Support Leave Policy

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| Risk Owner | Director of People and Culture |
| Supported By | People Strategy & Projects Team |
| Date Approved | 6 April 2024 |
| Date for review | 5 April 2027 |
| Distribution | Non-Confidential- internal only |

1. Purpose

Support leave is the inclusive term that Barnardo’s uses for paternity leave.

This policy applies where the expected date of childbirth is after 6 April 2024, or the expected date of adoption or long-term fostering placement is on or after 6 April 2024.

Where the expected date of childbirth/expected date of adoption/long-term fostering placement is earlier than these dates, our previous Support leave policy will apply.

This policy and procedure aim to:

* provide information and support to the partners of pregnant parents, primary adopters and long term-foster carers;
* allow the partners of pregnant parents, primary adopters and long-term foster carers to take time off to support before and after the birth/placement for adoption or long-term fostering.
* ensure that Barnardo’s complies with the requirements of current legislation.

1. Policy

## 2.1 Summary of Entitlements

Support leave applies to the birth of a child, adoption of a child and the long-term

fostering of a child.

An eligible colleague has the right to:

* A maximum of 4 weeks’ paid support leave (at the rate of normal pay, this includes any statutory pay, if eligible) to care for the child;
* Return to the same job following the period of support leave with no loss of benefits;
* Paid time off to attend two antenatal appointments (up to a maximum of one working day per appointment); or for adoption and long-term fostering, to attend two interviews/appointments with social workers, fostering/adoption agencies and solicitors’ etc (up to a maximum of one working day per appointment).
* Not to lose their job or suffer detrimental treatment as a result of taking or seeking to take support leave or time off to accompany at antenatal appointments.
* Subject to the correct leave notification being given, all existing terms and conditions remain in force for the duration of support leave.

## 2.2 Eligibility for Barnardo’s support leave

* The colleague has, or is expected to have, responsibility for the upbringing of the child; and
* Is partner of the person giving birth or the child’s primary adopter or foster carer.

A colleague who wishes to take support leave must provide the following documentary evidence:

* a copy of the maternity (MATB1) certificate; or
* a copy of the adoption matching certificate (or other documentary evidence from the adoption agency); or
* a copy of the long-term fostering agreement (or other documentary evidence from the fostering service).

## 2.3 Length and timing of Barnardo’s support leave

A colleague is entitled to a maximum of 4 weeks’\* paid support leave. This can be

taken as separate individual weeks or by taking two consecutive weeks of leave on

two occasions. It cannot be taken as individual or occasional days.

*\*a week is the same amount of days that you normally work in a week - for example, a week is 2 days if you only work on Mondays and Tuesdays.*

Our length of support leave is enhanced to the statutory provision, which remains at a maximum two weeks’ paid support leave.

A colleague can decide when they want the support leave to start, and can;

* choose when to take the support leave within the first 52 weeks of the child being born/placed for adoption or long-term fostering.
* they cannot start the leave before the birth of the child (or due date i.e. if the baby is early). However, colleagues could agree with their manager to take another type of leave before the period of support leave commences, such as annual leave.

Support leave can start on any day of the week.

Only one period of leave is available at any one time, irrespective of the number of children born, adopted or long term fostered.

A colleague can extend their support leave by taking annual leave, which must be authorised in the usual way by their manager, or if eligible by taking [Unpaid parental leave policy](https://inside.barnardos.org.uk/people-and-culture/taking-time/unpaid-parental-leave-policy) or [Shared parental leave](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/shared-parental-leave) both available on Inside Barnardo’s.

## 2.4 If you lose your baby

A colleague’s entitlement to support Leave continues to apply if their child is

stillborn or miscarried after 24 weeks of pregnancy or born alive at any point of the

pregnancy. If it is before 24 weeks, the colleague is not entitled to support leave.

In these circumstances, other leave provisions may apply, and colleagues should

refer to the additional leave policy. Employees can also contact the Employee

Assistance Programme and access support from various baby loss organisations –

see [Family Friendly Policies - Sources of Support](https://inside.barnardos.org.uk/family-friendly-policies-sources-support).

Parental bereavement leave is also available for colleagues who suffer a stillbirth after 24 weeks of pregnancy, for more information see our [Parental Bereavement Leave Policy](https://inside.barnardos.org.uk/sites/default/files/2023-07/Parental%20Bereavement%20Policy%20%28July%2023%29.docx).

## 2.5 Breakdown in adoption/fostering placement

A colleague’s entitlement to support leave continues to apply if the child’s placement with the adopter/fosterer has ended.

**2.6 Shared Parental Leave**

Partners may also be eligible for Shared Parental Leave and Pay – see [Shared Parental Leave Policy and Procedure](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/shared-parental-leave) for further details. This may be taken on top of Barnardo’s support leave. However, a colleague cannot take Barnardo’s support leave if they have already taken a period of Shared Parental Leave in relation to the same child. Therefore, a colleague can take both Barnardo’s support leave and shared parental leave (where eligible), but the period of Barnardo’s support leave must come first.

1. Scope

The policy applies to all colleagues directly employed by the charity, subject to the eligibility criteria detailed within Section 2.

There is no qualifying length of service in order to be eligible for support leave.

1. **Definitions and Key Concepts**

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| **Definitions and Key Concepts** | |
| Barnardo’s Support Leave | The inclusive term that Barnardo’s uses for the statutory provision referred to as ‘ordinary paternity leave’. It applies to the partners of pregnant parents, primary adopters and foster carers. |
| Partner | Includes spouse, civil partner, or someone, whether of a different sex or the same sex, who lives with the colleague and the child in an enduring family relationship (but who is not the parent, grandparent, sibling, aunt, uncle). |

1. **Roles and Responsibilities**

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| Roles | Responsibilities |
| Risk Owner | Ultimately accountable for ensuring the risk is managed appropriately and responsibilities include keeping this policy remains fit for purpose, ensuring training is delivered, risk reporting is undertaken and the risk register is kept current. |
| Colleagues | Are responsible for complying with the notification and documentary evidence requirements within the timescales set out in this policy and completing the declaration form to confirm their eligibility and purpose of their leave. |
| Line Managers | Are responsible for discussing and agreeing any period of time off agreed under this policy with their colleague; ensuring any agreed periods of leave under this policy are notified to the People Team. |
| People Teams | Are responsible for advising and guiding colleagues and line managers on this policy; and ensuring that the leave and pay details are correctly recorded and actioned. |
| People Strategy & Projects Team | Are responsible for reviewing this policy at 3 yearly intervals, however, any legal or organisational developments may prompt more frequent reviews.  Any statutory changes will be incorporated automatically. |

1. **Procedures**

**6.1 Notification of Barnardo’s support leave**

To exercise the right to support leave, a colleague must notify their manager of their entitlement and intention to take support leave within the specified timescales, as follows:

* to advise their entitlement to take a period of support leave by the 15th week before the expected week of childbirth
* give notice of the dates of support leave at least 28 days, before the period of leave is due to commence, unless this is not possible (e.g. the baby is born early); or
* within 7 days of the date on which the adopter is notified of having been matched with the child by the adoption agency, unless this is not possible; or
* within 7 days of the date on which the fosterer is notified by the fostering service that they have been placed with a child for long term fostering, unless this is not possible.

Notification of support leave should be made using the relevant form, see the Support leave policy area which can be found on Inside Barnardo’s.

Colleagues can change their mind about when they want support leave to start, providing that they give at least 28 days’ written notice to their line manager of the new dates (unless this is not possible e.g. baby arrives early or late) In the event that dates need to be changed, the colleague must submit a new form.

* 1. **Ante-Natal / Pre-Adoption/Fostering Appointments**

Partners are entitled to paid time off to accompany the pregnant parent to two antenatal appointments (up to a maximum of one working day per appointment).

Antenatal care may include relaxation and parent craft classes that the pregnant parent’s registered doctor, midwife or health visitor has advised them to attend, in addition to medical examinations.

For adoption and long-term fostering cases, eligible partners are entitled to paid time off to attend two interviews/appointments with social workers, fostering/adoption agencies and solicitors’ etc (up to a maximum of one working day per appointment).

The colleague must give their line manager as much notice as possible of appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Any agreed paid time off must be entered onto Dynamics 365.

1. **Associated Legislation, Guidance, References and Documents**

* Amended legislation ([Paternity Leave (Amendment) Regulations 2024](https://www.legislation.gov.uk/ukdsi/2024/9780348256116))

And available on Inside.Barnardo’s.

* [Shared parental leave policy & supporting documents](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/shared-parental-leave)
* [Support Leave - Self certification & leave request form (Adoption, Fostering & Maternity)](https://inside.barnardos.org.uk/sites/default/files/2023-03/Support%20leave%20-%20self%20certification%20and%20leave%20request%20form%20-%201st%20April%202023.doc)
* [Flexible working policy & supporting documents](https://inside.barnardos.org.uk/people-and-culture/taking-time/flexible-working-policy)
* [Overview of leave for parents policies](https://inside.barnardos.org.uk/people-and-culture/taking-time)
* [Unpaid parental leave policy](https://inside.barnardos.org.uk/people-and-culture/taking-time/unpaid-parental-leave-policy)
* [Annual leave & bank holidays policy](https://inside.barnardos.org.uk/sites/default/files/2023-04/Annual%20Leave%20Policy%20April%202023.docx)
* [Family Friendly Policies - Sources of Support](https://inside.barnardos.org.uk/family-friendly-policies-sources-support)

1. **Compliance and Oversight**

In addition to the compliance and oversight arrangements set out under Roles and Responsibilities, the following applies:

* The Risk Owner will ensure that management information demonstrating adherence to and compliance with this Policy is produced and provided to relevant parties as required and on request complete a business self-assessment.
* The Audit and Assurance Team will periodically and independently review adherence to and compliance with this Policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans.
* People Teams monitoring of general adherence to policy.
* Feedback from UNISON and Barnardo’s Equality, Diversity & Inclusion (EDI) Networks.

1. **Version History**

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| Document History | Date | Author | Comments | Approval |
| 2.0 | 01.12.14 | Policy & Advice Team | Put into new format.  Removal of Additional Statutory Support Leave following the introduction of Shared Parental Leave.  Addition of paid time off to accompany to appointments |  |
| 2.1 | 01.08.17 | Policy & Advice Team | Policy reviewed and updated for gender neutral language |  |
| 2.2 | 02.08.22 | Policy & Advice Team | To reflect agreed review date |  |
| 2.3 | 01.04.23 | People Strategy & Projects Team | Updated to new policy template and to reflect additional weeks entitlement |  |
| 2.4 | 06.04.24 | People Strategy & Projects Team | Statutory amendments due to the passing of the [Paternity Leave (Amendment) Regulations 2024](https://www.legislation.gov.uk/ukdsi/2024/9780348256116) |  |