

Support for Carer's Policy

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1.0 Policy Statement

- 1.1 The City of Wolverhampton Council (the Council) is committed to supporting employees with caring responsibilities and this policy outlines the various schemes in place.

2.0 Scope

- 2.1 This policy applies to all employees of the Council including Senior Managers and the Chief Executive.
- 2.2 It excludes NJC employees and Teachers employed by Governing Bodies who are covered by Grey Book HR Policies or procedures. Policies or procedures adopted by the council may, following discussion with relevant trade unions, also be recommended as good practice models for adoption by maintained school governing bodies.
- 2.3 The policy provides guidance on maternity, paternity, shared parental leave, adoption and fostering. It also sets out the support the Council will offer to employees who have a caring responsibility in order to help them balance their work and caring commitments and continue to be effective in their job.

3.0 Principles

- 3.1 The Council is committed to providing a working environment free from discrimination that supports individuals with caring responsibilities.
- 3.2 The Council is committed to ensuring a working environment based on dignity and respect without discrimination on any characteristic protected under the Equality Act 2010, including pregnancy and maternity reasons.
- 3.3 The Council is committed to the recruitment and retention of employees with caring responsibilities and offers schemes and support for these employees.
- 3.4 The Council is committed to supporting the work life balance of its employees and ensuring that any legal obligations for employees with caring responsibilities are fully met.
- 3.5 The schemes apply to all employees and in the case of part time employees then benefits will be made on a pro-rata basis.
- 3.6 Agile working should not be used as a replacement for support for carers. The ability to work from home or any other location is not a substitute for childcare or similar carer responsibilities. It is the employee's responsibility to ensure adequate provision is in place, should agile working be agreed.

- 3.7 The employee will retain the right to return to work on no less favourable terms and conditions of employment than prior to taking leave under the Support for Carers Policy.

4.0 Maternity Scheme Supporting Guidance

- 4.1 An Employees Maternity Guidance and Managers Maternity Guidance pack has been created to complement the maternity aspects of this policy. The Employees Maternity Guidance aims to support employees to consider their options at work and includes practical guidance and advice during and after their pregnancy. A similar guide has also been created to support managers to ensure they understand their responsibilities. The information in both packs is split into three key sections: Before Maternity Leave, During Maternity Leave and Returning to Work. The packs also contain helpful checklists and a timeline which detail key events and responsibilities in a chronological order.

5.0 Support for Carers – Family Friendly Schemes

- 5.1 The City of Wolverhampton Council will provide the following schemes to offer support to carers.
- Ante-natal appointments – for the spouse or partner of a pregnant employee.
 - Maternity leave scheme – for pregnant employees who are entitled to maternity leave and pay
 - Adoption leave scheme – for adoptive parents with the principles based upon the maternity leave scheme
 - Fostering or guardianship leave scheme – for employees who choose to foster children
 - Maternity support leave scheme – time off for an employee providing support to a new parent
 - Paternity leave scheme – for partners of a pregnant employee
 - Shared parental leave scheme – the facility to share ‘maternity and adoption’ leave in the first year after a child is born or placed
 - Parental leave – the facility to take unpaid leave for employees who have responsibility for a child, elderly relative or a dependant
 - Fertility Treatment (In Vitro Fertilisation – IVF) – following implantation
 - Parental Bereavement Leave - the provision to take time off to deal with the death of a child
 - Carer’s leave – time off to provide or arrange care for a dependant who has a long-term care need.
 - Neonatal care leave – time off for an employee if their baby requires neonatal care.

6.0 Pregnancy and Breastfeeding Risk Assessment

- 6.1 The Council has a legal obligation to ensure the health and welfare of a pregnant employee. The Pregnancy & Breastfeeding Risk Assessment

must be carried out by the employee's line manager as soon as practicably possible after they become aware that the employee is pregnant and up until six months after childbirth, or until the employee stops breastfeeding, whichever is later.

- 6.2 For more information about what to consider, refer to the "Pregnancy and Breastfeeding H&S Policy" – available on the Health and Safety portal.

7.0 Antenatal care and appointments

7.1 Pregnant employees

- 7.2 Pregnant employees are entitled to take paid time off during their normal working hours to receive antenatal care. Antenatal care can be a pregnancy related medical appointment or relaxation class arranged on advice of a registered medical practitioner, midwife or nurse.

- 7.3 Employees should;

- advise their line manager of the ante-natal care appointment(s) as far in advance, as possible
- provide evidence of appointments
- where possible, make appointments at the beginning or end of the day in order to minimise disruption to service

7.4 For the spouse or partner of a pregnant employee

- 7.5 Employees who have a qualifying relationship with a pregnant employee or an expected child are entitled to take annual leave, flexi leave or unpaid time off work to accompany the pregnant employee to antenatal appointments.

- 7.6 An employee has a qualifying relationship with a pregnant employee or the expected child if they;

- are the child's father/parent or
- the spouse of the pregnant employee or
- the partner or same sex partner of the pregnant employee.
- is an intended parent in a surrogacy situation meeting the conditions of section [13.10](#)

- 7.7 The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse.

8.0 In Vitro Fertilisation

- 8.1 Whilst there is no statutory entitlement for time off for IVF treatment, CWC will grant up to five days paid leave in a rolling 12-month period for the employee to undergo fertility treatment. If any further time off is required it can be taken as annual leave, flexi leave or unpaid leave.

8.2 To qualify for leave, the employee must:

- inform the manager as soon as practicably possible of their plans to undergo fertility treatment prior to doing so and;
- provide a statement from a qualified medical practitioner confirming the recommended treatment and
- provide appointment confirmation.

8.3 Following implantation, a pregnancy may or may not occur, but the employee is regarded as being pregnant at the point of implantation. The employee should be afforded protection under the Equality Act (pregnancy legislation) from this point onwards.

8.4 If the treatment is successful and the employee remains pregnant, the protection will continue until the end of the maternity leave period.

8.5 If the treatment is unfortunately unsuccessful, the protection will end two weeks after the end of the pregnancy – i.e. two weeks after the date the woman was informed that implantation wasn't successful.

8.6 Employees who wish to accompany a partner/spouse at fertility treatment must request annual leave, flexi leave or unpaid leave in the normal way, unless they are requesting leave to participate in their partner/spouse's treatment (e.g. sperm donation) in which case, the above will apply. Employees must provide appointment confirmation.

9.0 Maternity Scheme

9.1 Maternity Leave and Pay

9.2 Employees with 26 weeks' continuous service at the qualifying week (25th week of pregnancy):

- are entitled to up to 52 weeks of maternity leave
- have to take a minimum of 2 weeks compulsory leave immediately after childbirth
- are entitled to occupational maternity pay (OMP) and;
- may also be entitled to Statutory Maternity Pay (SMP)

9.3 In addition to having 26 weeks continuous service (as detailed above), to qualify for OMP and SMP, employees must complete the requirements in section 9.4 and also have average weekly earnings above the national insurance Lower Earnings Limit (LEL). If this criterion is satisfied, the employee will be entitled to:

Maternity leave weeks	Pay entitlement
0-6 weeks	90% of their normal pay or at the statutory minimum amount set by the government.
7-18 weeks	<p>50% of their normal pay (OMP) + SMP. To qualify for OMP employees need to declare their intention to return to work. This is capped at the normal full pay rate. Entitlement to OMP is also subject to the employee returning to work for a period of 13 weeks at the previous contracted hours (the period will be longer if the employee returns to work on reduced hours). If an employee chooses not to return to work, then all or part of the OMP may need to be repaid. See section 9.17 for further information.</p> <p>SMP is not conditional on return to work so this element will not need to be repaid if an employee chooses not to return.</p>
19-39 weeks	SMP only – either 50% average weekly earnings or the **statutory minimum (whichever is lower).
40-52 weeks	No pay.

9.4 Employees with less than 26 weeks' continuous service at the qualifying week (25th week of pregnancy):

- are entitled to up to 52 weeks of maternity leave
- have to take a minimum of 2 weeks compulsory leave immediately after childbirth
- may be entitled to maternity allowance (Payroll Services will provide the relevant form for the employee to claim this).

9.5 In order to qualify for maternity pay, regardless of service, all employees must:

1. Notify their line manager by no later than the end of week 25 of their pregnancy or as soon as is reasonably practicable confirming:
 - a. Their pregnancy
 - b. The expected date of childbirth
 - c. The date the employee intends to start their maternity leave – this can be no earlier than week 29 of the pregnancy
2. Record the above information in Agresso

3. Provide a copy or original of the MATB1 certificate from a GP or midwife confirming the expected date of childbirth. This is normally issued at week 20-24 of the pregnancy.

9.6 When can maternity leave commence?

- 9.7 Employees can commence maternity leave at or after week 29 of their pregnancy if they wish. If the baby is born earlier than the planned start date, then maternity leave will automatically commence the day following the birth.
- 9.8 If employees are absent from work wholly or partly because of pregnancy or childbirth after 36 weeks of pregnancy, then maternity leave will automatically commence on the first day of sickness.

9.9 Keeping In Touch (KIT) Days

- 9.10 KIT days allow an employee to do some work under the terms of their contract without losing SMP for the week in which the work is conducted. This is limited to 10 days for the duration of maternity leave. KIT days cannot be worked during the two-week compulsory leave period and must be agreed between the line manager and employee. There is no obligation for KIT days to be worked. Days or sessions worked do not extend the period of maternity leave.
- 9.11 Employees can work part of a day, but this will count as one KIT day. The employee is only eligible to payment for the hours worked at their normal rate of pay.

9.12 Annual leave and bank holidays

- 9.13 Employees accrue annual leave and bank holiday entitlement throughout the maternity leave period.
- 9.14 Prior to going on maternity leave, agreement between the employee and manager needs to be reached on when and how this will be taken. It is advised that individuals take their annual leave before commencement of maternity leave and where feasible, within the current leave year. However, if this is not possible any outstanding leave can be carried over. Any such period of leave will need to be agreed with the line manager, subject to operational requirements and a return to work date agreed (so the period of annual leave can commence from then) into the following leave year.

9.15 Pension

If the employee is a member of the local government pension scheme, pension contributions will be deducted from the maternity and contractual pay entitlement whilst on maternity leave unless otherwise indicated by the employee. This period will count as service for pension purposes in

the normal way. When maternity pay runs out and the employee enters the no pay period, the employee can choose to make contributions.

If the employee does not pay any contributions during the no pay period it will not count as service for pension purposes.

9.16 Redundancy

9.17 Maternity leave counts as continuous service for redundancy purposes and does not affect the right to redundancy payment.

9.18 An employee is only eligible to redundancy pay if the substantive post is being made redundant and there is no suitable alternative role available.

9.19 For further information on redundancy and maternity, paternity and shared parental leave, refer to the [Restructure and Redundancy Policy](#).

9.20 Strike action

9.21 Calculation of maternity pay entitlement is unaffected by strike action. Pregnant employees and those on maternity leave are normally requested to be exempt from strike action.

9.22 Unfortunate circumstances

9.23 Miscarriage

9.24 For parents who lose a baby before 24 weeks

9.25 If a baby is unfortunately stillborn before the end of the 24th week of pregnancy, it is treated as a miscarriage. In these circumstances maternity leave and pay will not apply. However, the parents may be distressed and therefore should be dealt with sensitively.

9.26 Bereavement Support Leave can be used following a miscarriage (for further information refer to the [Bereavement Support Guide](#) and [Leave Table](#)). If an employee feels too unwell to return to work, then the usual sickness absence procedures will apply.

9.27 Still Birth

9.28 For parents who lose a baby after 24 weeks

9.29 If a baby is unfortunately stillborn after the end of the 24th week of pregnancy, then maternity leave and pay will apply as described on the day of the birth (if the employee has not already commenced maternity leave).

9.30 In these circumstances, if an employee wishes to return to work earlier than planned, the usual 8 weeks' notice will apply. However, this should be dealt with sensitively and discretion should be applied where possible.

Employees may also wish to consider taking Parental Bereavement Leave following the end of Maternity leave or at a later date (see section [15.2](#)).

- 9.31 Paternity leave, Maternity Support Leave, Adoption Support Leave and Shared Parental Leave will also apply.

9.32 Premature Birth

If a baby is born alive prematurely (even prior to 24 weeks) and subsequently does not survive, then maternity leave including pay will still apply because a live birth took place.

9.33 Returning to work

- 9.34 As default, City of Wolverhampton Council will assume that employees will take the 52 weeks leave entitlement therefore no notice is required. This date is confirmed to the employee at the time of commencing maternity leave.
- 9.35 If an employee wishes to return to work earlier, they should write to their manager, providing at least 8 weeks' notice of their intention. If correct notice is not given, the manager may be unable to accept the proposed return date due to business needs. In such cases, an alternative return date should be agreed that does not extend beyond the 52 week period.
- 9.36 Once the employee's return to work date is confirmed, the manager/employee should complete the 'Actual Return Date' in Agresso to confirm the return and notify payroll, this would need to be completed before the payroll cut off date. Information on payroll cut off dates can be found [here](#). For more information please refer to the [Employee Maternity Guidance](#).

9.37 Returning to Work on Temporary Reduced Hours

- 9.38 Employees have the right to return to work on reduced hours for a period of 13 weeks following a period of maternity leave. If the employee wishes to work reduced hours permanently, the flexible working procedure applies.
- 9.39 Please refer to the Maternity Guidance packs or [Flexible Working Policy](#) for further information.

9.40 Not returning to work following maternity leave

- 9.41 If an employee does not intend to return to work following maternity leave, they should submit their resignation to their manager as soon as possible. If an employee has received Occupational Maternity Pay, they may need to repay some or all of the OMP element. The amount to be repaid will be dependent on the employees' length of continuous service:

- If the employee has less than 1 years' service as of week 29 of pregnancy, the full 18 weeks Occupational Maternity Pay will need to be repaid
- If the employee has more than 1 years' service as of week 29 of the pregnancy, only 12 weeks at half pay will need to be repaid

10.0 Shared Parental Leave

10.1 Shared Parental Leave (SPL) is designed to give parents more choice and flexibility in how they share the care of their child in the first year following birth or adoption.

10.2 To qualify for Shared Parental Leave and pay, an employee must be entitled to;

- maternity or adoption leave,
- or statutory maternity or adoption pay
- or maternity allowance

and must share the main responsibility for caring for the child with the child's father or their partner. There are a number of other qualifying criteria that must be fulfilled for either parent, the full details of which are contained within the Shared Parental Leave Guidance notes that support this policy.

11.0 Maternity Support Leave (MSL)

11.1 Employees of the Council may be eligible for up to 5 days paid Maternity Support Leave (pro-rata to hours worked) in replacement of, and not in addition to, Maternity or Adoption Leave. This leave can be taken on or around the birth/adoption of the child and can be taken as a block or spread over several weeks at the discretion of their line manager.

11.2 Eligibility

11.3 An employee will be eligible for MSL if they are:

- The child's father/partner including same sex partner or
- The nominated carer* of the pregnant employee at or around the time of birth or the adoption partner at the time of adoption

*A nominated carer is the person nominated by the pregnant employee as their **primary** provider of support (for example, if there is no father/parent available to provide support) at or around the time of birth. Therefore, this could be a relative or someone with a caring relationship with the pregnant employee and/or child.

11.4 In these cases, the applying employee will be requested to produce a copy of the MATB1 which confirms the pregnant persons expected date of birth.

11.5 An employee can take MSL from the first day of their employment (no continuous service required).

12.0 Paternity Leave

12.1 Employees with 26 weeks continuous service at week 25 of the pregnancy are eligible for Paternity Leave if they are taking time off to look after the child and are one of the following:

- The father
- The husband or partner of the pregnant person (or adopter) – this includes same sex partner
- The child's adopter
- The intended parent (through a surrogacy arrangement)

By week 25 of the pregnancy, employees must:

- Provide a copy of the MATB1 form to their manager which confirms the expected date of birth
- Indicate when they would like the leave to start and confirm the duration by completing the [paternity request form](#). At least four weeks notice of dates will be required prior to each period of paternity leave.

12.2 Paternity Leave can be taken in one continuous block of two weeks or two separate blocks of one week each. Employees do not need to take the full two weeks entitlement if they do not wish. Leave cannot be taken as individual days and cannot be taken before the baby is born. Leave can be taken at any time within the first year of the actual date of birth of the child. Babies may not arrive on the due date, so managers must be flexible with cover arrangements.

12.3 Paternity Pay

12.4 Employees who may be eligible for both Maternity Support Leave and Paternity leave can take:

- 5 days MSL at full pay (pro rata to hrs worked)
- 2 weeks as paternity leave at the SPP rate

13.0 Adoption Leave

13.1 Employees who are becoming an adoptive parent will be entitled to 52 weeks Statutory Adoption Leave (made up of 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave). Where both adoptive parents are employed by the City of Wolverhampton Council, they must decide which one will take Adoption Leave. The other parent will be entitled to Shared Parental Leave, Maternity Support Leave and if eligible, Paternity Leave.

13.2 Eligibility for Adoption Leave

13.3 To be eligible for adoption leave employees must:

- Provide the correct notice
- Provide proof of the adoption or surrogacy

13.4 To be eligible for adoption pay employees must also:

- Have at least 26 weeks continuous service by the week the match was confirmed
- Have average weekly earnings above the national insurance Lower Earnings Limit (LEL)

13.5 Notice required for Adoption Leave and Pay

13.6 Within 7 days of being matched with a child, employees must provide *proof of the adoption and confirm in writing to their line manager:

1. How much leave they intend to take
2. The intended start date
3. The date of placement

13.7 Managers must respond to this request within 28 days of receipt. Then, once known:

4. At least 28 days' notice must be provided of the confirmed start date of the adoption leave and pay

*The proof of adoption must show:

- Employee name and address
- Agency name and address
- Match date (matching certificate)
- Date of placement (can be a letter from the agency). Employees must inform their line manager in writing within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.

13.8 Overseas adoption

13.9 Employees will receive 'official notification' from a relevant UK authority confirming the employee can adopt. Within 28 days of receipt of this, the employee must then confirm to their line manager in writing:

- The date of the 'official notification'
- When they expect the child to arrive in the UK

Then, once known:

- At least 28 days' notice must be provided of the confirmed start date of the adoption leave and pay

Employees adopting from overseas will need to provide:

- The relevant UK authority's 'official notification' confirming the employee can adopt
- The date the child arrived in the UK (e.g. plane ticket)

13.10 Surrogacy arrangements

13.11 Employees must inform line managers of the surrogacy arrangement, the due date and the intended leave start date at least 15 weeks before the expected week of birth (by week 25 of the pregnancy).

13.12 Employees must provide a statutory declaration confirming a parental order has been applied for or will be applied for within 6 months of the child's birth. This must confirm it has been signed in the presence of a legal professional.

13.13 When can Adoption Leave start?

13.14 Adoption leave can start:

- Up to 14 days before the date the child starts living with the adopter (UK adoptions)
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- The day the child's born or the day after (if the adopters have used a surrogate to have a child)

13.15 Adoption Pay

13.16 Employees who are becoming an adoptive parent will be entitled to Adoption Pay in accordance with CWCs Maternity Scheme provision.

13.17 Adoption Appointments

13.18 When eligibility to adoption leave is confirmed, the employee also becomes entitled to attend up to 5 adoption appointments after a match with a child has occurred. This leave will be paid at normal rate of pay.

14.0 Fostering or Guardianship Leave Scheme

14.1 For employees who are undertaking the care of a child/children under a foster-care arrangement. As fostering can be for varying lengths of time from very short to long-term, and in some cases, the child/children may require a high level of care, CWC will seek to adopt a flexible approach to supporting placements. The Fostering or Guardianship Leave Scheme

does not apply to employees who are an established foster carer with a local authority other than CWC, or with an independent fostering agency or voluntary sector fostering organisation.

14.2 Short Term Fostering

- 14.3 Short-term fostering provisions are intended to support employees who carry out emergency respite or short-term placements for children being fostered through CWC.

14.4 Entitlement

- 14.5 If you are becoming a foster parent or a guardian of a child then you may receive the following entitlements;
- up to 5 days leave with pay in order to attend any pre-placement meetings. This should be agreed by the employee and line manager in advance.
 - emergency leave under Time Off for Dependents (see Leave Policy and Table).
 - take up to 24 working days with full pay in a two-year period commencing from the date of the FIRST placement. The balance of any untaken leave cannot be carried forward from one two-year period to another.

The above foster leave entitlement is the same irrespective of whether more than one child is being fostered.

- 14.6 To be eligible for the short term fostering provisions employees must:
- specify the amount of time required far in advance as possible advance.
 - provide proof of fostering arrangement and any new placement.
 - have at least 26 weeks continuous service by the week the placement is confirmed
- 14.7 CWC recognises that foster carers may require additional time off work as an integral part of successful fostering. This can be taken as annual leave, flexi leave, and/or unpaid leave.

14.8 Long Term Fostering

14.9 Entitlement to leave and Pay

- 14.10 Employees who are becoming a long-term foster parent, fostering to adopt or a guardian of a child are entitled to;
- paid to up to 5 days' paid leave to attend pre-placement meetings. This must be agreed with the line manager.
 - emergency leave under Time Off for Dependents (see Leave Policy and Table).

14.11 Where the child is below school age, employees are entitled to 29 weeks' leave.

18 weeks of this will be paid based on:

- 6 weeks at 90% of average weekly earnings (AWE) and
- 12 weeks at half pay.

Where the child is above school age, employees will be paid for 12 weeks based on:

- 6 weeks at 90% of average weekly earnings (AWE) and
- 6 weeks at half pay.

This leave can be taken at any time during the first 12 months after commencement of fostering or guardianship and may be granted to either partner, if both are employees of the Council. Employees may take up to two weeks of the leave prior to the placement date.

14.12 To be eligible for the long-term fostering leave and pay employees must;

- notify their manager as soon as possible if a placement fails and return to work within 4 weeks.
- specify the amount of time required far in advance as possible.
- provide proof of fostering arrangement.
- have at least 26 weeks continuous service by the week the placement is confirmed.
- return to work for a period of 13 weeks for full contractual hours (this period will be longer if returning to work on reduced hours).

14.13 Returning to Work

14.14 After taking fostering or guardianship leave, full time employees have the option to return to work for 13 weeks on a reduced hour's basis.

14.15 Exclusions

14.16 Although the Council welcomes applications to become foster carers from its employees, there will be times when agreement is not possible especially where it is considered that there is a potential conflict of interest between their professional role and that of foster carer.

14.17 Principally, this will affect those who work in the children and families social care service and who have direct involvement in the planning and decision-making for looked after children. In circumstances where it is considered that there is a potential conflict of interest, the decision to allow the application to proceed will be taken by the appropriate decision taker i.e. the Head of Service.

15.0 Time off to Support Carers

15.1 Time off for Dependants (TOD)

- 15.2 Employees are entitled to up to 5 days leave (pro-rated) in a personal leave year at full pay to provide assistance for, or deal with emergencies concerning a dependant. Please refer to the Leave Policy for further guidance.

15.3 Parental Bereavement Leave (PBL) and Pay

- 15.4 An employee may be eligible for Parental Bereavement Leave (PBL) and Parental Bereavement Pay if they or their partner either:

- has a child who has died under 18 years old
- had a stillbirth after 24 weeks of pregnancy

If at the time of the child's death or stillbirth, they were:

- the child or baby's parent - this includes 'parents in fact', adoptive parents and parents of a child born to a surrogate
- the partner of the child or baby's parent
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

- 15.5 An employee can take 2 weeks' leave from the first day of their employment (no continuous service required) for each child who has died or was stillborn and is paid at full pay.

- 15.6 Parental Bereavement Leave can be taken as a single block of two weeks or two separate blocks of one week at different times within 56 weeks of the date of the death of the child. After 56 days, one weeks' notice is required prior to taking leave however, this should be dealt with sensitively and discretion should be applied where possible.

- 15.7 To take leave, an employee must tell CWC:

- The date of the child's death
- The date they want the leave to start and
- If they intend to take one/two weeks leave

- 15.8 A week is the same number of days that employees normally work in a week. For example, a week of PBL would be 2 days if you usually only work on Mondays and Tuesdays.

- 15.9 There is no requirement for this request to be in writing or that the employee provide evidence of the death.

- 15.10 If an employee is taking another type of statutory leave (for example, maternity leave or paternity leave) when the child dies or stillbirth happens, their PBL must start after the other leave has ended but does not have to be taken immediately after. This includes if the statutory leave is for another child.
- 15.11 If an employees' PBL is interrupted by the start of another type of statutory leave, employees can use their remaining entitlement to PBL after that other leave has ended. Any remaining PBL must still be taken within 56 weeks of the date of death or stillbirth.
- 15.12 Parental Bereavement Leave can be taken between blocks of shared parental leave booked before the child died. This includes if the shared parental leave is for another child.

15.13 Parental leave (unpaid)

- 15.14 Employees may be entitled to up to 18 weeks unpaid parental leave for each child and adopted child under the age of 18. Up to 4 weeks leave can be taken in a year and should be taken as whole weeks (rather than individual days). A week is equal to the number of days employees work over a normal 7 day period.

To be eligible employees must:

- Have a minimum of 12 months service with City of Wolverhampton Council
 - Be named on the child's birth or adoption certificate
 - Not be a foster parent (unless they have secured parental responsibility through the court)
 - Give 21 days' notice of their intention to take parental leave
- 15.15 Where CWC postpones the request for leave, written confirmation of the reason will be provided within 7 days of the original request and a new date suggested. The new date must be within 6 months of the requested start date.

15.16 Carer's leave (unpaid)

- 15.17 Employees may be entitled to take one week's unpaid leave in a 12-month period to provide or arrange care for a dependant who has a long-term care need. Further information on Carer's Leave and entitlement can be found in the [Leave Table](#).

15.18 Neonatal care leave and pay

15.19 The Neonatal Care (Leave and Pay) Act 2023, introduced support for parents of babies who require neonatal care.

15.20 Neonatal Care is defined as:

- Medical care received in a hospital
- Medical care received in any other place following discharge from hospital (provided that the care is under the direction of a consultant and includes ongoing monitoring by / visits from healthcare professionals arranged by that hospital).
- Palliative or end of life care.

15.21 Neonatal Care Leave (NCL)

15.22 NCL is available to all employees whose child is born on or after 6 April 2025 and whose neonatal care starts within a period of 28 days (starting from the day after the child's birth). Employees are unable to claim NCL if the child's medical care is required after the first 28 days.

15.23 The leave is available to parents where the child's neonatal care lasts for a period of at least seven days (starting from the day after the care begins). Employees can start their NCL on any day after their child has received seven days of uninterrupted neonatal care. For example, if the child started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means the employee can start their NCL on any day from 15 April.

15.24 NCL must be taken to provide care for the child. In the unfortunate event the child dies after leave has been accrued, the employee is still able to take the leave. Employees may also be entitled to parental bereavement leave in these circumstances (refer to section 15.3 and the [leave table](#) for further information).

15.25 NCL can be taken by all eligible employees from day one of employment (no continuous service required).

15.26 To be eligible for NCL an employee must, at the date of birth:

- be the child's parent, intended parent (under surrogacy arrangement), the child's adopter/prospective adopter or the partner of the child's mother or prospective adopter where they are living together in an enduring family relationship (not a relative, i.e. parent, grandparent, grandchild, sibling, aunt, uncle, niece or nephew).
- have or expect to have responsibility for the upbringing of the child

15.27 The length of NCL will be dependent on how long the child receives neonatal care but is capped at a maximum of 12 weeks. Parents will be able to take one week of leave in respect of each week the child receives neonatal care without interruption.

- 15.28 For parents of twins or other multiple births, neonatal leave cannot be claimed twice in respect of children who are receiving care at the same time. For example, if an employee has twins and both children receive care for a period of 4 weeks at the same time, the employee would only be entitled to 4 weeks of NCL. However, NCL can be accrued in respect of more than one child, if they receive neonatal care at different times but this is still subject to a total maximum of 12 weeks.
- 15.29 Any NCL must be taken within 68 weeks of the child's birth (or placement or entry to Great Britain in the event of adoption).
- 15.30 During NCL, all terms and conditions of employment, except normal pay, will continue, such as accrual of annual leave entitlement.

15.31 Neonatal Care Pay (NCP)

- 15.32 The right to statutory NCP is payable during NCL period, provided an employee is entitled to it.
- 15.33 The rate of statutory NCP is set by the Government for the relevant tax year, or at 90% of average weekly earnings (whichever is lower).
- 15.34 Employees will qualify for statutory NCP if:
- they are entitled to take NCL
 - they have at least 26 weeks' continuous service at the end of the relevant week*
 - they remain in continuous employment from the end of the relevant week* (or from the child's birth if they were born before the relevant week)
 - average weekly earnings are not less than the lower earnings limit for national insurance contributions; and
 - they have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy.

* relevant week is in line with other types of statutory family related pay (in birth cases, this is the 15th week before the expected week of childbirth; in adoption cases, the week in which the adopter is notified of being matched with a child).

15.35 Taking NCL and notice requirements

- 15.36 The Neonatal Care (Leave and Pay) Regulations 2023, stipulate NCL is available to take in two tiers and the relevant notice requirements differ depending on whether NCL is taken in the tier 1 or tier 2 period.

15.37 Employees are encouraged to comply with these notice requirements wherever possible, however, it is recognised that this will be a difficult time, and the Council will be as flexible and supportive as possible. Therefore, notice requirements can be waived if not practicable.

15.38 The different tiers and notice requirements to take NCL are detailed in the table below.

Tier	When	Flexibility	Notice Requirements	Who takes it
Tier 1 leave (flexible leave)	Can start on any day after the child has received seven days of uninterrupted neonatal care or within 7 days after discharge	Can be taken in non-continuous blocks of at least one week at a time.	For each week of leave, employee must notify the manager before the first day of absence, or as soon as practicable if not possible. Notice does not need to be in writing.	In practice, likely to be taken by the parent who is taking paternity leave e.g. child's father or mother's partner, since the mother is likely to be on maternity leave during this period. In adoption cases, it is only likely to be taken during the 'tier 1' period by the parent who is not taking adoption leave. This leave accommodates emergencies and provides flexibility for parents during critical times.
Tier 2 leave (continuous leave)	After Tier 1 ends (more than 7 days after neonatal care stops) and up to 68 weeks after birth.	Must be taken in one continuous block.	For a single week, employee must provide at least 15 days' notice. For two or more consecutive weeks, employee must provide at least 28 days' notice.	In practice, likely to be taken where someone on maternity or adoption leave adds NCL to the end of their maternity or adoption leave, such that they can pre-empt the taking of leave and

			Written notice required.	plan to give advance notice accordingly.
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15.39 Employees should give written notice in tier 2 of their intention and entitlement to take NCL and receive NCP (if entitled) using the form on the HR intranet.

15.40 NCL is in addition to existing parental leave entitlements such as maternity, adoption, paternity, shared parental, parental and parental bereavement leave. If an employee has already started a period of statutory leave and becomes eligible for NCL, the NCL would be taken after the employee has completed the other statutory leave. If the employee has already started a period of NCL during the tier 1 period but needs to begin another type of statutory leave, the NCL is paused immediately before the other statutory leave begins and can be resumed after the employee has completed their other statutory leave.

15.41 Any arrangements in place to return to work on reduced hours (and pay) for a period of 13 weeks following the end of maternity leave will commence the day after neonatal care leave ends.

15.42 For further information and advice on neonatal care leave and pay, please contact People Services.

16.0 Roles and Responsibilities

16.1 Employees are required to:

- Understand the policy and procedure, adhere to it
- Take responsibility for informing their manager and People Services of the intention to commence any parental leave scheme in accordance with the appropriate process.

16.2 Managers are required to:

- Implement the policy equitably and consistently across all employees
- Ensure that they understand the policy and procedure, adhere to it and apply it correctly
- Ensure that the steps taken by management before, during and after any pregnancy comply with the requirements outlined in the Managers Maternity Guidance Pack.

- Take responsibility for referring the employee to Occupational Health, People Services, Health and Safety or the EAP (where appropriate).

16.3 People Services are required to:

- Provide support and guidance to managers relating to this policy
- Ensure the communication, maintenance, review and updating of this policy
- Monitor and review the HR effectiveness of this policy

16.4 Occupational Health's role is to:

- Give impartial medical advice to both managers and employees
- Be the referral point for providing and / or gaining clinical viewpoints
- Assist the organisation in supporting its employees whilst continuing to meet its business objectives

16.5 The Deputy Director of People and Change's role is to:

In consultation with the recognised Trade Unions, the Deputy Director of People and Change will exercise delegated authority for and be responsible for the ongoing review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this Policy will be approved by an Individual Executive Decision Notice (IEDN).

17.0 Links to other policies and guidance

- [Leave Policy](#)
- [Leave Table](#)
- [Flexible Working Arrangements](#)
- [Employee Maternity Guidance Pack](#)
- [Managers Maternity Guidance pack](#)
- [Shared Parental Leave Guidance](#)
- [Pregnancy and Breastfeeding H & S Policy](#)
- [Bereavement Support Guide](#)

18.0 Monitoring and Review

- 18.1** This policy will be reviewed every 3 years or earlier if there are significant changes required in the light of best practice and any changes to legislation and Government guidance.

19.0 Equality

- 19.1 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.
- 19.2 If any aspect of the policy causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with People Services, who will make appropriate arrangements.