

Family Friendly Policy and Procedure

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1. Introduction

National Highways will, wherever possible, support employees to balance work and family/home life. By offering family friendly arrangements, we can help employees to manage their working life and other priorities during particularly important times, such as pregnancy, childbirth, adoption, surrogacy, and during the early to young adult years of a child's life.

This policy applies to all employees regardless of sexual orientation or gender identity, and we are committed to:

- developing a great place to work where our employees feel valued
- ensuring that we are an attractive employer for prospective candidates
- positively supporting employees to balance their work and home life commitments, whilst taking account of business requirements
- increasing employee motivation and well-being; and
- supporting the retention and utilisation of all the talent and experience available in our organisation.

To support this, National Highways offers the following family friendly support:

- maternity leave and pay
- adoption and surrogacy leave and pay
- paternity/partner leave and pay
- Parental leave (unpaid)
- Shared parental leave and pay
- Neonatal care leave and pay.

The rights to adoption and surrogacy leave also covers fostering to adopt arrangements.

Family friendly provisions are complex, and employees may have questions about their rights and entitlements to leave and pay under our policies and procedures. Advice is available from HR Shared Services on 0300 470 3000 or by sending a [query](#), and we encourage employees to discuss any concerns to ensure these can be resolved as quickly as possible.

This policy supersedes the maternity leave and pay policies and guidance in the pre and post 15 handbooks and complies with Maternity and Parental Leave etc Regulations 1999, the Equality Act 2010, Employment Rights Act 1996, Paternity and Adoption Leave Regulations 2002, Children and Families Act 2014 and the Human Embryology and Fertilisation Act 2008.

The Family Friendly Policy and associated procedures are non-contractual and National Highways reserves the right to change them from time to time as required and to meet our legislative obligations. Any changes will be discussed with the TUS in line with the Employee Relations Framework Agreement.

2. Who does this cover?

This policy applies to all employees who work for National Highways, regardless of their length of service, pay band or grade, whether full or part time, fixed term or permanent. It does not apply to agency workers, contractors, consultants or any self-employed individuals working for the organisation.

2.1 Definitions

- birth parent the person who gives birth to the relevant child
- parent a person with responsibility for the child's upbringing (including through adoption and surrogacy)
- partner the other member of a couple e.g. father, spouse, partner (including same sex partner), civil partner, secondary adopter or secondary surrogate parent
- childbirth the live birth of a child or a still-birth after a pregnancy lasting at least 24 weeks
- expected week of childbirth the week, starting on a Sunday, during which the Employee's doctor or midwife expects them to give birth
- qualifying week the 15th week before the expected week of childbirth defined as a period of 7 days that begins at midnight between Saturday and Sunday
- KIT days up to ten 'Keeping In Touch days' which can be taken during maternity, adoption, or surrogacy leave
- MATB1 form maternity certificate, issued by a doctor or midwife, that enables a pregnant person to claim Statutory Maternity Pay or Maternity Allowance ([gov.uk mat-b1-guidance](https://gov.uk/mat-b1-guidance))
- primary adopter the first applicant named in the Parental Order who is intended to be the primary carer of the child, and entitled to adoption leave
- secondary adopter the partner of the primary adopter and not entitled to adoption leave
- fostering to adopt in a foster-to-adopt situation, prospective parents become a foster family with a view to being able to adopt their foster children
- SPLIT days up to 20 'Shared Parental Leave Keeping In Touch Days' can be taken by each Parent during Shared Parental leave
- reference salary pay before it is reduced by any salary exchange amounts from arrangements the employee may participate in (e.g. pension salary exchange for members of the National Highways Pension Plan with Legal & General, or Green Cars)
- neonatal care medical care of a child that starts within 28 days of birth. This covers medical care received in hospital, or any other place providing medical care if the child leaves hospital, where that

care is under the direction of a consultant and includes ongoing visits and monitoring by healthcare professionals arranged by the hospital where the child was an inpatient. It also extends to palliative or end of life care.

3. Maternity leave and pay procedure

3.1 Giving notice of pregnancy

Employees who are pregnant are encouraged to inform their manager in writing as early as possible and by no later than the qualifying week, unless this is not reasonably practicable.

The employee must also provide the following information to HR (by submitting a [query](#)):

- the expected date on which the baby is due (expected week of childbirth)
- the intention to take maternity leave
- the date on which they intend their maternity leave to start (this cannot be earlier than the 11th week before the expected week of childbirth)
- the date on which they intend their maternity leave to end
- A copy of the MAT B1 form as soon as possible, but no sooner than 20 weeks prior to the expected week of childbirth.

Once the MAT B1 form is received, HR Shared Services will write to the employee within 28 days of receipt confirming:

- the start date of the maternity leave
- the date the employee is expected to return to work, and that they agree to repay any non-statutory payments made during ordinary maternity leave if they do not return to work for a minimum of one month [see 3.5.2](#).
- their maternity leave and pay entitlement.

The employee should give 28 days' notice of any changes.

3.2 Ante-Natal Care

3.2.1 For Birth Parents

Birth parents are entitled to paid time off at their normal rate of pay during working hours to attend ante-natal appointments made on medical advice. They should not be asked to provide evidence of the first appointment but may be asked to provide it for any subsequent appointments, giving as much notice as possible.

The leave is booked on PFP as ante0natal appointment.

3.2.2 For Partners

Partners are entitled to unpaid time off during working hours to attend up to two ante-natal appointments made on medical advice.

The leave is booked on PFP as ante-natal appointment.

3.3 Workplace Risk Assessment

As soon as they have been notified of a pregnancy, managers should arrange for a risk assessment to be carried out (see [risk assessment for new and expectant mothers](#) on the portal), to identify any changes that may be necessary to protect the health of the pregnant employee and of their unborn baby. The risk assessment process should be ongoing throughout the pregnancy and on the return to work as a new parent. If any equipment is needed this can be ordered from Estates and Facilities: EstatesandFMCustomerEnquiries@nationalhighways.co.uk.

3.4 Maternity Leave

3.4.1 Amount of Maternity Leave

Employees are entitled to a maximum of 52 weeks maternity leave regardless of their length of service. This is a single continuous period and is made up of:

- 26 weeks' ordinary maternity leave; followed immediately by
- 26 weeks' additional maternity leave.

Birth parents must take a minimum of two weeks compulsory leave immediately after the birth of the baby, and during this two-week period no work-related contact must be made with the employee.

The same rights to the maternity leave and pay apply to the birth parent in a surrogacy arrangement.

In the unfortunate event of a baby being stillborn after 24 weeks of pregnancy, or the baby does not survive being born, the right to maternity leave and pay remains.

3.4.2 Starting Maternity Leave

Ordinary maternity leave can start on any day of the week from the beginning of the 11th week before expected week of childbirth. It will normally begin on the date advised, with the following exceptions:

- if childbirth occurs before the date notified, ordinary maternity leave begins automatically on the day after the baby's birth; and/or
- the start of ordinary maternity leave will be automatically triggered if the employee is absent because of a pregnancy related illness in the four weeks prior to their expected week of childbirth.

Arrangements for staying in touch (such as the frequency and nature of the contact) should be discussed before maternity leave begins, and after the two-week compulsory leave period, reasonable contact can take place. This will, in

the main, be to discuss plans for the employee's return to work, and to provide them with information about and developments in the workplace.

3.5 Maternity Pay

Where an employee has at least 26 weeks continuous service by the qualifying week, they will qualify for 26 weeks occupational maternity pay, which is full pay (inclusive of statutory maternity pay and subject to any relevant deductions for salary exchange arrangements). When taking additional maternity leave, the first 13 weeks will be on SMP only, and the final 13 weeks will be unpaid.

- 3.5.1 Employees with less than 26 weeks' service at the qualifying week will not receive either occupational or statutory maternity pay, however they may be entitled to maternity allowance. Employees should contact HR Shared Services on 0300 470 3000, who will provide a form (SMP1) stating the reason statutory maternity pay cannot be claimed, and which can be used for claiming maternity allowance via Job Centre Plus (for advice on making a claim see [Job Centre Plus - advice on maternity allowance](#)).

- 3.5.2 Payment of occupational maternity pay requires that the employee returns to work for a minimum period of one month, otherwise they must repay any occupational maternity pay, excluding SMP, they have received.

3.6 Terms and Conditions of Employment

Except remuneration (where the employee is eligible, salary is replaced by occupational or statutory maternity pay), terms and conditions of employment (for example holiday entitlement, pension rights, life assurance) continue during the ordinary and additional maternity leave periods as if the employee is still at work.

Periods of both ordinary and additional maternity leave count towards continuous employment.

Pension contributions will continue based on the employee's reference salary during ordinary and paid additional maternity leave. However, both employee and employer pension contributions stop during periods of unpaid additional maternity leave (although the employee will remain entitled to all other salary exchange benefits, as well as death in service benefits and if applicable, private medical insurance schemes).

When participating in the National Highways Pension Plan with Legal & General, pension contributions can continue to be made via pension salary exchange during ordinary maternity pay, but at the point only statutory pay is received, the employee will automatically be opted out of the pension salary exchange until they return to work and recommence receiving company pay. They are not able to participate in

a salary exchange arrangement when in receipt of statutory benefits, such as maternity pay.

Further guidance on continuing pension contributions outside of pension salary exchange is available in the [Legal and General Pension Salary Exchange booklet](#).

3.7 Annual Leave

Annual leave entitlement, along with public and privilege leave, continues to accrue throughout the 52-week maternity leave period (pro-rated for part-time employees or for those who do not take the full 52 weeks maternity leave).

Where the annual leave year starts during the maternity leave period, the leave accrued can be carried over. Options for taking the leave in the current year, either before or immediately after maternity leave and before returning to work, should be discussed with the manager (it cannot be taken between ordinary and additional maternity leave). Where the employee takes annual leave immediately following the maternity leave period and when any entitlement to statutory maternity pay or maternity allowance has stopped, this is classed as a return to work, which enables their partner to take shared parental leave.

3.8 Sickness absence during or following pregnancy

Normal sick pay entitlements apply during pregnancy, although pregnancy-related absences will not count towards attendance management procedures. As part of their duty of care, managers should still hold return to work meetings, to welcome the employee back to work and to offer them support, and to assess the need for any further pregnancy risk assessments.

If the employee is absent during the four weeks before the expected week of childbirth and it is pregnancy related, ordinary maternity leave will start automatically, regardless of when it was intended to start. If the absence is not pregnancy-related and suitable evidence is provided, ordinary maternity leave may be allowed to start on the date originally specified.

Occupational sick pay does not apply once paid ordinary maternity leave has begun (although there may be an entitlement to statutory sick pay during unpaid maternity leave and employees should submit a doctor's note to their manager as soon as possible; HR Shared Services will assess whether statutory sick pay is applicable and inform the employee in writing).

Once maternity leave ends, the normal paid sickness entitlements will apply, and any sickness absence will be managed under the Managing Attendance policy and procedures.

3.9 Working during maternity leave (keeping in touch - KIT days)

Employees can work for up to ten days during the maternity leave period. Other than during the two-week period immediately after the baby is born, these can be worked at any other stage during the maternity leave period, with the agreement of their manager. KIT days do not have to be consecutive and can, for example, be used for normal day-to-day work, or attending a conference, training activity or team meeting.

Working for part of a day should be recorded on PFP as one KIT day, and it is included in, not added to, the maternity leave period.

Where a KIT day falls in week 27 to 52 of the maternity leave period and maternity pay is no longer being enhanced to occupational maternity pay by National Highways, statutory maternity pay or maternity allowance will be topped up to full pay for any KIT days worked.

3.10 Extending maternity leave to unpaid Parental leave

Where an employee has completed one year's employment at the time of their child's birth, they may also extend maternity leave by applying for unpaid parental leave - see [Section 6](#).

3.11 Returning to work

Providing they give appropriate notice, after a period of ordinary maternity leave an employee generally has a statutory right to return to the same job they had before the leave, and on the same terms and conditions. After additional maternity leave, the right is to return to the same job wherever possible, or if this is not possible, to a suitable alternative job on the same (or better) terms and conditions.

National Highways will have notified the employee in writing of their expected return to work date at the same time as confirming their maternity leave and pay entitlements. Their return date will normally be the first working day 52 weeks after their maternity leave began unless they have been notified otherwise. If they fail to return by this date without a proper reason, then this may be considered to be unauthorised absence, which may lead to disciplinary action under the [Managing Misconduct](#) procedure.

If the employee wishes to return to work earlier than the expected return date, they will need to give their manager at least eight calendar weeks' notice (if less notice is given, the return may be postponed until eight weeks have passed).

3.11.1 Redundancy during Maternity Leave

If a redundancy situation arises during ordinary or additional maternity leave, which makes it impractical to return to the post they were in prior to starting maternity leave, the manager will work with the employee to find alternative roles. Where a

suitable vacancy exists, the employee on maternity who has been selected for redundancy must be offered the role before any other employee – they will not need to apply or go through a selection process. To be a suitable role, it will be on terms and conditions which are at least as favourable as the redundant role.

If the employee unreasonably refuses a suitable alternative role, they will lose their right to a redundancy payment.

3.11.2 Resignation

If an employee decides to resign during any stage of maternity leave, they will be required to give the period of notice set out in their contract of employment. They also will be required to repay any occupational maternity pay (minus statutory maternity pay) if they do not return to work for at least one calendar month.

4. Adoption and surrogacy leave and pay procedure

The rights to adoption leave also cover surrogacy and foster to adopt arrangements and entitle eligible employees to take paid leave when a child is newly placed via adoption, surrogacy or foster to adopt arrangements. If the adoption is through an overseas adoption agency, see [4.3](#).

Adoption leave and pay are available to:

- individuals who adopt, foster to adopt or have a child through a surrogate mother; or
- the primary adopter, where a couple adopt. The couple must elect and advise National Highways which partner is the primary adopter, i.e., the person who is to take adoption or surrogacy leave.

Only one period of leave (up to 52 weeks) will be available irrespective of the number of children placed as part of the same arrangement, and this can be shared between the parents in line with the shared parental leave procedure (see section 7).

A partner may be entitled to paternity leave and pay (see section 5).

Where participating in the National Highways Pension Plan with Legal & General at the point they cease receiving ordinary adoption pay and only receive statutory adoption pay, the employee will automatically be opted out of the pension salary exchange until they return to work and recommence receiving company pay. It is not possible to participate in a salary exchange arrangement when only receiving statutory pay.

Further guidance on continuing pension contributions outside of pension salary exchange is available in the Pensions Salary Exchange booklet on [HR Zone](#).

4.1 Who can take adoption/surrogacy leave?

Employees who are primary adopters are entitled to ordinary adoption leave, followed by additional adoption leave providing they:

- inform National Highways of their intention to return to work immediately after ordinary or additional adoption leave; and
- agree to repay any non-statutory payments received during the period of occupational adoption pay if they do not return to work for a minimum of one month.

If an employee has less than 26 weeks continuous service, they may apply for a period of up to 26 weeks additional adoption leave without pay, to follow on from their ordinary adoption leave.

4.2 UK Adoption/Fostering to Adopt Arrangements

Employees are entitled to ordinary and additional adoption leave of up to 52 weeks, providing they meet the following criteria. They must have:

- been newly matched with a child who is to be placed with them by a UK adoption agency and provided with a Statutory Adoption Leave and Pay Matching certificate OR they are a local authority foster parent who has been approved as a prospective adopter
- notified the adoption agency that they agree that the child should be placed with them for adoption/fostering to adopt and agreed the date of the placement
- for surrogacy, applied for a parental order or be in receipt of a Parental Order Acknowledgment 9C52. The employee or their partner must be the biological parent of the child and expect to be given responsibility for the child.
- been continuously employed by National Highways for at least 26 weeks into the week in which they are notified of having been matched with the child (the 'matching week'). The matching week starts on a Sunday and ends on a Saturday
- notified their manager they are the primary adopter and intend to take adoption leave **as soon as possible and no later than seven days** after they are notified of being matched with a child. The following information must be provided:
 - that the employee intends to take adoption leave
 - the date on which they intend their adoption leave to start (it can start on the day the child is placed for adoption, or up to 14 days earlier)
 - the date the child is expected to be placed with them for adoption; and

- a 'matching certificate' for adoptions, or a Parental Order application and confirmation for surrogacy.

The manager will send the information to HR via a [query](#), who will write to the employee **within 28 days** confirming adoption pay and leave entitlement. For pay, these are the same as for [Maternity Pay](#).

The employee should give at least 28 days' notice if they wish to change the date they start their adoption leave (unless this is not reasonably practicable).

Adoption leave may be from the date the child is placed with the employee for adoption, or from a date of up to 14 days beforehand.

4.3 Overseas Adoptions

Employees will qualify for 52 weeks adoption leave when they adopt a child from overseas if they have:

- received official notification from the relevant UK authority of their eligibility to adopt a child from abroad. Official notification is written confirmation issued by, or on behalf of, the relevant domestic authority that they are prepared to issue a certificate to the overseas authority dealing with the adoption of the child or has issued a certificate and sent it to that authority. In either case, the certificate confirms that the adopter is eligible to adopt a child from overseas, and has been approved by the domestic authority as being a suitable adoptive parent
- given the correct notification
- worked for National Highways continuously for at least 26 weeks by the time they have received official notification or by the time their ordinary adoption leave is due to begin, whichever is later; and
- they are the primary adopter.

4.3.1 Notice of the intention to take adoption leave is in three stages:

- i) the primary adopter must advise their manager in writing, within 28 days of when they receive official notification, of the date the child is expected to enter the UK
- ii) they must then give 28 days' notice of the start date of their adoption leave (it cannot start until the child enters the UK)
- iii) they must also notify their manager within 28 days of the child entering the UK and, if they have an entitlement to statutory adoption pay, to provide documentary evidence of this.

All evidence and information supplied should be sent by the manager to HR Shared Service via a [query](#).

4.4 Contact during adoption leave

Reasonable contact can take place between the manager and an employee who is a primary adopter, principally to discuss plans for their return to work, and to provide them with information about developments in the workplace.

Arrangements for staying in touch (e.g. the frequency and the nature of the contact) should be discussed before adoption leave begins.

4.5 Terms and Conditions

See 3.6 above. Adoption pay is the same as maternity pay,

Annual leave arrangements

See 3.7 above

Keeping in touch days

See 3.9 above

Returning to work and resignation

See 3.11 above.

4.6 Return prevented by sickness

If the employee falls ill at the end of the adoption/surrogacy leave period and is unable to return to work on the date agreed, they should follow the normal sickness absence arrangements and contact their manager as soon as practicable.

5. Paternity/partner leave and pay procedure

This covers the rights of employees to paid paternity/partner leave following childbirth or placement. National Highways offers an enhancement of an additional week's paid paternity leave, where employees meet the criteria set out in 5.1 below.

When a manager is notified of an employee's intention to take paternity/partner leave and pay, they should follow this procedure and discuss any issues with HR Shared Services on 0300 470 3000 or by sending them a [query](#).

5.1 Who can take paternity/partner leave?

To be eligible for paternity/partner leave an employee must:

- be the biological father of the child, or the spouse, partner, or civil partner of the birth parent; or
- be the secondary adopter; and
- be taking the leave to care for the child and/or support the birth parent or the primary adopter; and
- have been employed continuously by National Highways for 26 weeks ending with the:
 - 15th week before the expected week of childbirth; or
 - the week they were notified of having been matched; and

- have given written notification of their intention to take ordinary paternity leave, including the length and dates of the leave.

In the case of a stillbirth after 24 weeks of pregnancy, the paternity/partner provisions will still apply.

- 5.1.1 Fathers and partners are required to give written notice of the intention to take paternity/partner leave and complete an [SC3 form](#) (or an [SC4form](#) in the case of an adoption). These should be given to their manager who must send it to HR Shared Services by submitting a [query](#) on [HR Zone](#).

The information must include the expected week of childbirth or the expected placement date, and the length (one, two or three weeks, which can be taken in weekly blocks or together) and dates of the leave, and be provided:

- at least 15 weeks before the expected week of childbirth (for birth), although exact dates do not have to be confirmed until at least 28 calendar days before the leave is due to start; and
- within seven days of being notified of a match with a child (for adoption); or
- within seven days of sending an application for or receiving a Parental Order (for surrogacy).

- 5.1.2 To subsequently change the timing of the leave, a minimum of 28 days' notice is required, in writing.

5.2 Paternity/Partner Leave

Enhanced paternity/partner leave of up to three calendar weeks can be taken. The leave must be taken in one go or in weekly blocks and completed within the first year of the birth of the baby, from the expected week of childbirth (if the child is born early), the child's placement or the date the child entered the UK (if adopting or becoming a surrogate parent).

The entitlement is to just one period of paternity/partner leave per pregnancy or adoption, regardless of the number of children born, or placed under the same adoption arrangement.

The leave may start on any day of the week:

- from the date of the child's birth or placement
- from a chosen number of days after the birth placement; in the case of adoptions from overseas, from the date the child enters the UK
- where an adoption agency places a child with the employee and/or their partner for adoption and the employee expects to have the main responsibility (with their partner) for the child's upbringing or

- where a local authority places a child with the employee and/or their partner under a fostering for adoption arrangement and the employee expects to have main responsibility (with their partner) for the child's upbringing
- on the birth of a child to a surrogate birth parent where the employee is, or their partner is, one of the child's biological parents, and the employee expects to obtain a parental order giving them and their partner responsibility for the child; or
- from another specified date.

An employee is not eligible to take paternity leave if they have already taken a period of shared parental leave in relation to the same child. This means that if the employee wishes to take both paternity leave and a period of shared parental leave, the paternity leave must be taken first.

In the case of an adoption, fostering to adopt or surrogacy, the employee may wish to consider adoption leave instead. Only one parent can take adoption leave so they should discuss this with their partner. They cannot take both paternity and adoption leave and in the case of joint adoption, the couple may choose who takes adoption leave and who takes paternity leave.

In the extremely unfortunate event that a baby is stillborn after 24 weeks of pregnancy, or does not survive after being born, the right to paternity leave still applies.

5.3 Paternity/Partner pay

To be eligible for paternity/partner leave and pay, an employee must be working for National Highways and earning at or above the lower earnings limit for National Insurance Contributions at:

- the end of the expected week of childbirth
- at the end of the matching week for UK adoption; and
- for overseas adoptions, at the point at which official notification is received, or when the employee has 26 weeks continuous service, whichever is later.

Subject to an employee meeting the relevant criteria National Highways will enhance statutory paternity pay to the employee's normal contractual rate of reference salary for a maximum of 15 days.

To qualify for paternity/partner leave and pay, all the required documentation and information must be provided with the correct timescales.

5.4 Terms and Conditions

All terms and conditions remain unchanged during periods of paternity/partner leave.

6. Parental leave procedure

Parental leave is a separate and additional entitlement to maternity, paternity/partner, adoption, and shared parental leave. It is unpaid and must be taken before child's 18th birthday.

6.1 Who can take parental leave?

An employee is eligible for parental leave if they:

- a. have one year's service
- b. have become a parent, whether by birth, adoption or surrogacy, or gain formal parental responsibility for caring for a child in other circumstances, for example becoming a stepparent
- c. are taking the leave to spend with or otherwise care for the child; and
- d. have provided a birth certificate or other documentation to the manager to establish their entitlement.

6.2 How much parental leave can be taken?

Parental leave can be taken for up to 18 weeks (26 weeks if the child is disabled), pro rata for part time employees. A week is based on the usual working pattern, and for rostered staff, one week's leave will equate to the total number of days on which they would have been rostered to work during the week in which leave is taken.

A maximum of four weeks leave can be taken in one year for each child and must be taken before their 18th birthday. It can be taken in blocks of a week or multiples of a week (i.e. up to four weeks together), and where less than one complete week is taken, it will still count as one full week of the entitlement.

For parents of a disabled child, leave may be taken and deducted in days, rather than weekly blocks.

Call HR Shared Services on 0300 470 3000 or send them a [query](#) and they can provide details of the amount of any leave already taken.

6.3 Notification of Parental leave

At least **21 calendar days'** notice must be given to the manager using the parental leave request form which can be found in [General Forms and Guidance](#), including the name and birth/adoption date of the child, who should confirm eligibility in terms of service and any parental leave already taken with HR

Shared Services. (Less notice may be accepted in the case of a new adoption or where a child is born prematurely).

The manager will normally reply to the request for leave within **seven calendar days** of the request being made. They must also notify HR Shared Services for each period of parental leave agreed, via a [query](#), for payroll to be amended to reflect a period of unpaid leave.

Leave may only be postponed where adequate notice has not been given or where service would be unduly disrupted if the leave was granted. Where this is the case, the manager should consult with the employee within seven calendar days of the original request, giving the reason for refusal and offering dates within the next three months on which the leave may be taken (this cannot go beyond the child's 18th birthday).

6.4 Recording Parental leave

Parental leave taken is recorded by HR Shared Services on PFP and will only be released to new employers (as it is an entitlement available per child, rather than per job) and to current line managers. It will not be made available to prospective managers before an internal vacancy is filled.

6.5 Terms and Conditions during Parental Leave

Parental leave is unpaid and therefore does not count for pension purposes, although continuous employment will be maintained in terms of service-related benefits.

Parents of disabled children may take up to three weeks paid parental leave in any twelve-month period, up to the maximum entitlement of 26 weeks unpaid parental leave.

Annual leave will continue to accrue in any periods of parental leave.

7. Shared parental leave and pay procedure

Shared parental leave is a way of sharing maternity or adoption leave entitlement between parents/partners with main responsibility for a child. It enables eligible working parents to share the care of their children in the first year after birth or adoptive placement, and for the birth parent/primary adopter to return to work. This includes fostering to adopt arrangements.

Parents who qualify can take leave together for up to six months, or they can stagger the leave and pay so that either parent is always at home during the child's first year. The leave can also be taken in up to three separate blocks, rather than in one go. A maximum of three leave requests can normally be made

per pregnancy or adoption (in some exceptional circumstances it may be possible to make more than three requests, such as if the parent or child is disabled, or if there are complications in an adoption or surrogacy arrangement).

Leave must be taken in blocks of at least one week.

7.1 Who can take Shared Parental Leave?

To be eligible for shared parental leave, the parents must, at the date of the child's birth/placement, share the main responsibility for the care of the child.

They must also have:

- 26 weeks' continuous service with National Highways at the end of the 15th week before the expected week of childbirth; or
- been notified of a match for adoption; and
- eligibility for maternity/adoption/surrogacy pay or leave.

The birth parent/primary adopter must commit to ending their maternity/adoption leave and pay, to share the untaken balance of leave. The birth parent must have taken at least two weeks of compulsory maternity/adoption leave before they can share parental leave. Paternity/partner leave should be taken before taking shared parental leave and is not included in the 52 weeks of leave that can be shared.

They should give at least eight weeks written notice before they intend to end maternity/adoption leave; this can be given before or after birth, but the end date must be at least two weeks after the birth/placement.

7.2 What is the entitlement to shared parental leave and pay?

The birth parent/primary adopter must take the first two weeks as compulsory maternity leave and shared parental leave cannot be taken until after this.

The maximum amount of shared parental leave available is 50 weeks, less any weeks maternity leave, or statutory maternity pay/maternity allowance/statutory adoption pay already taken.

The balance can be shared with their partner and must be taken within 52 weeks of the birth or placement.

The partner can begin a period of shared parental leave at any time from the date of the birth/placement. If paternity/partner leave is to be taken, it should be taken first or else it will be lost.

7.2.1 Is it paid leave?

Shared parental pay is the same as statutory maternity and adoption pay, or 90% of earnings (whichever is less), and is paid for up to 39 weeks (less any week's statutory maternity pay, maternity allowance or statutory adoption pay claimed by either parent).

Where the employee has 26 week's continuous service, National Highways enhances 26 weeks of shared parental pay to full pay, followed by 13 weeks at the statutory rate, and the remaining 13 weeks are unpaid. Where both parents work for National Highways, they will share the total pay between them, as it is a joint entitlement.

This means that after the birth parent has taken the compulsory two weeks, there are 50 weeks shared parental leave and 37 weeks' shared parental pay they can share with their partner.

When making a request, the employee must provide dates of any maternity or adoption leave their partner has already taken with another organisation (including any taken before the birth) on the shared parental leave form-This will be deducted from the full 39-week entitlement to give the employee's remaining entitlement to shared parental pay. Any weeks on paternity pay are not deducted.

To check entitlements to shared parental pay, use the online calculator at: <https://www.gov.uk/shared-parental-leave-and-pay>.

7.3 Planning Shared Parental Leave and Shared Parental Pay

Parents must decide:

- when the birth parent/primary adopter should end their maternity/adoption leave/pay or maternity allowance
- when each will take shared parental leave
- how to split any shared parental pay which they are entitled to

If the birth parent/primary adopter changes their mind, they can withdraw their notice to end their leave at any time up to 6 weeks after the child is born/placed. They can also withdraw their application for shared parental leave if they have not come to the end of maternity/adoption/surrogacy leave or returned to work.

Having early discussions with managers to agree when leave can be taken will help with planning, and the partner will also need to have these discussions with their employer.

7.4 Applying for Shared Parental Leave

Where a birth parent/primary adopter is employed by National Highways they should apply to their manager using the shared parental leave application form in [Family Friendly Leave](#) at least eight weeks' before they plan to take the leave,

and where relevant, provide details of their partner's employer, or confirm if they do not have one. Their partner must apply to their own employer under their procedure for shared parental leave. Where the partner is also employed by National Highways, both parents must apply to their own manager under the procedure. It is advisable that both forms are submitted together on to HR on a [query](#).

If the partner is unemployed/self-employed see FAQ's in [appendices](#).

The application must include:

- the name of the employee and the name of the other parent
- if the employee is the birth parent/primary adopter, the start and end dates of maternity/adoption leave
- the start and end dates of the birth parent's maternity leave If they are not entitled to maternity leave, include the start and end dates of any statutory maternity pay or maternity allowance period
- the total shared parental leave available is 50 weeks (minus any maternity leave, statutory maternity pay or maternity allowance to be taken)
- how many weeks shared parental leave will be taken by them and how many by the other parent (this can be changed with further written notice, and the full amount does not have to be taken)
- any week's being taken as paternity/partner leave
- if shared parental pay is to be claimed, the total is 37 weeks, minus the number of statutory maternity pay or maternity allowance taken or to be taken
- how the remaining entitlement to shared parental leave and pay will be split between parents (this can be changed with further written notice, and the full amount does not have to be taken)
- an indication of the pattern of leave, including proposed start and end dates to each period of leave
- a declaration that both parents meet the statutory conditions to enable them to take shared parental leave and pay.
- that they intend to return to work with National Highways after their final period of shared parental leave and agree to repay any occupational shared parental pay (less any statutory shared parental pay) if they do not return to work in National Highways for at least one month.

The application can either give the dates the employee wishes to take leave, or if their child has not been born yet, it can state the number of days after birth they wish the leave to start and end.

7.5 How is Shared Parental Leave and Shared Parental Pay calculated?

Entitlement to shared parental pay counts down from when the 39 weeks of statutory maternity or adoption pay starts, regardless of whether one or both parents work for National Highways. Where both parents work for National Highways, it is a joint entitlement – the combined pay must not exceed 37 weeks (the birth parent must take the first two weeks).

If the partner works for another organisation, any statutory maternity pay or maternity allowance they get will automatically affect the number of weeks shared parental leave that can be taken at full pay. However, once an employee has opted into shared parental leave, it will not make a difference to their entitlement to shared parental leave at full pay whether their partner gets statutory or occupational shared parental pay. The maximum number of weeks maternity pay/allowance and shared parental pay combined is 39 weeks, and where eligible, 26 of those weeks will be topped up to full pay. The last 13 weeks of shared parental leave is unpaid.

If circumstances change and the parents no longer have caring responsibilities for the child, they must inform their manager that they are no longer entitled to shared parental leave.

Shared parental leave is added on to the employee's absence record by HR.

7.6 Ante-natal and pre- adoption appointments

See 3.2 and 45 above respectively

Terms and Conditions

See 3.6 above

Annual leave arrangements

See 3.7 above

Keeping in touch days – *note 20 days for shared parental leave*

See 3.9 above

Returning to work and resignation

See 3.11 above

8. Neonatal care leave and pay

Having a child in [neonatal care](#) is a stressful and challenging experience, and National Highways is committed to supporting any employees in this situation, to help them look after their own health and wellbeing whilst being with their child.

8.1 Entitlement

For children born on or after 6 April 2025, employees have the right to neonatal care leave (NCL) and possibly pay when the child is admitted to hospital within

the first 28 days after birth. NCL is available once a child has received neonatal care for an interrupted period of seven days (this does not include the day on which neonatal care starts). For each uninterrupted week of neonatal care, employees are entitled to one week of NCL, up to a maximum of 12 (part weeks do not count).

In adoption cases, a qualifying week only includes time spent in neonatal care after the date the child was placed with their parent or, for adoptions from overseas, after the date the child entered Great Britain.

8.2 Eligibility

Employees are eligible for NCL if their child or a child they expect to have responsibility for has one or more weeks of neonatal care.

All employees who have a qualifying relationship with the child will be entitled to leave (see 8.3 below), and they may also be entitled to pay (see [8.6](#) below).

8.3 Taking neonatal care leave

NCL cannot be taken during the first week of neonatal care. In many cases an employee will already be on maternity, paternity or adoption, or shared parental leave during the first week. If not, they should talk to their manager if they need time off, which may be available as paid time off for dependents (see special leave and career breaks policy).

Employees can accrue one week of NCL for each week their child receives neonatal care without interruption, up to a maximum of 12 weeks. NCL can be taken at any time after the first week, up to 68 weeks after the birth.

NCL is split into two tiers, and the rules depend on whether the leave is being taken in a tier 1 or tier 2 period.

Tier 1: the rules are more flexible during a tier 1 period, which is where NCL is taken whilst the child is receiving care (and up to a week post discharge). Tier 1 leave can be taken in non-continuous blocks of at least one week at a time.

Tier 2: all other leave falls within the tier 2 period and must be taken in one continuous block.

8.3.1 The **tier 1** period starts after the first week and lasts until seven days after neonatal care has ended. If the employee wants to start NCL during a tier 1 period:

- a. They should contact their manager or HR by telephone or email to notify them of the need to take neonatal leave as soon as they are reasonably able to do so.

- b. Tell their manager or HR the child's date of birth, the date neonatal care started and, if it has ended, the date it ended as soon as they are reasonably able to do so.
- c. They can take NCL in one continuous block or split into multiple periods of one or more whole weeks.
- d. Where they intend to remain on NCL for more than one week, they should notify their manager or HR as soon as they are reasonably able to do so.

8.3.2 The **tier 2** period lasts from the end of the tier 1 period until 68 weeks after the date of birth. If employees want to start NCL during a tier 2 period:

- a. They must give 14 days' notice to take any amount of NCL
- b. An application can be made by submitting the form (which can be found in the family friendly [forms](#) folder) on a query to HR, or by sending the information set out in 8.4 below on an email.
- c. NCL must be taken as one continuous period of whole weeks.

8.3.3 Where the child is discharged from neonatal care, but neonatal care starts again within the first 28 days after birth for a further week or more, the tier 1 period will resume until 7 days after neonatal care ends.

8.3.4 Where neonatal care is ongoing when an employee gives notice to take NCL (see [8.3.1](#) and [8.3.2](#) above), they should notify their manager or HR once the neonatal care ends. If the child starts to receive neonatal care again, employees should notify their manager or HR of the start and end dates of the further period of neonatal care as soon as they are reasonably able to do so.

8.4 Written information required

The employee must provide the following information to HR, either by submitting the form in the family friendly [forms](#) folder, or by sending this information by email to either their manager or HR:

- The employee's name
- The child's birth date/date of placement, or in overseas adoption cases, the date the child entered the UK
- The date/s the child started to receive neonatal care
- The date neonatal care ended if the child is no longer receiving it
- The date on which the employee chooses the period of leave to be, and the number of weeks leave
- That the leave is to care for the child
- Confirmation that the employee meets the eligibility requirements (see [8.2](#))

8.5 Cancelling NCL in the tier 2 period

Employees can cancel any future weeks of NCL or return early from NCL by informing their manager or HR by telephone or email to notify them at least one week in advance. Shorter notice may be accepted if a manager agrees. However,

employees cannot return to work part-way through a week of NCL, as it must be taken in whole weeks.

8.6 Neonatal care pay

Employees must have 26 weeks' continuous service by the [qualifying week](#) to be eligible for neonatal care pay. This means full pay (including shift pay where applicable).

8.7 Interaction with other family leave

Taking NCL does not affect an employee's entitlement to other family leave and pay, such as [maternity leave and pay](#), [adoption leave and pay](#), [paternity leave and pay](#), [shared parental leave and pay](#) or [parental leave](#).

If the employee is taking maternity, adoption, paternity, parental or shared parental leave at the time their child starts neonatal care, they can take their NCL after that leave ends. Employees must give the 14 days' notice and provide the information listed in [8.4](#).

If an employee's NCL is interrupted by the start of another pre-booked period of family leave (such as paternity, parental or shared parental leave) then the NCL will pause and resume straight away after the other leave, provided they are still in the tier 1 period (that is, if neonatal care is still ongoing or has ended within the last week). If an employee is in a tier 2 period (i.e. the neonatal care ended more than a week ago) the remainder of the interrupted NCL must be added onto any further period of NCL that they are intending to take.

When booking a period of NCL in the tier 2 period, employees must ensure it will not be interrupted by the start of another period of family leave that they have booked.

8.8 Terms and conditions

All terms and conditions remain unchanged during periods of neonatal care leave.

8.9 Redundancy during or after neonatal care leave

If a redundancy situation arises whilst an employee is on NCL, the employee will be entitled to be offered a suitable alternative vacancy. An employee who has taken at least six consecutive weeks of NCL will receive this enhanced protection against redundancy for the period between their return to work and the date that is 18 months after the child's birth, placement for adoption or the date the child entered Great Britain.

(If the employee has taken maternity or adoption leave in respect of the child, and then a period of six or more weeks NCL, they continue to be protected under the rules applying to statutory maternity or adoption leave).

9 Data and confidentiality

Any personal data collected will be processed in accordance with our data protection policies: [Staff Privacy Notice](#) and [Data Protection Policy](#)

10 Appendices

Family friendly frequently asked questions: [Family Friendly Leave](#)

Additional support is also available from the [Parents Network](#) and [Fertility Support Network](#).