child and is likely to change as the child gets older. Arrangements made should be reviewed regularly to ensure they are striking the correct balance between meeting the needs of the organisation and the parent and child. Managers should do what they can to be accommodating and flexible, but staff should be aware that operational requirements will take precedence.

8 INCREASED PROTECTION AGAINST REDUNDANCY FOR PREGNANT EMPLOYEES⁴

Employees taking certain types of parental leave now have protection from redundancy for at least 18 months. This protection means that if their role is made redundant their employer

³ Note: trans or gender diverse people who are not women to whom this section applies may prefer the term 'lactation' or 'chest-feeding'. The term 'breastfeeding', when applied to themselves, can cause feelings of gender dysphoria.

⁴ These changes were made by the Protection from Redundancy (Pregnancy and Family Leave) Act 2023, and the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024)

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must give them first refusal of any other vacancies: however, they can still be made redundant if no appropriate vacancy is available. Previously, employees only had this protection during their period of maternity, adoption or shared parental leave.

Protection now begins on the day the employer is first notified of the employee's pregnancy and ends 18 months after the date of the child's birth. These protections also now extend to 18 months after the date of adoption for parents taking adoptive leave or 18 months after the child's birth in cases where a parent is taking at least six weeks of shared parental leave.

9 PENSION CONTRIBUTIONS

During any period of maternity leave employees must continue to pay pension contributions on the actual pay being received. Benefits will continue to accrue as if working on full pay.

Employees who have the right to return to work can choose to pay contributions for any period of unpaid maternity or adoption leave beyond the 26-week Ordinary Maternity Leave period so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of pay (or reduced pay) that was entitled before the period of unpaid maternity leave commenced.

If an employee chooses to pay the contributions, they will be given the opportunity to pay at the end of the period of unpaid leave. Repayments are usually made over the same period as the length of missing service. Repayment must be agreed with the Payroll Team.

Any additional contributions to increase membership will remain payable.

10 KEEPING IN TOUCH

Managers should ensure that key issues affecting the employee are communicated to them during extended periods of leave, in particular any relating to terms and conditions or restructures.

An employee can take up to 10 Keeping in Touch days during their maternity leave. There is no requirement on employees to take Keeping in Touch days, nor on managers to offer them; however, they are useful for helping to ease the employee back into the workplace.

An employee, with the agreement of the organisation, may use KIT days to affect a gradual return to work by the employee towards the end of their leave period or to trial a possible flexible working pattern.

Proposed - Employees will be paid for a full day's work, if they work for a minimum of one hour for that working day. Since there is no requirement to take KIT days, employees will not be paid for any additional hours, if they exceed their usual working time.

Staff should be aware that KIT payment is offset against statutory maternity pay. Employees should note if they work for part of a day, it still counts as an entire Keeping in Touch Day out of their 10 maximum. Any KIT days worked do not extend the period of maternity leave.

11 RETURNING TO WORK

Employees are entitled to return to their job on return from maternity leave, with the same terms and conditions of employment. For those employees whose maternity leave exceeds 26 weeks, where it is not reasonably practical for them to return to the same job, they must be offered another one that is both suitable and appropriate, and on no less favourable terms and conditions.

If there is any change to their role due to organisational restructure, the employee should have been effectively consulted during their maternity leave.

Employees returning to work after maternity leave may also have a statutory right to request flexible working arrangements. More details about this can be found in the Flexible Working Policy.

SCC will seriously consider any requests for flexible working, and any refusal must be objectively justified.

12 PATERNITY LEAVE AND PAY

12.1 Paternity leave

Paternity leave must be taken for the specific purpose of caring for a new-born child, newly placed adopted child or supporting the mother or partner with parenting responsibilities.

All employees who are dads, or partners with parenting responsibility, will be eligible for four weeks' paternity leave, regardless of length of service, as part of SCC's occupational enhancements.

Employees are eligible for statutory paternity leave following the birth or placement of a child if they:

- Expect to have responsibility for bringing up the child; **and**
- Are the other biological parent, or the partner⁶ of the birth parent, or adopter; **and**
- Will be taking leave to care for the child and/or support the birth parent or adopter; **and**
- For the period of statutory leave, have a minimum of 26 weeks of SCC service, at the 'qualifying week'. For births, this is the 15th week before the estimated week of birth,

⁶ In the statutory definition, a partner is someone who lives with the birth parent or adopter in an enduring family relationship but is not an immediate relative.

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or, in the case of adoption, it is the end of the 'matching week' (the week the child is placed, enters the UK or your paternity pay starts); **and**

- Are employed continuously by SCC from the qualifying week up until the actual date of birth or placement.

Employees taking statutory paternity leave can split their two weeks entitlement into two separate one-week blocks. This statutory leave can also be taken at any time within the first year after the child's birth.

The additional two-week occupational entitlement can be taken up to 54 weeks after the birth, but cannot be taken until after the first 2 weeks statutory paternity leave.

Both the statutory and occupational paternity weeks can be split and be taken in blocks or split into separate weeks.

For Children Adopted on or after 6 April 2024

The statutory period of leave cannot start before the date of the placement, or, for oversea adoptions, before the child arrives in the UK, and it must end within 52 weeks after the date of placement or arrival in the UK. The additional two-week occupational leave entitlement can be taken up to 54 weeks after the date of placement or arrival in the UK. Both the statutory and occupational paternity weeks can be taken in blocks or split into separate weeks.

For surrogate parents, the statutory period of leave cannot start before the day the child is born, or the day after, if the employee was working on the day of the birth.

12.2 Time off for ante-natal appointments

Employees who are partners (including same-sex partners) of someone who is pregnant, or expectant fathers, are entitled to paid time off for up to two antenatal appointments of up to 6.5 hours each. Extra time can be taken from annual leave. Proof of the appointment cannot be requested, as it is the property of the person who is pregnant, but the manager can require a signed declaration confirming the appointment.

Antenatal care includes appointments with a registered medical practitioner, midwife, or health visitor. It may also be extended to include reasonable time for relaxation classes and parenting classes. Employees should give their manager reasonable notice of antenatal appointments, where possible.

12.3 Paternity pay

All employees eligible for paternity leave as laid out above will receive 100% pay for the first week and 90% for the following three weeks.

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The first week is paid at 100% pay, in line with the contractual provision of Maternity/Adoption Support Leave. The 90% rate of pay thereafter mirrors the rate of pay for the first few weeks of maternity leave.

For those eligible for Statutory Paternity Pay (SPP), if the rate of SPP is higher than 90% pay, the employee will receive that, for the second week only.

12.4 Notification of paternity pay

Employees must give their employer 28 days' notice for each week of leave. However, they must still give notice to their manager of their upcoming entitlement 15 weeks before the expected date of birth.

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Length of service*	Ordinary Maternity Leave	Additional Maternity Leave	Statutory Maternity Pay	Occupational Maternity Pay
Less than 26 weeks at 15 weeks prior to the expected week of childbirth matching date	✓ Up to 26 weeks	✓ Up to 26 weeks (52 total with ordinary leave)	✗	✓ 12 weeks half pay
At least 26 weeks but less than 1 year at 15 weeks prior to the expected week of childbirth matching date. Also meets the weekly earnings/ National Insurance criteria.	✓ Up to 26 weeks	✓ Up to 26 weeks (52 total with ordinary leave)	✓ 6 weeks at 90% of pay plus 33 weeks' standard rate SMP	✓ 12 weeks half pay
More than 1 year at 11 weeks before the expected week of childbirth matching date. Also meets the weekly earnings/ National Insurance criteria.	✓ Up to 26 weeks	✓ Up to 26 weeks (52 total with ordinary leave)	✓ 6 weeks at 90% of pay plus 33 weeks' standard rate SMP	✓ 12 weeks half pay

- Due to statutory requirements, the length of service for the purposes of SMP is based on continuous service with the current employer (SCC) only.
- If your baby is born early or late then please see the policy guidance above for more information about additional entitlements.
- Please see the policy guidance above for information on Occupational Maternity Pay entitlement.

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14 DOCUMENT CONTROL

Changes History

Issue No	Date	Amended By	Summary of Changes
1.0	17 Nov 2021	Gita Banerji	Simplification of front box, summary of entitlements. Clarification re employee/worker status and entitlements around parental bereavement leave. Addition of breastfeeding support information. Move to new policy template. Removal of pensions info – replaced with signposting to updated Ask HR question and LGPS site.
2.0	25 May 2022	Gita Banerji	Addition of sentence clarifying premature baby leave always to be calculated from full term of 40 weeks.
2.a	7 March 2023	Gita Banerji	Adding sections on surrogacy and abortion, amending stillbirth section and adding info about support for miscarriage and baby loss, tweaks for clarity.
2.b	18 April 2023	Gita Banerji	Minor tweaks following stakeholder feedback, for clarity and to widen scope to include staff on other T&Cs where no similar provisions apply
2.c	November 2025	Louisa Watson/ Amy-May Jessop	<p>Added to new policy template</p> <p>Combined the existing Maternity and Paternity policies into a single policy.</p> <p>Includes and references eligibility for Grey Book Statutory Maternity leave and pay (SMP) and Occupational Maternity leave and pay (OMP).</p> <p>Implementation of legislative updates, including the introduction of neonatal leave and enhanced redundancy protections for pregnant employees</p> <p>Simplified language to improve accessibility and understanding throughout the document.</p> <p>Proposed - Keeping in Touch (KIT) days: full-day pay regardless of duration of attendance.</p>

Authorisation (Responsible Owner)

Role	Name	Approval Date
Assistant Director, Human Resources and Organisational Development (HR&OD) -Interim	Tim Jermyn	

Approval (Accountable Owner)

Role	Name	Approval Date
Trade Unions	Sent by Gita Banerji	<p>1.0 Final changes circulated by email on 6 Dec 2021</p> <p>2.0 Circulated by email on 25 May 2022</p> <p>2.b Signed off at the Corporate Change Forum on 26 April 2023</p>

Reviewers (Consulted)

Role & Review Responsibilities	Name	Approval Date
Staff Partnership Board TU reps	Sent by Gita Banerji	<p>1.0 Sent by email on 23 Sep, 4 Nov and 6 Dec 2021</p> <p>2.0 Sent by email on 25 May 2022</p>

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Corporate Services Controlled Documentation Scheme

		2.b Signed off at the Corporate Change Forum on 26 April 2023
HR Lead Team	Sent by Gita Banerji	2.b 24 March 2023
HR Payroll	Sent by Gita Banerji	2.b 9 March 2023

Distribution List - Once authorised (Informed)

Name	Organisation
	Suffolk County Council

Review Period

Date Policy to be Reviewed	By whom
January 2027	SCC HR



Maternity Policy

Document Owner : Jeanette Bray
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1 INTRODUCTION AND SCOPE

1.1 Statement of intent (applies to all parental policies)

Suffolk County Council supports balanced parenting and wants to enable all and each of its staff who are parents to find the right work/life balance for them, and to be able to have time off work following the birth or adoption of a child.

All parent employees of SCC are entitled to the below, as a day 1 right:

- Up to a year's leave, following the birth or adoption of a child.*
- Up to 39 weeks of paid parental leave (see pay rates in policy) – enhanced equally for parents of any gender.*
- No requirement to repay if you do not return to work following leave.
- Paid time off for antenatal appointments/ pre-adoption care.
- Extra fully paid leave for parents of premature babies (at least 3 weeks).
- Days to keep in touch whilst on parental leave, fully paid as long as you work at least half your hours.
- A buddy scheme to support parents.
- A culture where flexible working is the default expectation.
- A reasonable amount of unpaid emergency dependent's leave when your child is sick or childcare arrangements fall through, and/or the ability to work flexibly or use annual leave for this purpose at short notice.
- Up to 18 weeks unpaid parental leave per child, up to the age of 18.

Many of these go over and above what is required by law.

(NB: the asterisked entitlements must be shared if being used by more than one parent.)

The Equality Act 2010 makes it illegal to treat someone less favourably because of pregnancy and maternity, or on the grounds of sex. The Council extends this principle to all types of parental leave. SCC does not tolerate unfair discrimination against any employee on the grounds of: being, having been or intending to become a parent; being, having been or intending to become pregnant; or taking, having taken or intending to take maternity, paternity, adoption or shared parental leave.

Examples of less favourable treatment include:

- Exclusion from training and development activities
- Not keeping an employee informed of key job changes, such as restructures
- Detrimental change in job duties
- Abuse or derogatory remarks
- Exclusion from applying for jobs.

We expect all managers, colleagues, suppliers, and customers to treat our staff inclusively.

NB: Our parental policies avoid the use of gendered language as much as possible. They do continue to refer to maternity and paternity leave, pay and entitlements, as they have legal definitions. Trans and non-binary staff may not identify with these words, so, where relevant, managers should ask what the appropriate language to use in discussion is. Managers should be aware that cis women are not the only people who may experience pregnancy: the policy may also apply to trans men, and other gender diverse people, such as those who are intersex or non-binary.

1.2 Scope

This policy covers Single Status (Green Book), Fire (Grey Book) and Soulbury (Blue Book) employees. Where staff on other terms and conditions (such as teachers or the NHS) have a policy that covers the same or similar, their own policy will apply. If they do not, then this policy will apply to them as well. Please also see the Family Friendly Toolkit and Shared Parental Leave Policy for additional guidance.

2. POLICY DETAIL

2.1 Maternity Leave and Pay

2.1.1 Maternity leave

Maternity leave entitlement is up to 52 weeks, made up of ordinary and additional maternity leave. An employee can return to work before the end of the full maternity leave period. Where an employee chooses to return to work before the full 52 weeks, notice of at least 8 weeks should be given. There is no requirement to give notice if the expected return date is the full 52 weeks.

Only one period of leave is available, irrespective of whether more than one child is to be born.

2.1.2 Notification and starting of maternity leave

An employee must give notice to their manager by completing form MP3, by the end of the 15th week before the expected week of childbirth:

- That they are pregnant
- The expected week of childbirth, by means of a MATB1 form, when this is available
- The date they intend to start maternity leave. The earliest start date is 11 weeks before the expected week of childbirth.

Intended leave dates should be discussed and agreed with the manager, however it is ultimately the employee's decision. The employee should give at least 28 days' written notice of when they intend to start their leave. Employees can make changes to the expected start of maternity leave with 28 days' notice, and changes to the return date with 8 weeks' notice.

When the baby is born, employees should wherever possible give notice of the actual birthdate within 28 days. The manager should ensure Payroll are informed of the date.

HR will respond to notification of leave plans within 28 days, setting out the expected return to work date in event of taking the full statutory maternity leave entitlement.

2.1.3 Compulsory maternity leave, and automatic commencement

There is a period of 2 weeks immediately following the birth of a child which is known as 'compulsory maternity leave'. Employees who have given birth must take at least this length of time off, for the purposes of rest and recuperation after birth, and bonding with the child. It is the only period of maternity leave that is reserved: it cannot be used by the other parent as part of shared parental leave.

Hence, maternity leave must commence automatically upon the birth of the baby, if the parent is not already on leave.

Maternity will also commence if the employee is absent from work because of a pregnancy-related illness on or after the 4th week before the expected birth date, unless it is a very minor illness and the employee returns to work within 1-2 days.

2.1.4 Maternity pay

SCC operates two maternity pay schemes:

- Statutory Maternity Pay, which is paid by the Council on behalf of the Department of Work and Pensions, and
- Occupational Maternity Pay.

2.1.5 Eligibility for Statutory Maternity Pay

Statutory Maternity Pay (SMP) is payable for up to 39 weeks during maternity leave.

Eligibility is based on:

- Having continuous service with SCC for at least 26 weeks, at the start of the 15th week before the expected week when the baby is due (the 15th week is known as the qualifying week).
- Having weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions (as of Jan 2017, the average weekly earnings must be at least £112). If earnings are lower, employees may be entitled to a Maternity Allowance (details can be found [here](#)).
- Having provided notice of at least 15 weeks before the baby is due of the intended start of maternity leave.
- Having provided medical evidence of the date the baby is due at least 21 days before the maternity absence is due to start (or as soon as possible if the baby's born early). Usually this would be via a MATB1 certificate.

2.1.6 Rates for Statutory Maternity Pay

For a breakdown of your SMP entitlement, please see [here](#).

- For the first six weeks of absence an employee is entitled to 90% of a week's average pay made in Statutory Maternity Pay (or Maternity Allowance where not eligible). An average week is calculated by averaged earnings for the eight weeks up to and including the qualifying week, and includes shift allowances, overtime and other financial benefits and allowances.
- The remaining 33 weeks (of the 39-week allowance) is paid at a rate set by the government, or 90% of average earnings or Statutory Maternity Pay, whichever is lowest.

- Any pay rise during maternity leave will be calculated into a revised payment. This may lead to a lump sum payment being made to make up the difference.¹
- Statutory maternity pay is treated as earnings and is subject to PAYE and National Insurance.
- Statutory maternity pay is payable whether or not the employee intends to return to work following their maternity leave.

2.1.7 Eligibility for Occupational Maternity Pay

SCC has chosen to remove the national service requirement of 1 year that was previously attached to Occupational Maternity Pay (OMP), so all employees on maternity leave will be eligible for it from 1 April 2020. They will also no longer be required to pay OMP back if they do not return to work for SCC.

2.1.8 Rates for Occupational Maternity Pay

- For the first six weeks of maternity absence, employees will be entitled to 90% pay, offset against payments made from SMP or Maternity Allowance (where employees are not eligible for SMP).
- Employees will, for the subsequent 12 weeks, receive half pay without deduction except by the extent to which the combined pay and SMP (or MA and any dependent's allowance if the employee is not eligible for SMP) exceed full pay. Alternatively, the equivalent amount (i.e. 6 weeks' pay) may be paid over 33 weeks. The principle to deduct payments made that exceed full pay will only apply to lower-paid workers, since it will only be them for whom half pay + SMP will exceed their full pay. It also depends on how the employee chooses to receive the pay – their weekly OMP over 33 weeks, for example, will be a lot less than over 12 weeks, which could prevent any deductions. Therefore, for consistency, fairness, and to encourage the retention of our skilled workers, SCC has committed, for employees returning to work from 1 April 2020, to repay any excess deductions to the employee once their maternity leave ends.

2.2 Maternity-related sickness absences

Maternity-related sickness absence should be recorded using the “pregnancy-and maternity related conditions” option. This is to ensure it is not included in any performance management or redundancy selection processes looking at levels of absence.

Where an employee is absent from work because of a pregnancy-related illness on or after the 4th week before the expected birth date, this should be treated as the start of the maternity leave, unless it is a very minor illness and the employee returns within 1 or 2 days.

¹ See the [Alabaster Ruling](#).

2.3 Time off for antenatal appointments

Pregnant employees have the right to paid time off for antenatal care. They should provide a medical certificate if requested. The 'Antenatal Leave' option should be used on MyHR.

Antenatal care includes appointments with a registered medical practitioner, midwife or health visitor. It may also be extended to include reasonable time for relaxation classes and parenting classes. Employees should give their manager reasonable notice of antenatal appointments, where possible.

2.4 Abortion

Abortion is a relatively common occurrence: according to UK government statistics, the rate in 2021 was 18.6 per 1000 women². Based on our staff data, this means that in 2022 over 70 of our staff were likely to have had an abortion.

Abortion is something which we seek to support our employees through. Managers and colleagues are expected to act supportively towards a colleague who is undergoing, or intending to undergo, abortion. They should not seek to influence the decision in any way, but to support the individual, through what can be a difficult time, physically, mentally and emotionally. If this causes a conflict within themselves, they are asked to remember that they are not being asked to support the act, but the person. We all have a duty of care towards each other at work.

There can be many reasons for abortion: as well as preference, it can be based on physical, mental, financial or social circumstances. Sometimes it is a medical necessity. Research confirms that abortions are rarely lightly undertaken.³

Abortion can also have a lasting impact on a person's physical and mental health. This is in part because of the medical process, but also because of the effects of having been pregnant, with all the physical, emotional and hormonal changes to the body that entails.

People who are undergoing an abortion and need leave on the day or immediately afterwards will be entitled to take pregnancy-related sick leave. This is excluded from the Bradford Factor. Compassionate leave may also apply, depending on the circumstances.

Co-parents, partners or other close people can take unpaid emergency dependent's leave, to support the person who has had the abortion. As with other types of emergency dependent's leave, it is recommended they be allowed to upgrade this to annual leave, if they wish to avoid loss of income, waiving any usual requirements of notice for the annual leave. If the person is also themselves directly emotionally affected by the abortion, compassionate leave may apply.

² See: <https://www.gov.uk/government/statistics/abortion-statistics-for-england-and-wales-2021/abortion-statistics-england-and-wales-2021> This statistic does not include the people who are not women who have abortions. It also includes pensioners, who are past childbearing age; therefore, the prevalence of abortion amongst working-age women will be higher.

³ See for example: <https://www.verywellhealth.com/reasons-for-abortion-906589>

2.5 Surrogacy

Surrogacy is when a third party agrees to undergo a pregnancy on behalf of other people, of a child they do not intend to parent, and who they may not be genetically related to.

Every pregnant employee has the right to paid time off for antenatal care, and to maternity leave. What a surrogate does after the child is born does not affect their rights in these respects. Surrogate carriers should also be protected from health and safety risks, and supported with their pregnancy and its aftermath, just as other pregnant employees are.

The receiving parents are likely to be entitled to adoption, paternity and/or shared parental leave.

Surrogacy is a relatively new area and can create uncertainty and complicated emotions for all parties. Employees going through this should have regular welfare check-ins and support from their managers.

2.6 Pregnancy/baby loss and parental bereavement leave and pay

Baby loss during pregnancy or birth happens in 1 in 4 pregnancies.⁴ Based on national pregnancy rates⁵, that means at least 70 of our employees will be suffering baby loss every year.

Baby loss can have lasting physical effects for the pregnant person, and lasting mental and emotional effects for any parent. Managers and colleagues are expected to support staff who experience pregnancy/baby loss. They may benefit from:

- time off, including for medical appointments,
- increased flexibility of hours or location for a fixed period of time to ease a return to work,
- counselling,
- a mental health first aider,
- a referral to Occupational Health,
- being signposted to our Parents Together buddy scheme,
- and, most importantly, a sympathetic and listening ear.

In the case of miscarriage, i.e., baby loss before 24 weeks, employees have recourse to use the contractual compassionate leave entitlement of up to 10 days (2 weeks pro rata) with pay. This can be used by any parent, and potentially by other people in the family who may be affected by the loss of the child.

⁴ See: <https://www.tommys.org/baby-loss-support/pregnancy-loss-statistics>

⁵ ONS statistics show the fertility rate was 55.8 live births per 1000 women in 2021. Given this is $\frac{3}{4}$ of all pregnancies, it means there would be 18.6 baby losses per 1000 women in the same time period. This does not take into account pregnancies from people who are not women, nor the effects of baby loss on partners. It is also including pensioners in the statistics; therefore the rate of live births, and baby loss, will be higher when confined to women of working age.

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There are special provisions for stillbirth, i.e., the loss of a baby at birth or after 24 weeks of pregnancy (which will be happening to around 15 pregnant members of staff each year).⁶ The pregnant person is entitled to the full maternity leave and pay if they so wish. They must take a 2-week period of compulsory maternity leave for the purposes of recuperation after the loss of the baby.

From 6 April 2020, there is a new statutory entitlement to parental bereavement leave of two weeks following the death of a child under 18, or a stillbirth after 24 weeks.

The right to leave extends to employees who are parents, adopters, foster parents and guardians, as well as close relatives or family friends who have taken responsibility for the child's care.

Leave can either be taken in one block or in two separate blocks of one week. It can be taken within a 56-week window from the child's death, to allow time for moments such as anniversaries. Notice requirements will be flexible so leave can be taken without prior notice, although employees will need to tell their manager at the time of taking the absence that they will be off work, and the reason for the absence.

Employees or workers who have worked for SCC for at least 26 weeks on the Saturday before the child's death will receive 2 weeks' pay at the statutory rate. Other staff will be entitled to unpaid leave. SCC's contractual compassionate leave entitlements of up to 10 days with pay may be used instead to avoid any loss of pay, or for those who do not meet the service criteria. Alternatively, the two can be used consecutively to enable a longer period of leave.

Sick leave (which is usually paid) may also be relevant for longer periods of absence. Employees should be supported by their manager and are likely to need a referral to occupational health, and potentially a phased return, to support them back to work when they are ready to return.

Sometimes people who are struggling with issues around baby loss report finding it harder to find compassion for families they are working with where children are being mistreated. For those working in front-line roles who are finding this hard, there is an option to discuss with their manager to consider whether temporary adjustments to duties are possible. These will usually need to be short-term, since those duties will usually be integral to their roles.

2.7 Premature babies

From 1 April 2020, Suffolk County Council has signed up to the 'The Smallest Things: Employer with Heart' charter, which means that it will give extra fully paid time off for employees who are parents or adopters of premature babies. This includes employees who are partners with parenting responsibility.

This recognises the strains and pressures of this unique situation, and the additional support that both the child and parents need at this time.

⁶ [ONS statistics](#) show a rate of 4.1 stillbirths per 1000 births in 2021.

Babies are considered to be 'term' at 37 weeks gestation, and premature if born before that. A standard pregnancy is for 40 weeks. Therefore, employees who are parents of babies born before 37 weeks, who require hospital treatment, are entitled to the same number of extra days of leave on full pay as the number of days that their child is born early. An early birth will always be calculated backwards from the full term of 40 weeks, regardless of whether it was medically planned to happen earlier. This means anyone who qualifies will get at least 3 extra fully paid weeks, and potentially a lot more – SCC has not placed a cap on the maximum amount.

Legally, the leave cannot be designated as maternity leave, so it will instead be added as a period of paid leave at the end of the period of parental leave.

There may be tax, NI and pensions implications, so individuals are advised to speak to Payroll when they are able to, before making a request about when and how the extra pay is to be received.

In terms of proof, the expectation would be that managers have been supporting their employees, and keeping in touch with them, so would already know when the baby was due, and when it was actually born. Managers can require the employee to provide proof of a baby's due date and hospital treatment, but this will usually be taken on trust.

In terms of notice for the purposes of maternity pay, if the baby is born after the employee has gone on maternity leave, there will be no effect on maternity pay. If the baby is born before the maternity pay period is due to start, the employee must, if reasonably practicable, give notice of the date of the birth within 28 days, and payments will be paid from the day following the day of childbirth.

2.8 Keeping in Touch

Managers should ensure that key issues affecting the employee are communicated to them during extended periods of leave, in particular any relating to terms and conditions or restructures.

An employee can take up to 10 Keeping in Touch days during their maternity leave. There is no requirement on employees to take Keeping in Touch days, nor on managers to offer them; however, they are useful for helping to ease the employee back into the workplace and keeping their practice up to date.

An employee, with the agreement of the organisation, may use KIT days to affect a gradual return to work by the employee towards the end of their leave period or to trial a possible flexible working pattern.

Employees will be paid for a full day's work, as long as they work at least half of their normal hours for that working day. If an employee does less than half of their working hours, they will be paid only for the hours worked, unless they are using the time flexibly to make up

hours on another day (see below). Since there is no requirement to take KIT days, employees will not be paid for any additional hours, if they exceed their usual working time.

SCC allows some flexibility to average hours across KIT days **within the same pay period** (calendar month). If the employee wishes to average their KIT hours in this way, this will need to be clearly mentioned in a covering email when submitting the claims. For example, work over hours on one day can be used to make up work under half of their hours on another day, in order to receive payment for two full days. Similarly, two or more days of insufficient length can be grouped in order to claim payment for one full day. If doing this, staff should bear in mind the statutory requirement that any work on one day uses up 1 day of the 10 days' KIT allowance before statutory pay is affected, which means that more than 1 day of the KIT allowance will still have been used up.

Staff should be aware that KIT payment is offset against statutory maternity pay. Employees should note if they work for part of a day, it still counts as an entire Keeping in Touch day out of their 10 maximum. Any KIT days worked do not extend the period of maternity leave.

2.9 Health and safety during pregnancy, maternity and breastfeeding

Consideration must be given to any health and safety implications for pregnant and breastfeeding employees and workers. Managers should undertake a Workplace Risk Assessment as soon as a staff member informs them that they are pregnant or wish to express milk at work. Where any job duties or circumstances are identified that could cause the employee or the unborn child harm, steps must be taken to remove or reduce the risk as much as is reasonably possible. Where risks cannot be suitably addressed, medical suspension may be necessary.

2.10 Breastfeeding/Lactation⁷

SCC is committed to supporting breastfeeding parents. Support could include:

- Ability to take a reasonable number of short paid breaks for the purpose of expressing, where operational needs allow.
- Provision of a clean, private room for the purpose of expressing, within the limitations of our current buildings. Also provision of a place to rest, and preferably lay down, if needed – this is likely to be the first aid room, where this exists.
- Ability to store breastmilk in fridge in first aid rooms. Since access to these rooms is controlled by SCC Property, this will need to be arranged directly with them, by the employee and/or their line manager.
- Potential for different balance of home/office working whilst breastfeeding, subject to operational needs. It should be noted this does not change other guidance that states staff should not be undertaking childcare whilst working as a regular planned occurrence. Allowing a different pattern across the day or week could, for example, enable a balance between being in the office to promote teamliness and meet

⁷ Note: trans or gender diverse people who are not women to whom this section applies may prefer the term 'lactation' or 'chest-feeding'. The term 'breastfeeding', when applied to themselves, can cause feelings of gender dysphoria.

operational needs, and being at home, where it is easier for the staff member to take short breaks to breastfeed directly at the appropriate times. It could allow the staff member to express milk in the comfort of home, or to be at home at a particular time of day when the child is likely to want feeding, or on days when they are not in a formal childcare setting, but have another family member caring for them at home.

- Breastfeeding parents should continue to have a risk assessment at work to mitigate any aspects of their work that may cause harm to them or their children.

Support will vary according to the needs of the parent and the child, and is likely to change as the child gets older. Arrangements made should be reviewed regularly to ensure they are striking the correct balance between meeting the needs of the organisation and the parent and child. Managers should do what they can to be accommodating and flexible, but staff should be aware that operational requirements will take precedence.

2.11 Pension during maternity

Please see Ask HR for detailed information about how maternity leave interacts with pensions.

There is also information available for Local Government Pension Scheme members on the [LGPS site](#).

2.12 Annual leave during maternity

Employees will accrue annual leave during their leave period, including for any public holidays they would have been entitled to. Wherever possible, leave should be taken during the current leave year; where this is not possible, leave can be carried forward without the usual restrictions. HR can assist with calculating the amount of leave to be carried over.

2.13 Returning to work

To support employees before, during, and upon their return from parental leave, please see the 'Parental Leave Toolkit for Managers', which is in the Family Friendly Toolkit.

Employees whose total leave period amounts to 26 weeks or less are entitled to return to the same job upon their return, with the same terms and conditions. For those whose leave exceeds 26 weeks, where it is not reasonably practicable for them to return to the same job, they must be offered another one that is both suitable and appropriate, and on no less favourable terms and conditions.

Employees can also ask for flexible working – more details can be found in the Flexible Working Guidance. This could include increased flexibility of hours or location for a fixed period of time to ease their return to work.

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Appendix: Summary of Leave and Pay Entitlements for Employees

Length of service*	Ordinary Maternity Leave	Additional Maternity Leave	Statutory Maternity Pay	Occupational Maternity Pay
Less than 26 weeks at 15 weeks prior to the expected week of childbirth matching date	✓ Up to 26 weeks	✓ Up to 26 weeks (52 total with ordinary leave)	✗	✓ 12 weeks half pay
At least 26 weeks but less than 1 year at 15 weeks prior to the expected week of childbirth matching date. Also meets the weekly earnings/ National Insurance criteria.	✓ Up to 26 weeks	✓ Up to 26 weeks (52 total with ordinary leave)	✓ 6 weeks at 90% of pay plus 33 weeks' standard rate SMP	✓ 12 weeks half pay
More than 1 year at 11 weeks before the expected week of childbirth matching date. Also meets the weekly earnings/ National Insurance criteria.	✓ Up to 26 weeks	✓ Up to 26 weeks (52 total with ordinary leave)	✓ 6 weeks at 90% of pay plus 33 weeks' standard rate SMP	✓ 12 weeks half pay

- Due to statutory requirements, the length of service for the purposes of SMP is based on continuous service with the current employer (SCC) only.
- If the normal earnings are lower than the standard rate of SMP, the 33 weeks will be paid at 90% of normal earnings.
- If your baby is born early or late then please see the policy guidance above for more information about additional entitlements.
- The OMP entitlement is 12 weeks' half pay, unless half pay plus standard rate SMP exceeds normal pay – in which case deductions will be made to avoid SMP implications, but repaid to the employee when their maternity leave ends).

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3. DOCUMENT CONTROL

Changes History

Issue No	Date	Amended By	Summary of Changes
1.0	17 Nov 2021	Gita Banerji	Simplification of front box, summary of entitlements. Clarification re employee/worker status and entitlements around parental bereavement leave. Addition of breastfeeding support information. Move to new policy template. Removal of pensions info – replaced with signposting to updated Ask HR question and LGPS site.
2.0	25 May 2022	Gita Banerji	Addition of sentence clarifying premature baby leave always to be calculated from full term of 40 weeks.
2.a	7 March 2023	Gita Banerji	Adding sections on surrogacy and abortion, amending stillbirth section and adding info about support for miscarriage and baby loss, tweaks for clarity.
2b	18 April 2023	Gita Banerji	Minor tweaks following stakeholder feedback, for clarity and to widen scope to include staff on other T&Cs where no similar provisions apply

Authorisation (Responsible Owner)

Role	Name	Approval Date
Head of HR, Performance & Change	Jeanette Bray	24 March 2023

Approval (Accountable Owner)

Role	Name	Approval Date
Trade Unions	Sent by Gita Banerji	1.0 Final changes circulated by email on 6 Dec 2021 2.0 Circulated by email on 25 May 2022 2.b Signed off at the Corporate Change Forum on 26 April 2023

Reviewers (Consulted)

Role & Review Responsibilities	Name	Approval Date
Staff Partnership Board TU reps	Sent by Gita Banerji	1.0 Sent by email on 23 Sep, 4 Nov and 6 Dec 2021 2.0 Sent by email on 25 May 2022 2.b Signed off at the Corporate Change Forum on 26 April 2023
HR Lead Team	Sent by Gita Banerji	24 March 2023
HR Payroll	Sent by Gita Banerji	9 March 2023

Distribution List - Once authorised (Informed)

Name	Organisation
1.0 Published on Ask HR, HR Need to Know, to be mentioned in Inside SCC and manager webinar 2.0 Shared with specific staff where there was perceived ambiguity, and staff in HR 2.b Published on Ask HR, HR Need to Know, item on manager webinar on 10 May 2023	Suffolk County Council

Review Period

Date Policy to be Reviewed	By whom
April 2025	SCC HR

Paternity Policy

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1 INTRODUCTION AND SCOPE

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Suffolk County Council supports balanced parenting and wants to enable all and each of its staff who are parents to find the right work/life balance for them, and to be able to have time off work following the birth or adoption of a child.

All parent employees of SCC are entitled to the below, as a day 1 right:

- Up to a year's leave, following the birth or adoption of a child. *
- Up to 39 weeks of paid parental leave (see pay rates in policy) – enhanced equally for parents of any gender. *
- No requirement to repay if you do not return to work following leave.
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- Days to keep in touch whilst on parental leave, fully paid as long as you work at least half your hours.
- A buddy scheme to support parents.
- A culture where flexible working is the default expectation.
- A reasonable amount of unpaid emergency dependent's leave when your child is sick or childcare arrangements fall through, and/or the ability to work flexibly or use annual leave for this purpose at short notice.
- Up to 18 weeks unpaid parental leave per child, up to the age of 18.

Many of these go over and above what is required by law.

(NB: the asterisked entitlements must be shared if being used by more than one parent.)

The Equality Act 2010 makes it illegal to treat someone less favourably because of pregnancy and maternity, or on the grounds of sex. The Council extends this principle to all types of parental leave. SCC does not tolerate unfair discrimination against any employee on the grounds of being, having been or intending to become a parent; being, having been or intending to become pregnant; or taking, having taken or intending to take maternity, paternity, adoption or shared parental leave.

Examples of less favourable treatment include:

- Exclusion from training and development activities
- Not keeping an employee informed of key job changes, such as restructures
- Detrimental change in job duties
- Abuse or derogatory remarks.
- Exclusion from applying for jobs.

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NB: Our parental policies avoid the use of gendered language as much as possible. They do continue to refer to maternity and paternity leave, pay and entitlements, as they have legal definitions. Trans and non-binary staff may not identify with these words, so, where relevant, managers should ask what the appropriate language to use in discussion is.

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2. POLICY DETAIL

2.1 Paternity leave and pay

From 1 September 2022, SCC has enhanced its offer to ensure that all SCC employees who are dads or partners with parenting responsibility (including same sex partners) to a newly born or adopted child are entitled to 4 weeks of paternity leave with pay.

When comparing this to the statutory entitlement, the SCC offer is:

- twice the statutory entitlement in terms of leave,
- ensures a higher rate of pay than the statutory for most people (which only offers 90% pay if this is lower than the statutory amount),
- extends the pay for two weeks longer, and

removes the legal criteria for eligibility linked to length of service.

2.1.1 Paternity leave

From 1 September 2022, all employees who are dads, or partners with parenting responsibility, will be eligible for four weeks' paternity leave, regardless of length of service, as part of SCC's occupational enhancements.

Employees are eligible for statutory paternity leave following the birth or placement of a child if they:

- Expect to have responsibility for bringing up the child; **and**
- Are the other biological parent, or the partner¹ of the birth parent, or adopter; **and**
- Will be taking leave to care for the child and/or support the birth parent or adopter; **and**
- For the period of statutory leave, have a minimum of 26 weeks of SCC service, at the 'qualifying week'. For births, this is the 15th week before the estimated week of birth, or, in the case of adoption, it is the end of the 'matching week' (the week the child is placed, enters the UK or your paternity pay starts); **and**
- Are employed continuously by SCC from the qualifying week up until the actual date of birth or placement.

For children born on or after 6 April 2024:

The period of two weeks of statutory paternity leave cannot start prior to the birth and must end within 52 weeks after the birth. The additional two-week occupational entitlement can extend the period in which paternity leave can be taken up to 54 weeks after the birth but

¹ In the statutory definition, a partner is someone who lives with the birth parent or adopter in an enduring family relationship but is not an immediate relative.

cannot be taken until after the first 2 weeks statutory paternity leave. Both the statutory and occupational paternity weeks can be split, and these can be taken in blocks or split into separate weeks.

For children born on or before 5 April 2024:

The period of two weeks of statutory paternity leave cannot start before the birth and must end within 56 days after the birth. The additional two-week occupational entitlement can extend the end of paternity leave until up to 70 days after the birth. For clarity, this means the latest any period of paternity leave that is over two weeks long can start is 42 days after the birth.

The paternity leave can be taken from the date of the actual birth, or from the date the baby was due – this will be particularly relevant for premature birth, as some people will prefer to take the leave after the baby is at home (see extending paternity leave section below).

For adoption, if the primary adopter is not named on the matching certificate, the two adopters can choose who is to be the primary adopter. The secondary adopter can take paternity leave.

For Children Adopted on or after 6 April 2024:

The statutory period of leave cannot start before the date of the placement, or, for oversea adoptions, before the child arrives in the UK, and it must end within 52 weeks after the date of placement or arrival in UK. The additional two-week occupational entitlement can extend the period in which the paternity leave can be taken up to 54 weeks after the date of placement or arrival in the UK. Both the statutory and occupational paternity weeks can be split, and these can be taken in blocks or split into separate weeks.

For children Adopted on or before 5 April 2024:

The statutory period of leave cannot start before the date of the placement, or, for oversea adoptions, before the child arrives in the UK, and it must end within 56 days after the date of placement or arrival in UK. The additional two-week occupational entitlement can extend the end of paternity leave until up to 70 days after the date of placement or arrival in the UK. For clarity, this means that the latest any period of paternity leave that is over two weeks long can start is 42 days after the date of placement or arrival in the UK.

For surrogate parents, the statutory period of leave cannot start before the day the child is born, or the day after, if the employee was working on the day of the birth.

Flexibility/discontinuous leave

We encourage people to take the leave close to the date of birth or adoption, which is often beneficial to aid the bonding process and support the other parent.

In line with the statutory requirements, the first two weeks of paternity leave must be taken in a period of either one or two whole weeks.

With regards to the additional two weeks of occupational entitlement, the usual expectation is that leave will be taken in one continuous block, or at least in blocks of whole weeks. Subject to operational need and ability to arrange cover where necessary, managers have discretion to apply flexibility within the 54-week parameter, if the employee requests it, and their operational service needs allow. This may for example allow staff to use the leave to return to work more flexibly, over a longer period of time. Managers should not pressure employees to take discontinuous leave if it is not their preference.

2.1.2 Paternity pay

From 1 September 2022, all employees eligible for paternity leave as laid out above will receive 100% pay for the first week and 90% for the following 3 weeks.

The first week is paid at 100% pay, in line with the contractual provision of Maternity/Adoption Support Leave (see section below). The 90% rate of pay thereafter mirrors the rate of pay for the first few weeks of maternity leave.

For those eligible for Statutory Paternity Pay (SPP), if the rate of SPP is higher than 90% pay, the employee will receive that, for the second week only. (The weekly SPP rate can be found [here](#).)

. Employees will need to add the planned absence details to Oracle, where, after approved, notification will be sent to HR. When the Date of Birth is known employees or managers will need to add the Date of Birth and actual dates taken to Oracle as paternity cannot start until the baby is born.

Employees who qualify for statutory paternity leave will also qualify for statutory paternity pay, provided they are earning at least the lower earnings limit for national insurance by the end of the qualifying week.

2.1.3 Maternity and adoption support leave

Maternity or adoption support leave of 1 week with pay is available to people who are the nominated carers of the mother or primary adopter, to support them at or around the time of the birth or placement. There is no continuous service requirement.

Hence, maternity/adoption support leave can be taken by those with other relationships than the partner of the mother of the child, who do not qualify for paternity leave and pay, or by people who do qualify but wish to start the leave before the date of the birth or placement, since paternity leave cannot start beforehand.

NB: Maternity or adoption support leave will not increase the overall entitlement to leave or pay under this policy, the maximum of which is 4 weeks.

2.1.4 Extending paternity leave

Staff who wish to extend their period of leave following the birth or placement of a child can supplement their paternity leave with:

- annual leave,
- and/or shared parental leave,
- and/or unpaid parental leave

(the last two options must be taken in blocks of whole weeks).

Managers are expected to make all efforts to accommodate any request in this respect. Employees are encouraged to make the leave requests as early as is reasonably possible to enable the manager to plan for their absence.

Please see the Shared Parental Leave and Pay Policy, and the Parental Leave Policy as needed.

2.2 Notification

Employees must request Paternity Leave in writing, informing of the estimated week of childbirth (or the actual date of birth or placement date), the length of the period of leave required, and the date from which the leave is requested. Employees should notify their managers of their intention to take paternity leave in reasonable time.

Requests should be submitted to the manager by the 15th week before the expected date of childbirth or placement, if known. It is possible to subsequently change the nominated leave dates by giving 28 days' written notice.

Employees who are not eligible for Statutory Paternity Leave but wish to take Maternity or Adoption Support Leave should contact their manager and HR.

2.3 Time off for antenatal appointments.

From 1 April 2020, Suffolk County Council has chosen to go further than the statutory minimum and offer employees who are partners (including same-sex partners) of someone who is pregnant, or expectant fathers, paid time off for up to two antenatal appointments of up to 6.5 hours each. Extra time can be taken from annual leave. Proof of the appointment cannot be requested, as it is the property of the person who is pregnant, but the manager can require a signed declaration confirming the appointment.

Antenatal care includes appointments with a registered medical practitioner, midwife, or health visitor. It may also be extended to include reasonable time for relaxation classes and parenting classes. Employees should give their manager reasonable notice of antenatal appointments, where possible.

2.4 Termination of Pregnancy

Managers and colleagues are expected to act supportively towards colleagues whose partner or co-parent is undergoing, or intending to undergo, abortion.

They should not seek to influence the decision in any way, but to support the individual, through what can be a difficult time, mentally and emotionally. If this causes a conflict within

themselves, they are asked to remember that they are not being asked to support the act, but the person. We all have a duty of care towards each other at work.

Co-parents, partners, or other close people can take unpaid emergency dependent's leave, to support the person who has had the abortion. As with other types of emergency dependent's leave, it is recommended they be allowed to upgrade this to annual leave, if they wish to avoid loss of income, waiving any usual requirements of notice for the annual leave. If the person is also themselves directly emotionally affected by the abortion, compassionate leave may apply.

2.5 Surrogacy

Surrogacy is when a third party agrees to undergo a pregnancy on behalf of other people, of a child they do not intend to parent, and who they may not be genetically related to.

The receiving parents are likely to be entitled to adoption, paternity and/or shared parental leave.

Surrogacy is a relatively new area and can create uncertainty and complicated emotions for all parties. Any employee going through this, whether giving or receiving, should have regular welfare check-ins and support from their managers.

2.6 Baby loss, and parental bereavement leave and pay

Baby loss during pregnancy or birth happens in 1 in 4 pregnancies.² Based on national pregnancy rates³, that means a significant number of our employees are likely to be suffering baby loss every year.

Baby loss can have lasting mental and emotional effects for any parent. Managers and colleagues are expected to support staff who experience baby loss. They may benefit from:

- time off, including for medical appointments,
- increased flexibility of hours or location for a fixed period of time to ease a return to work,
- counselling,
- a mental health first aider,
- a referral to Occupational Health,
- being signposted to our Parents Together buddy scheme,
- and, most importantly, a sympathetic and listening ear.

² See: <https://www.tommys.org/baby-loss-support/pregnancy-loss-statistics>

³ [ONS statistics](#) show the fertility rate was 55.8 live births per 1000 women in 2021. Given this is $\frac{3}{4}$ of all pregnancies, it means there would be 18.6 baby losses per 1000 women in the same time period. This does not take into account pregnancies from people who are not women, nor the effects of baby loss on partners. It is also including pensioners in the statistics; therefore, the rate of live births, and baby loss, will be higher when confined to women of working age.

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In the case of miscarriage, i.e., baby loss before 24 weeks, employees have recourse to use the contractual compassionate leave entitlement of up to 10 days (2 weeks pro rata) with pay. This can be used by any parent, and potentially by other people in the family who may be affected by the loss of the child.

From 6 April 2020, there is a new statutory entitlement to parental bereavement leave of two weeks following the death of a child under 18, or a stillbirth after 24 weeks.

The right to leave extends to employees who are parents, adopters, foster parents, and guardians, as well as close relatives or family friends who have taken responsibility for the child's care.

Leave can either be taken in one block or in two separate blocks of one week. It can be taken within a 56-week window from the child's death, to allow time for moments such as anniversaries. Notice requirements will be flexible so leave can be taken without prior notice, although employees will need to tell their manager at the time of taking the absence that they will be off work, and the reason for the absence.

Employees or workers who have worked for SCC for at least 26 weeks on the Saturday before the child's death will receive 2 weeks' pay at the statutory rate. Other staff will be entitled to unpaid leave. SCC's contractual compassionate leave entitlements of up to 10 days with pay may be used instead to avoid any loss of pay, or for those who do not meet the service criteria, with manager authorisation. Alternatively, the two can be used consecutively to enable a longer period of leave.

Sick leave (which is usually paid) may also be relevant for longer periods of absence. Employees should be supported by their manager and are likely to need a referral to occupational health, and potentially a phased return, to support them back to work when they are ready to return.

2.7 Premature babies

From 1 April 2020, Suffolk County Council has signed up to the 'The Smallest Things: Employer with Heart' charter, which means that it will give extra fully paid time off for employees who are parents or adopters of premature babies. This includes employees who are partners with parenting responsibility.

This recognises the strains and pressures of this unique situation, and the additional support that both the child and parents need at this time.

Babies are considered to be 'term' at 37 weeks gestation, and premature if born before that. A standard pregnancy is for 40 weeks. Therefore, employees who are parents of babies born before 37 weeks, who require hospital treatment, are entitled to the same number of extra days of leave on full pay as the number of days that their child is born early. An early birth will always be calculated backwards from the full term of 40 weeks, regardless of whether it was medically planned to happen earlier. This means anyone who qualifies will

get at least 3 extra fully paid weeks, and potentially more – SCC has not placed a cap on the maximum amount.

Legally, the leave cannot be designated as maternity or paternity leave, so it will instead be added as a period of paid leave at the end of the period of parental leave – but the payment for it can be made earlier at the request of the employee.

There may be tax, NI, and pensions implications, so individuals are advised to speak to Payroll when they are able to, before making a request about when and how the extra pay is to be received.

In terms of proof, the expectation would be that managers have been supporting their employees, and keeping in touch with them, so would already know when the baby was due, and when it was actually born. Managers can require the employee to provide proof of a baby's due date and hospital treatment, but this will usually be taken on trust.

2.8 Pension during paternity leave

Please see Ask HR for detailed information about how paternity leave interacts with pensions.

There is also information available for Local Government Pension Scheme members on the [LGPS site](#).

2.9 Annual leave during paternity leave

Employees will accrue annual leave during their leave period, including for public holidays they would have been entitled to. Wherever possible, leave should be taken during the current leave year; where this is not possible, leave can be carried forward, without the usual restrictions. HR can assist with calculating the amount of leave to be carried over.

2.10 Returning to work

To support employees before, during, and upon their return from parental leave, please see the 'Parental Leave Toolkit for Managers', which is in the Family Friendly Toolkit.

Employees whose total leave period amounts to 26 weeks or less are entitled to return to the same job upon their return, with the same terms and conditions. For those whose leave exceeds 26 weeks, where it is not reasonably practicable for them to return to the same job, they must be offered another one that is both suitable and appropriate, and on no less favourable terms and conditions.

Employees can also ask for flexible working – more details can be found in the Flexible Working Policy. This could include increased flexibility of hours or location for a fixed period of time to ease their return to work.

2.11 Breastfeeding/Lactation⁴

SCC is committed to supporting breastfeeding/lactating parents. We are aware there are some cases where people who the paternity policy applies to may be breastfeeding/lactating. If this applies to you, please see the Maternity Policy for the types of support you can request, which will apply equally to people covered by this policy.

⁴ Note: trans or gender diverse people who are not women to whom this section applies may prefer the term 'lactation' or 'chest-feeding'. The term 'breastfeeding', when applied to themselves, can cause feelings of gender dysphoria.

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3. DOCUMENT CONTROL

Changes History

Issue No	Date	Amended By	Summary of Changes
1.0	29 Nov 2021	Gita Banerji	Simplification of front box, summary of entitlements. Clarification re employee/worker status. Clarification of entitlements around parental bereavement leave. Addition of breastfeeding support information. Move into new policy template. Removal of pensions information – replaced with signposting to updated Ask HR question and LGPS site.
2.0	25 May 2022	Gita Banerji	Addition of sentence clarifying premature baby leave always to be calculated from full term of 40 weeks.
3.0	21 July 2022	Gita Banerji	Enhancing paternity offer to 4 weeks with pay
3.a	7 March 2023	Gita Banerji	Adding sections on surrogacy and abortion, and info about support for miscarriage and baby loss, tweaks for clarity. Additional flexibility for extra paternity leave added to enable more flexible return to work. Tweaks for clarity.
3b	18 April 2023	Gita Banerji	Minor tweaks following stakeholder feedback, for clarity and to widen scope to include staff on other T&Cs where no similar provisions apply
3c	4 April 2024	Victoria Gibbons	Updating the period in which paternity can be taken to 52 weeks for statutory and 54 weeks for occupational.

Authorisation (Responsible Owner)

Role	Name	Approval Date
Head of HR	Jeanette Bray	24 March 2023

Approval (Accountable Owner)

Role	Name	Approval Date
Trade Unions	Sent by Gita Banerji	1.0 Final changes circulated by email on 6 Dec 2021 2.0 Circulated by email on 25 May 2022 3.0 Principle of enhancement agreed on 20 July 2022, new policy wording agreed on 23 August 2022 3.b Signed off at the Corporate Change Forum on 26 April 2023

Reviewers (Consulted)

Role & Review Responsibilities	Name	Approval Date
Staff Partnership Board TU reps	Sent by Gita Banerji	1.0 Sent by email on 23 Sep, 4 Nov and 6 Dec 2021 2.0 Sent by email on 25 May 2022 3.0 Agreed at Corporate Change Forum in principle on 20 July 2022, policy agreed on 23 August 2022 3.b Signed off at the Corporate Change Forum on 26 April 2023
HR Lead Team	Sent by Gita Banerji	24 March 2023
HR Payroll	Sent by Gita Banerji	9 March 2023

Distribution List - Once authorised (Informed)

Name	Organisation
1.0 Published on Ask HR, HR Need to Know, referenced in Inside SCC & manager webinar. 2.0 Shared with specific staff where there was perceived ambiguity, and staff in HR. 3.0 Corporate comms re new entitlement, will ensure HR Support, Advice and Payroll teams in particular are aware. Intention to follow up with case studies from people who have taken up at some point in 2023. 3b. Published on Ask HR, HR Need to Know, item on manager webinar on 10 May 2023	Suffolk County Council

Review Period

Date Policy to be Reviewed	By whom
April 2025	SCC HR

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Corporate Services Controlled Documentation Scheme
