Policy | Family Leave Policy

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 STRATEGY

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If you are neurodivergent and this provides a barrier to you fully accessing any areas this policy or procedure please let your manager or a member of the HR team know so that they can discuss with you how they can make adjustments to help.

TEGY

The policy covers topics and issues that some people may find difficult or upsetting. If this is the case, you can reach out to your manager or HR for advice or to direct you to the relevant part of the guidance.

1. Introduction

1.1 At West Midlands Fire Service (WMFS), we recognise that your family is your priority, and we are committed to establishing an inclusive environment where you feel supported and can thrive. We recognise that helping parents, and especially new parents, to feel supported in the workplace is an important part of this.

1.2 This policy is designed to give you greater freedom and confidence in making decisions about your family leave and how to take it, and also ensure you are aware of your rights and entitlements.

1.3 We recognise that there are a diverse range of family formations, and this policy has endeavoured to use inclusive language throughout in an attempt to reflect this diversity. The language of 'maternity' and 'paternity' leave reflects government policy, and but we recognise that parents may not identify with these terms.

Family Leave - Manager's Guide

Leaving for Family Leave - Employee guide

2. Scope

2.1 This policy applies to all eligible employees who are employed with WMFS – except for those protected under TUPE terms and conditions. If you TUPE'd into WMFS and retained your terms and condition, please speak with Human Resources.

2.2 This policy does not apply to contractors, agency workers or volunteers.

2.3 The policy outlines the statutory and contractual conditions of service which determine rights to pay and leave in the circumstances laid out above.

2.4 It is recognised that some aspects of this procedure are governed by legislation.

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OSE

3. Purpose

3.1 The purpose of this policy is to make taking family leave as straight forward as possible. This policy is designed to help you understand your rights, and sets out procedures for applying for and taking leave in the following circumstances:

- When you are pregnant, on maternity leave, and on your return to work after your baby is born.
- Paternity leave when your partner gives birth or adopts a child (and you are not taking adoption leave).
- When you are an adoptive parent wanting to take adoption leave from work.
- When you would like to explore shared parental leave.
- When you need to take parental leave to look after your child.
- When you are going through fertility treatment.
- If you suffer a pregnancy loss, or a child bereavement.

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4. Roles and Responsibilities

4.1 As an employee, we expect you to:

- Educate yourself about your family leave options and become familiar with the terms of this policy.
- Understand what information is available and seek advice and guidance when needed.
- Provide relevant documentation to support your requests as outlined within the policy.
- Follow this policy regarding notification for leave requests and informing managers of any requests for reasonable adjustments.
- Keep your manager informed of any advice and recommendations from your GP or midwife that have any impact on your ability to carry out your role.

4.2 As a manager, we expect you to:

- Educate yourself about family leave options, become familiar with the terms of this policy, and understand your responsibilities in upholding this policy.
- Ensure this policy is implemented in a fair, consistent and non-discriminatory manner.
- Ensure employees are aware of where to access information on family leave.
- Add details of Family Leave details and dates to UKG.
- Ensure that KIT (Keeping in Touch) and SPLIT (Shared Parental Leave in Touch) day payments are communicated to Work Force Planning (WFP) for payment (see section 12).
- Support employees with planning their family leave and carry out appropriate risk assessments.
- Maintain agreed contact with employees during the leave period and facilitate a return to work.

4.3 Human Resources (HR) are expected to:

- Ensure policies and procedures are kept up to date and are accessible for all employees.
- Provide managers with advice and guidance to ensure appropriate support is in place.
- Maintain best practice, ensuring that the organisation is kept abreast of changes in legislation.
- Ensure that leave details are entered correctly into Oracle.

5. Family Leave Request Procedure

5.1 If you are looking to take family leave such as maternity leave, paternity leave, adoption leave, or shared parental leave, we encourage you to speak with your line manager on an informal basis at the earliest opportunity so that they can ensure they

are supporting you in the best way they can.

5.2 If you are operational, your role may expose you to physical, biological and chemical agents that could cause harm to your unborn child. You should therefore inform your manager as soon as possible of your pregnancy so that appropriate risk assessments can be completed. This notification should be in writing.

5.3 If you are non-operational, you are required to let your manager know in writing about your pregnancy before the 25th week of your pregnancy. A workplace adjustment assessment can then be carried out.

5.4 You will also need to formally notify the Service of your intention to take maternity leave by completing a family leave request form and emailing this to [redacted] before the 25th week of your pregnancy.

5.5 If you are taking maternity leave, after the 21st week of your pregnancy you will be provided with a MATB1 form from your midwife or doctor which you will need to provide to HR by emailing a copy to [redacted] HR will then be able to provide you with a letter confirming the agreed details of your leave.

5.6 If you are taking paternity leave, you will need to provide a copy of the MATB1 form to [redacted] along with a family leave request form a minimum of 28 days prior to the start of your requested leave.

5.7 If you are adopting, you will be provided with a Matching Certificate. For either partner, you must let your manager and HR know (by completing a family leave request form and emailing to [redacted]) within 7 days of being notified that you have been matched with a child for adoption.

5.8 For information on the procedure for Shared Parental Leave, please see section 9.

5.9 If you wish to change your planned leave dates at any time prior to going on leave, please inform your manager, and send details of the change to [redacted].

Family Leave Request Form

HS06 Risk Assessment Form

Pregnancy operational duties risk assessment

6. Maternity Leave and Pay Entitlements

6.1 For your leave entitlement, you are entitled to take 26 weeks Ordinary Maternity Leave (OML), followed by 26 weeks Additional Maternity Leave (AML), irrespective of your length of service or the number of hours you work.

6.2 It is compulsory to take 2 weeks leave from the date your baby is born, but we actively encourage you to take the time you need to spend with your family and return to work when you are ready. You may wish to also consider Shared Parental Leave (SPL), as detailed in section 9 of this policy.

6.3 You can choose to start your maternity leave at any time after the 11th week before your Expected Week of Childbirth (EWC). However, this will be triggered automatically in the following circumstances:

(A) if your baby is born earlier than your intended maternity leave start date. In this case your maternity leave will commence on the day following the birth.

(B) if you are absent wholly or partly because of pregnancy after the 4th week before your EWC.

6.4 If your baby is born prematurely and you find that at the end of your maternity leave you are not ready to return to work, consideration will be given to an extension of your maternity leave. Any extension will be unpaid.

6.5 If you have 26 weeks continuous service with WMFS at the start of the 15th week before your due date (but less than 1 year), and you have followed the notification procedures set out within this policy, you will be entitled to receive Statutory Maternity Pay (SMP).

SMP is paid at 90% of your average earnings for 6 weeks (this average is taken from your gross pay 8 weeks before you are 25 weeks pregnant and could be affected by anything that may increase or decrease your normal salary such as pay increases or sick pay).

This is followed by 33 weeks at the current statutory maternity rate, and 13 weeks unpaid leave. This is a total of 52 weeks leave.

If you have 26 weeks service at your qualifying week, but less than 1 year, you may be entitled to

Weeks	1 - 6	7 - 26	27 - 39	40 - 52
Pay	Higher Rate SMP	Lower Rate SMP	Lower Rate SMP	Unpaid
Leave	Ordinary Maternity Leave		Additional Maternity Leave	

6.6 If you do not meet this criterion for SMP, you will still be able to take maternity leave, but you will not be paid directly by WMFS. If this is the case, you will be issued with an SMP1 form which will allow you to claim a Maternity Allowance. For more information on your entitlements, please visit https://www.gov.uk/maternity-allowance.

If you have less than 26 weeks service at your qualifying week you may be entitled to

Weeks	1 - 26	27 - 39	40 - 52
Pay	Statutory Maternity Allowance	Statutory Maternity Allowance	Unpaid
Leave	Ordinary Maternity Leave	Additional Maternity Leave	

6.7 If you have 1 year or more service at the end of your qualifying week (15 weeks before your due date), and you have followed the procedures set out within this policy, you will be entitled to receive WMFS's Enhanced Maternity Pay for 52 weeks. This will compromise of your SMP entitlement, plus an additional payment from WMFS. This equates to 52 weeks at 100% of your average weekly earnings.*

If you have over 1 years service at your qualifying week, you may be entitled to

Weeks	1 - 26	27 - 52
Pay	Full pay	Full Pay
Leave	Ordinary Maternity Leave	Additional Maternity Leave

***To qualify for the above payment of enhanced maternity pay your qualifying week (15 weeks before your due date) must fall after 1st January 2024.**

6.8 WMFS is only obliged to pay enhanced maternity pay to qualifying employees for the weeks in which you remain in our employment.

6.9 If you wish to commence your maternity leave prior to the end date of a fixed term contract, any enhanced and statutory maternity payments you are entitled to will be paid monthly until the end date of your fixed term contract. Any remaining weeks in which maternity pay would be payable post-employment, will be paid at SMP rate only. This will be paid as a lump sum in your final pay. No payments, including enhanced maternity pay, will be made for any maternity leave after the end of a fixed term contract, as employment will cease along with your employee benefits.

6.10 We understand that you will likely wish to continue working in your normal role, in your normal shift working pattern and environment for as long as you can. We are committed to working with you to achieve this where it is reasonably practicable and safe for you to do so. Your working arrangements will be informed by an appropriate risk assessment or workplace adjustment assessment which should be on the specific activities and carried out by your manager a minimum of once per trimester.

6.11 The Service cannot, however, support the attendance at operational incidents or training exercises once pregnancy is confirmed due to the risk factors. Participation all other training exercises will be considered where there is a risk assessment undertaken.

6.12 It is your responsibility to keep your manager informed of any advice or recommendations suggested by your GP or midwife regarding your pregnancy, particularly if these affect your ability to carry out your agreed duties/working arrangements.

Maternity Process Flow Chart

7. Adoption Leave Entitlements

7.1 If you are adopting a child as a couple, adoption leave and pay will be available to only one of you – the 'primary adopter'. The other person is known as the 'secondary adopter' and may be entitled to paternity leave.

7.2 As the primary adopter, your entitlement to adoption leave and pay mirrors that of maternity, outlined in Section 6.

7.3 As the secondary adopter, your entitlement to leave and pay mirrors that of paternity, outlined in Section 8.

7.4 You will need to provide a 'Matching Certificate' if adopting in the UK, this will be provided by your adoption agency or an 'Official Notification' if adopting from overseas. This is issued by or on behalf of the relevant UK authority in order to qualify for Adoption Leave and Pay.

7.5 You must notify your line manager no later than 7 days after being notified by the adoption agency that you have been matched with a child for adoption, or if that is not practical, as soon as possible.

7.6 Adoption leave can start either 14 days prior to the date of placement for UK adoptions or 28 days prior to the date of placement for overseas adoptions. Statutory adoption pay starts when you commence adoption leave.

7.7 If the date of the placement changes, you should inform your line manager and HR as soon as possible by emailing [redacted]

7.8 You will not qualify for adoption leave if:

(A) you have arranged a private adoption

(B) you have become a special guardian

(C) you have adopted a stepchild

(D) you are the surrogate (as you will be entitled to maternity provisions – see section 10 on Surrogacy)

(E) you are the 'secondary adopter'. In this case you may be entitled to paternity leave. See Paternity leave section below.

7.9 When a child is born via surrogacy, as intended parents you should apply for a parental order. As this usually takes place after the birth, you will need to send this to the HR by email to [redacted] at your earliest available opportunity.

7.10 If an adoption placement ends for any reason and the adoption leave has started, your entitlement to leave will end a maximum of 8 weeks after the end of the week in which the adoption is terminated.

Adoption Process Flow Chart

8. Paternity Leave Entitlements (including as a Secondary Adopter)

8.1 Eligibility for Paternity Leave and pay is dependent on meeting the criteria outlined below.

You must;

(A) Be the child's biological father, the mother's partner, or a person who is adopting and their partner is taking adoption leave.

(B) Have at least 26 weeks continuous service at the 15th week before the EWC or the week when notification is received from an Adopting Agency about being matched with a child.

(C) Earn above the lower earnings limit.

(D) Be taking time off to look after the child.

8.2 Employees who meet the above criteria will be entitled to two weeks paid paternity leave, paid at their normal rate of pay or the statutory provision (whichever is higher).

8.3 You can choose to take your two weeks of Paternity Leave consecutively or non-consecutively, but they cannot be taken as individual days or part weeks.

8.4 Paternity Leave can be taken any time from the date of the birth or placement of the child but must end within 52 weeks of the child's birth or the child's placement.

8.5 For multiple births the maximum amount of paternity leave remains as 2 weeks.

Paternity Process Flow Chart

9. Shared Parental Leave Entitlements, Pay and Procedure

9.1 Shared Parental Leave (SPL) is designed to offer you more flexibility in sharing the care of your child with your partner in the first 12 month after birth or adoptive placement. Parents that qualify for can be away from work together for up to 6 months, or they can stagger the leave and pay so that either parent is always at home during the baby's first year.

9.2 The leave can be taken in blocks. Parents are eligible to take a maximum of three separate blocks rather than taking all the leave in one chunk. If your partner is also eligible for SPL then these blocks can be taken at the same time, or they can be taken subsequently after the other.

9.3 The parent who is going to take SPL must be an employee of WMFS and must meet the 'continuity of employment' test:

- you must have been continuously employed by WMFS for at least 26 weeks up to the end of the qualifying week (the 15th week before the expected week of childbirth), and
- you must still be employed by WMFS in the week before your shared parental leave is due to start. You must also have a partner who meets the employment and earnings test:
    - Your partner must have been employed or self- employed for at least 26 weeks (not necessarily continuously) in the period of 66 weeks leading up to the expected week of childbirth and must have earned at least £30 a week on average in 13 of those weeks.

9.4 The earliest that shared parental leave can begin is 2 weeks after the baby's birth or adoption. After this, you and your partner can share up to 50 weeks of leave and up to 37 weeks of pay between you.

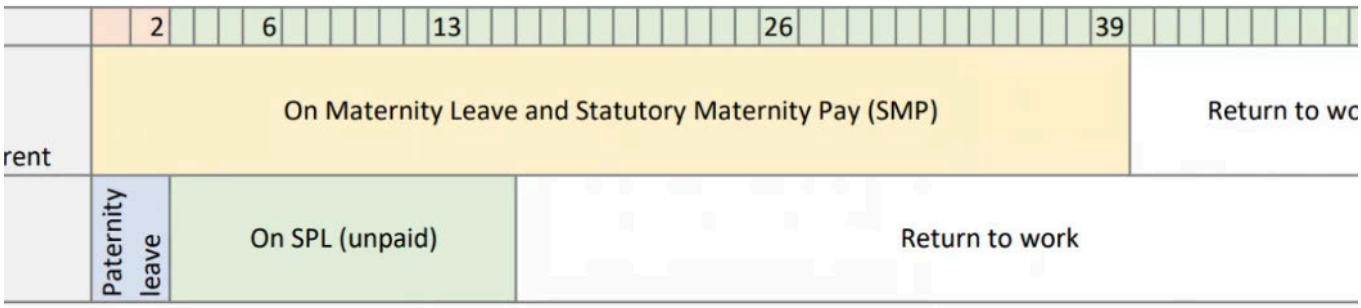
9.5 Shared Parental Pay for partners is paid at the statutory rate, or 90% of your average earnings, whichever is lower. No enhanced payments are applicable. If you are a birth parent or primary adopter and wish to share your pay during this period, whilst you may be entitled to enhanced pay under this policy, they will not.

9.6 Shared Parental Pay is created when the birth parent ends (curtails) their maternity leave and/or maternity pay, to create an amount of leave and pay available to their partner to take as Shared Parental Leave and Shared Parental Pay. (Please note that as Statutory Maternity Pay is paid at the higher rate of 90% of the person taking maternity pay's average earnings for the first 6 weeks, whereas Shared Parental Pay is only paid at the statutory rate, they are generally encouraged to stay on maternity leave for at least the first 6 weeks).

9.7 Below are examples of how partners can share leave.

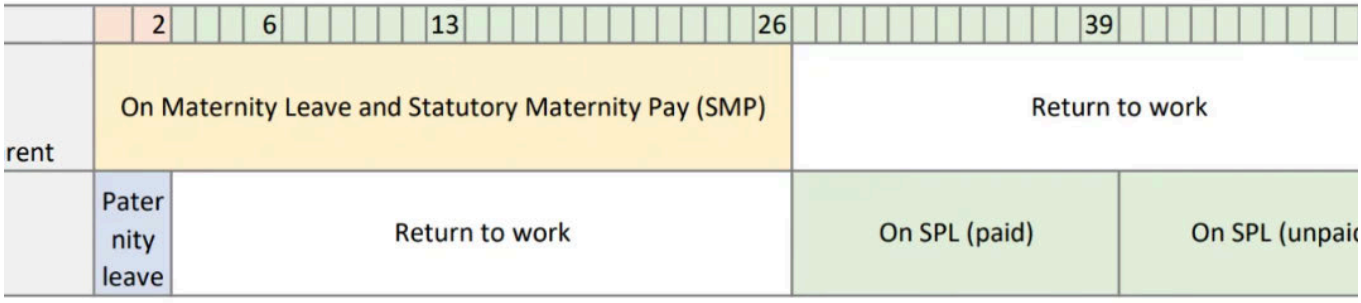
Example 1

The birth parent or primary adopter has 37 weeks statutory pay, and 13 weeks unpaid leave available to share with their partner. They end their leave at 39 weeks, and their partner is able to take 13 weeks unpaid leave at any time during the 52 week period – in the example below, they take it directly after their paternity leave.



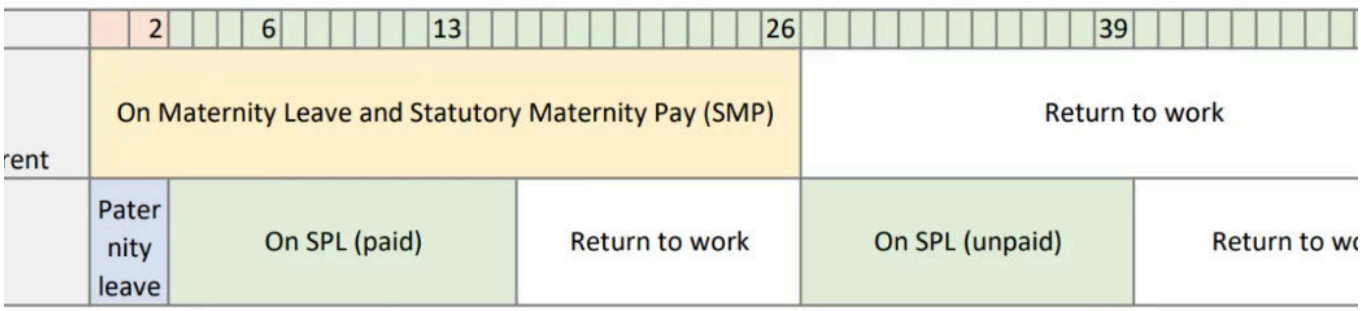
Example 2

The birth parent or primary adopter has 37 weeks statuatory pay, and 13 weeks unpaid leave available to share with their partner. They commit to end their leave and pay after 26 weeks, to create 26 weeks leave for their partner to take (13 weeks of statutory pay, and 13 weeks unpaid). They can choose to use take their leave at the same time, but in the example below they choose to use the time when their partner returns to work.



Example 3

The birth parent or primary adopter has 37 weeks statutory pay, and 13 weeks unpaid leave available to share with their partner. The partners choose to share the leave equally, but the partner takes their leave in discontinuous blocks, returning to work in between.



9.8 You must tell your manager about your decision to take shared parental leave at least eight weeks before you would like the leave to start. For formal notification, you must also complete a SPL request form and submit to HR by emailing [redacted]. For pay purposes, this must be received a minimum of 28 days before your intended leave is due to begin.

9.9 We may ask you for more information on receipt of you applying for SPL or ShPP. We may ask for:

- a copy of the birth certificate.
- a declaration of the place and date of birth (if the birth has not been registered yet).
- the name and address of your partner's employer or a declaration that your partner has no employer.

9.10 If you're adopting a child and planning to take SPL or ShPP, we may ask you to provide:

- name and address of the adoption agency or local authority.
- date you were matched with the child.
- date the child will start to live with you.
- name and address of your partner's employer or a declaration that your partner has no employer.

You must give this information within 14 days of being asked for it.

Shared Parental Leave Request Form

10. Surrogacy

10.1 If you are pregnant and acting as a surrogate, your entitlements to maternity leave and pay are not affected.

10.2 If you are the intended parents of a baby born via surrogacy, adoption leave and pay is available to you, along with the option to apply for shared parental leave.

10.3 Adoption leave and pay is available to eligible employees who become the legal parents following an application for adoption or parental order. For more information on this process, please see the 'adoption leave' section above.

11. Time off for Family Leave related Appointments

11.1 If you are pregnant you are entitled to reasonable paid time off to attend ante-natal care, including relaxation and parentcraft classes as well as medical examinations relating to the pregnancy. Evidence of appointments may be required.

11.2 As the primary adopter of an adopted child, you are also entitled to reasonable paid time off to attend adoption appointments that you are required to attend with the agency. Evidence of appointments may be required.

11.3 As a partner or secondary adopter, you are entitled to take unpaid time off on no more than 2 occasions to attend antenatal appointments or meetings relating to the adoption. Managers will give consideration to, and arrange locally, any other requests for time off relating to pregnancy in unusual or emergency situations. In addition - subject to the exigencies of the Service - reasonable unpaid time off will be given to partners to attend relaxation and parent craft classes.

11.4 Intended parents via surrogacy will be entitled to the same provisions as adopting parents. This time can be used to attend antenatal appointments with the surrogate, or adoption meetings.

11.5 If you yourself are acting as a surrogate, you are entitled to all provisions listed in this policy under 'maternity'. If you are married or in a civil partnership, your spouse or civil partner will be entitled to paternity leave provisions. More information can be found here.

11.6 Your manager will need to be notified as soon as possible of any appointments you intend to attend, and they will record these in UKG.

12. Keeping in Touch Days (KIT)

12.1 Keeping in Touch days apply to those taking Maternity, Adoption, and Shared Parental leave. These can be used at any time during your leave, except for the 2 weeks after the birth or placement of your child.

12.2 Before commencement of your leave, you should agree with your line manager how you would like to be contacted during your leave and how often. Whilst we retain the right to contact you from time to time when necessary, you can agree locally what this looks like in practice.

12.3 You have the option to agree with your manager up to 10 KIT days during your maternity or adoption leave.

12.4 During Shared parental leave, each partner can take up to 20 days – these are called SPLIT days (Shared Parental Leave In Touch days). This is in addition to the KIT days available to those on maternity or adoption leave.

12.5 When working a KIT or SPLIT day you will be paid for a minimum of 4 hours, regardless of the time worked. If working over 4 hours, you will be paid for the actual number of hours worked. For example, if you work for 2 hours during your KIT day, they will be paid for 4 hours, but if you work for 7 hours, you will be paid for 7 hours.

12.6 KIT and SPLIT days will need to be communicated directly to the payroll team by your line manager to trigger payment.

13. Neonatal Care Leave

*Please note that Neonatal Care Leave (NCL) and Neonatal Care Pay (NCP) only applies to babies born on or after 6th April 2025.

Neonatal care is the type of care a baby born premature or with a medical condition receives in a neonatal unit. The purpose of Neonatal Care Leave is to provide leave for parents whose baby is treated in this way in addition to their statutory Maternity, Paternity, Adoption Leave or Shared Parental Leave.

In order to qualify for Neonatal leave (NCL) the following conditions must be met:

- You must be an employee of West Midlands Fire Service.
- Your baby must be born **on or after 6th April 2025**
- At the birth of your baby, you must be the baby's parents, intended parents (in relation to surrogacy) or partner* to the baby's mother or primary carer and you must have or expect to have responsibility for raising the child.
- The newborn must be admitted to neonatal care within the first 28 days of birth and must remain in neonatal care for at least 7 continuous days. The first period of 7 days begins with the day after the day your baby first receives neonatal care.
- Neonatal care leave must be taken to provide care for the baby.
- Neonatal care leave must be taken in blocks of a week.

***Partner** is defined as a person who lives with the baby's mother, primary carer or primary adopter and is in an enduring family relationship with them but is **not** a relative (parent, grandparent, grandchild, sibling, aunt, uncle, niece or nephew.

The Neonatal Care Act sets out three categories of medical care which will count as neonatal care, these are:

- Any medical care received in hospital
- Medical care received elsewhere following discharge from an inpatient stay hospital. The care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals; or
- Palliative or end of life care.

Unfortunately, any medical care which does not fall within the definition above will not qualify, nor will any medical care which does not begin within the first **28 days** of the baby's birth.

Neonatal **Leave** is a day-one right, but there are eligibility criteria's that must be reached to receive Neonatal Pay.

Both parents can take one week's Neonatal Care Leave in respect of each uninterrupted week (7 days) that your baby receives neonatal care. The maximum amount of leave is **12 weeks**. The first qualifying period of 7 days begins with the day after the day your baby first receives neonatal care (i.e, days 2-8 of neonatal care). Neonatal care Leave can be taken from the day after the first qualifying period. This means that you are not able to start neonatal leave until day nine.

Leave must be taken within the first **68 weeks** of the baby's birth (or placement in the case of adoption). As many people will already be on some form of family leave while their baby is in neonatal care, neonatal leave will often be taken after neonatal care has ended and at the end of maternity/shared parental or adoption leave. However, there will be instances where individuals will take neonatal leave while their baby is still receiving neonatal care, for example partners whose paternity leave entitlement has run out while their baby is still receiving care. There are two categories of neonatal leave depending on when the leave is taken, and these are referred to as Tier 1 or Tier 2 periods. Tier 1 period leave applies to leave taken while your baby is still receiving care and up to a week post discharge. Tier 1 leave can be taken in non-continuous blocks of a minimum of one week at a time. The Tier 1 period leave ends on the 7th day after the day your baby stops receiving neonatal care. Tier 2 period leave applies to all other available remaining leave after your baby has stopped receiving neonatal care and must be taken in one continuous block, there is no option to take more than one period of Neonatal Care Leave in the tier 2 period.

Example 1, a baby receives neonatal care for 9 weeks. The baby's father takes 2 weeks paternity leave and is entitled to a further 9 weeks Neonatal Leave. They take 5 weeks of Tier 1 Neonatal leave in blocks of whole weeks during their baby's stay in hospital and 7 days post discharge. They then have 2 weeks of Tier 2 Neonatal Leave remaining that they can use as one continuous block during the first 68 weeks of their child's birth.

Example 2, a baby receives neonatal care for 5 weeks. The mother of the baby is already on Maternity leave or Adoption leave and therefore chooses to tag their entitlement to 5 weeks Tier 2 Neonatal Leave on to the end of their Maternity Leave.

Neonatal Care Pay

In order to qualify for Neonatal Care Pay (NCP), the following additional conditions must be met:

- You must have been employed by WMFS for a continuous period of at least 26 weeks before your qualifying week (which is the 15th week before the week in which the baby is due (approximately the 25th week of pregnancy).
- Your average gross weekly earnings must be at least equal to the lower earnings limit for National Insurance (NI) purposes.

Neonatal Care Pay is paid at the same rate as statutory family leave pay (for example, statutory maternity leave) or 90% of your average weekly earnings, if this is less.

Neonatal Care Pay may be paid for a maximum of 12 weeks and is payable within the first 68 weeks of the child's birth.

Neonatal Care Leave and Pay Notification Procedure

For each week of **Tier 1 period** leave and pay (leave to be taken while your baby is still receiving care), you must inform your manager as soon as practicably possible. This does not need to be in writing. Your manager must then email the dates requested (in whole weeks) to [redacted]

For leave taken in the **Tier 2 period** we ask that you provide 15 days notice. However, we understand that there may be times when leave is needed to be taken and notice periods cannot be adhered to. In these circumstances managers are able to use their discretion to waive any notice requirements.

To request Tier 2 leave, you must complete the Neonatal Tier 2 Leave Request Form and email it to [redacted].

Neonatal Care Leave Request Form

14. Returning to work

14.1 If you wish to return to work earlier than originally planned you must give your manager at least 8 weeks' notice.

14.2 If you decide not to return to work you will need to let your manager know in writing and give your contractual notice.

14.3 If you do not return to work after your maternity leave or adoption leave for a period of at least 12 weeks, you are required to repay all enhanced maternity or adoption pay you have received above your statutory entitlement.

14.4 Following a period of maternity or adoption leave (paid at the enhanced rate), you will be required to return to work for a minimum of 12 weeks before being eligible for any further enhanced payments. If you are unable to return to work for this period but require a further period of family leave, your entitlement to pay will be the statutory rate, as in 6.5 of this policy.

14.5 You have the automatic right to return to work following your maternity, adoption, parental, or shared parental leave unless an organisation change process has had an impact on your role – in which circumstances you will be consulted with in

accordance with the Re-organisation, Redeployment, Redundancy and Retention Policy.

14.6 If you return to work at or before 26 weeks of family leave (and no organisation change process has affected your role) you are entitled to return to the same role.

If you return to work after 26 weeks of family leave you will return to the same role, but if that is not reasonably practical, to another job which is both suitable and appropriate for your circumstances, i.e., similar nature of work, similar capacity or work, same place/location and remuneration and, in general terms, on no less favourable terms than when you began family leave.

15. Breastfeeding at work

15.1 The Health and Safety Regulations place a responsibility on the Service to continue to protect new mothers and those who are breast-feeding – a responsibility we take seriously, and we welcome you returning to work whilst you are still breast-feeding.

15.2 Before your return, you will need to let your manager know your intention, and they will complete a risk assessment with you to ensure that any health and safety implications are addressed, including that you must not be engaged in work where there is a significant risk of intake of radionuclides or of bodily contamination. If you are operational, this will involve removing you from operational duties whilst you are breastfeeding.

15.3 We will provide suitable rest facilities for you and adequate time for you to express. Fridges can be made available at all locations, conveniently located in relation to sanitary facilities.

15.4 You will be unable to nurse your child on the premises or be given paid time off to breast feed.

16. Unpaid Parental Leave

16.1 As a parents you have the right to unpaid time off work when you need to look after your children. This is called unpaid parental leave.

16.2 Parental leave is additional to other types of time off that you are usually entitled to, such as leave when having a baby or adopting a child, or annual leave.

16.3 You might take parental leave to be with your child so that you can:

- provide care when usual childcare arrangements are disrupted, and the time off can be planned in advance
- spend more time with them
- look after them during school holidays
- care for them when they're off school sick
- go to school open days or events with them
- settle them into new childcare arrangements
- visit grandparents or other relatives with them

16.4 If you have children up to the age 18 you can request unpaid parental leave. You can request a maximum of 18 weeks during this time per child, per parent.

16.5 Parental leave must be taken in whole weeks (unless your child is disabled), and a maximum of 4 weeks per year can be taken for each child. This does not have to be taken all at once.

16.6 Parental leave can be taken in blocks of days rather than weeks if your child is disabled and receives either Disability Living Allowance, or Personal Independence Payments.

16.7 Requests for unpaid leave should be made 21 days in advance of the proposed start date and you must provide the exact start and end dates of the leave you are requesting.

16.8 This leave does not increase if you change employer and we may ask for proof of your remaining entitlement from previous workplaces.

16.9 To qualify for Parental leave you must have been employed by WMFS for 1 year or more. You must also have parental responsibility for the child. This means that you must be named on one of the following:

- the child's birth certificate

- the child's adoption certificate
- a parental order, for surrogacy
- a legal guardianship

16.10 There may be occasions where we need to postpone your parental leave where your leave would cause serious disruption to your team or the Service. If this is the case, you will be given the reasons in writing by your manager within 7 days of your request and will be given a new suggested start date that falls within 6 months of the request. The amount of leave being requested will not change.

16.11 Your parental leave request will not be postponed if you are adding it to your paternity leave.

16.12 You will continue to accrue annual leave during a period of unpaid parental leave.

Parental Leave Request Form

17. Annual Leave Accrual During Family Leave

17.1 You will continue to accrue your annual leave and public holidays during your periods of leave.

17.2 When you accrue annual leave but are unable to use it due to a period of family leave, this will be carried over for use when you return to work. This leave will only be carried forward once, and otherwise will be lost. If you believe extenuating circumstances have left you unable to do this, you will need to speak with your manager.

17.3 It is recommended that you discuss annual leave arrangements with your line manager prior to starting your leave. We encourage you where possible to use any accrued annual leave prior to commencing a period of family leave and use any relating to a previous annual leave year before your physical return to work.

17.4 Annual leave accrued during a period of 'family leave' must be taken prior to any formal flexible working arrangement commencing unless there are extenuating circumstances.

17.5 No payment can be made in lieu of accrued annual leave not taken unless employees are terminating their employment with WMFS.

17.6 Employees on a fixed term contract should take any accrued leave before either the end of their contract or commencement of maternity leave, whichever is first. Those who commence maternity leave prior to the end date of their contract will be paid in lieu for any annual leave accrued during the start date of the maternity leave until the end date of the contract when the maternity leave will cease.

18. Fertility Treatments

18.1 If you are undergoing fertility treatment, we recognise that this can be a stressful and emotional time. We encourage you to speak with you line manager about what you are going through and any reasonable adjustments you may need. Your situation will be treated with confidentiality and understanding.

18.2 At the point you reach the embryo transfer stage, from a legal perspective you are considered pregnant and are entitled to the same level of protection from redundancy and discrimination as any other pregnant employee. If this cycle is unsuccessful, this period of protection will end 2 weeks after this is confirmed. This does not apply if you have not informed your manager or the Service.

19. Parental Bereavement Leave

19.1 We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face. WMFS is committed to supporting employees through their grief by ensuring that bereaved parents can take parental bereavement leave.

19.2 Parental bereavement leave applies to parents whose child dies or is stillborn (after 24 weeks of pregnancy). The right is only in place for employees but covers adoptive parents and the partner of a parent who lives with that parent and the child in an "enduring family relationship." The child must be under 18.

19.3 You are entitled to take 2 weeks paid leave, taken either as a single block of 2 weeks, or two separate blocks of one week. This time can be taken any time within 56 weeks of the death. Further absence will need to be taken as sick leave, following the Attendance Management reporting process.

19.4 Parental bereavement leave is a day-one right, bereaved parents can take leave irrespective of their length of service.

19.5 To support you during a time of bereavement, we encourage you to access professional counselling through occupational health. Speak to your manager if you would like to be referred. We also offer self-referral counselling through the Employee Assistance Programme, which is available by phone 24/7, 365 days a year. Please see the 'Support' section of this policy for more information on where you can reach out for help.

19.6 We are committed to supporting you during this difficult time. If and when you are ready to return to work, your manager will discuss any reasonable adjustments, extra support, or phased return to work plans that may help to make this easier for you.

19.7 During parental bereavement leave, all terms and conditions of employment remain unchanged.

20. Pregnancy Loss

20.1 We recognise that the loss of a pregnancy can be a form of grief that can have a lasting emotional and physical impact on the lives of all involved, no matter the nature of the loss or when it happens.

20.2 This policy makes no assumptions about how employees suffering a loss feel, or how they want to be treated. We also recognise that pregnancy loss can be a bereavement, and one not isolated to women or heterosexual couples.

20.3 When we talk about pregnancy loss in this policy, this includes, but is not limited to:

- Miscarriage: the spontaneous loss of pregnancy until 24 weeks of gestation.
- Stillbirth: the loss of a baby after 24 weeks, before or during birth.
- Abortion: a medical or surgical procedure to end a pregnancy.
- Ectopic pregnancy: when a fertilised egg implants and grows outside of the uterus.
- Molar pregnancy: a rare form of pregnancy in which a non-viable fertilised egg implants in the uterus and will fail to reach full term.
- Neonatal loss: the loss of a baby within the first 28 days after they are born, often caused by premature births or genetic disorders.

20.4 Emotional and physical recovery from a pregnancy loss does not have a time limit and you may find that you need to take sickness leave. You should not feel judged or discriminated against when requesting time off to recover from loss. You can self-certify for 7 days, after which time a fit note from a GP will be required. More information on this can be found in our Attendance Management Policy.

20.5 We recognise that you may need time off to attend appointments relating to pregnancy loss which do not fall within an agreed period of leave, including but not limited to medical examinations, scans and tests, and mental health-related appointments. Line managers should recognise that it will not always be possible for employees to arrange these around the demands of their work due to the nature of pregnancy loss and should support employees in managing the impact of time away from work.

20.6 Pay arrangements following a pregnancy loss are as below:

- If a pregnancy ends with a stillbirth or a miscarriage earlier than 24 weeks of pregnancy, statutory and enhanced maternity and paternity pay is not payable, and absence report procedures apply.
- If a stillbirth occurs after 24 weeks of pregnancy, then you are entitled to take maternity and paternity leave and pay.
- If a baby is born alive at any stage of the pregnancy but does not survive this is considered neo-natal death and you are also entitled to take maternity and paternity leave and pay.

21. Returning to Work after Loss

21.1 Returning to work after a period of parental bereavement or pregnancy loss can be incredibly challenging for all involved. You are encouraged to have an ongoing discussion with your line manager about any necessary reasonable adjustments.

21.2 Reasonable adjustments could include, but are not limited to:

- Increased breaks
- Flexibility to work in other locations or areas of the office
- Earlier start and finish times to avoid peak travel times
- Turning off their camera when on video calls
- A phased return to work
- A period of restricted duties
- Regular check-ins - these are particularly important when working remotely, as it can be harder to spot when an employee is suffering
- Working from home

21.3 You may also wish to consider a referral to occupational health.

21.4 Any adjustments should be discussed and agreed with your manager and reviewed on a regular basis to ensure that they continue to meet your needs. Your manager will discuss any adjustments with their HR Specialist to ensure they are fully supporting you.

21.5 It may also be helpful to consider our Flexible Working Policy for longer term arrangements.

21.6 If you wish to return to work without any form of leave and without any reasonable adjustments this will be respected, but regular check-ins will be put in place.

22. Pension

22.1 Whilst on maternity, paternity, adoption or shared parental leave you will pay pension contributions on any pay that you receive (including Statutory Pay).

22.2 Contributions will be paid as follows:

- During any period of paid maternity, paternity, adoption or shared parental leave contributions will be deducted through the normal payroll system.
- For periods of unpaid leave, you have the option to pay contributions to cover this period upon your return to work. You will have 30 days following a return to work to decide if you wish to pay these contributions. You will need to contact payroll to arrange this or for more information.
- Once contributions are paid, the whole period will be regarded as reckonable for pension purposes.

21.3 Before commencing your leave, you can contact Payroll to discuss your pension contributions in more detail.

23. Terms & Conditions of Employment

23.1 Your terms and conditions of service will not change during your period of maternity, paternity, adoption or shared parental leave, except for those related to pay or otherwise negotiated nationally and/or locally.

23.2 Whilst taking maternity, adoption (primary carer) or shared parental leave (having taken at least 6 consecutive weeks), you are entitled to return to the same role, on terms and conditions no less favourable than if you had not been away. If it is not possible to return to your role – for example because the role has become redundant – we will offer you a suitable alternative role, where it exists, in priority to anyone else who is provisionally selected for redundancy.

23.3 All forms of family leave within this policy will be regarded as continuous periods of employment.

24. Support

We are always looking to build our list of support resources. Please do let us know if you find an internal resources, or an external organisation or website not already included helpful.

Internal resources

Employee Assistance Programme (EAP) - [redacted]

Speak completely confidentially to a third party with anonymity assured. They offer telephone counselling, access to self help books and podcasts, and are available 24/7 365 days a year.

Fire Service Chaplains

Mental Health Advocates

Union Support:

FBU

Unison

FOA

If you wish to raise a grievance whilst on family leave please be assured that you will be at no detriment because of this. We encourage you to read the Grievance Policy and speak to either your manager, your union representative, or a member of HR if you have concerns.

External Support

NHS advice on maternity and paternity leave

Shared Parental Leave gov.uk resource

ACAS guide to parental leave

The Fire Fighters Charity

The Fire Fighters Charity can offer support with your health and wellbeing. They can listen and signpost you to the best support for your individual need.

Shout

Text BLUELIGHT to 85258 for 24/7 support from Shout, a dedicated text service for members of the emergency service community.

They can also provide help to green book staff on a range of wellbeing topics here.

MIND

Mind offer a number of helplines and resources to help you navigate your feelings and mental health.

Acacia Family Support

Acacia Family Support are a Birmingham based charity providing free support to parents in the Birmingham area who are experiencing pre and postnatal depression and anxiety. They also have a range of support resources for the BAME community.

Maternity Engagement Action CIC provide safe spaces and peer support for black women throughout pregnancy, birth, and early motherhood. Their aim is to empower Black women and raise awareness of how to request and expect clinically & culturally safe, compassionate, and equitable maternity care.

Twitter: Maternity Engagement Action

External Support Resources for Pregnancy and Baby Loss

Miscarriage Association

www.miscarriageassociation.org.uk

Information and support to help you through a miscarriage, ectopic pregnancy or molar pregnancy.

SANDS

www.sands.org.uk

SANDS is an organisation that can offer you support if your baby dies during pregnancy or after birth. They also run a helpline 10am - 3pm Monday to Friday and 6pm - 9pm on Tuesday and Thursday evenings: 0808 164 3332.

Tommy's

www.tommys.org

Tommy's is a charity that funds research into pregnancy problems but also provides information for parents-to-be.

They also provide a specialist helpline that supports Black and Black Mixed-Heritage women and birthing people in the UK as Black women are at higher risk of complications during pregnancy.

Petals

www.petalscharity.org

Petals is an organisation providing specialist counselling services after a pregnancy loss.

Arc

www.arc-uk.org/about-arc

Arc is a national charity offering parents support during antenatal screening and following a termination.

AbortionTalk

www.abortiontalk.com

AbortionTalk is a new charity offering the opportunity to talk about abortion.

Maternity Action

www.maternityaction.org.uk

Information on rights and benefits around pregnancy, pregnancy loss and maternity

Mind

www.mind.org.uk

Information on mental health support including Wellness Action Plans and reducing stress at work.

FiveXMore

Five X More is dedicated to supporting mothers with its campaigning work and recommendations. It focuses on empowering Black women to make informed choices and advocate for themselves throughout their pregnancies and after childbirth.

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UMENT CONTROL AND AUDIT

Audit	
Responsible Head of Function	People
Authorised by	[redacted]
Direct enquiries to	[redacted]
EIA (Date Completed & Name)	07/02/2024
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1.0	06/03/2024	[redacted]	Whole Policy		New Policy
1.1	22/04/2024	[redacted]	17	17.2	Slight wording change
1.2	24/07/2024	[redacted]	Whole Policy	Change from PSS to HR	In line with restructure
1.3	11/02/2025	[redacted]	Contents Section	Additional paragraph added at the start of the policy.	
1.4	07/04/2025	[redacted]	Section 13	Addition of section 13 (Neonatal care leave) and all	Legislation change

				following sections re-numbered	

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