

## **Secondary Caregivers Leave Procedure**

### **1. Purpose**

This procedure will set out how new parents who are secondary caregivers can access 12 weeks paid leave following their child's birth.

### **2. Scope**

This procedure applies to all employees of the organisation. It does not apply to agency workers, casual workers, consultants, self-employed contractors, volunteers or interns.

### **3. Procedure Statement**

This procedure sets out the eligibility criteria for staff to be entitled for 12 weeks of secondary caregiver leave, and explains how staff can request their leave and take it in consecutive blocks.

#### **3.1. Setting Out the Process**

- 3.1.1 The first two weeks of secondary caregiver leave must be taken immediately following the adoption or birth of the child. The remaining 10 weeks of the leave should be taken in blocks in consultation with the line manager. The blocks must not be less than consecutive two weeks, however, it is at the line manager's discretion to decide if minimum blocks should be more than two weeks when required to ensure business continuity.
- 3.1.2 The consecutive blocks must be taken within 12 months of the actual date of birth or adoption of the child. The dates for the remaining 10 weeks of leave must be agreed in advance with the secondary caregiver's line manager and in consultation with the Advice and Casework Team. This is to ensure business continuity for the relevant services.
- 3.1.3 No payment in lieu will be made for any untaken Secondary Caregivers leave. This also applies for eligible employees who leave the organisation without using their Secondary Caregiver Leave.
- 3.1.4 Secondary caregiver leave cannot start before the date of the birth/adoption of the new child.

#### **3.2. Eligibility**

- 3.2.1 All secondary caregiver employees who have continuous service of 26 weeks by the beginning of the 15<sup>th</sup> weeks before the expected week of childbirth or date of adoption are entitled to take up to 12 weeks of secondary caregiver leave on full pay. The secondary

caregiver parents include mixed or same sex parental couples, transgender parents and parents who identify as non-binary and gender fluid. The method of becoming a parent may include childbirth, adopting a child and conceiving a child through surrogacy.

- 3.2.2 If an employee does not qualify for secondary caregiver leave and pay, they may take annual leave, or if no more annual leave is available, unpaid leave.
- 3.2.3 Only one period of leave is available, even if more than one child is born as the result of the same pregnancy, or if more than one child is placed for adoption.
- 3.2.4 Please refer to our Maternity Leave Policy and Procedure if you will be the primary caregiver of a newly born or adopted child.

### 3.3. Notification

- 3.3.1 When the need for leave is identified, the secondary caregiver employee should discuss eligibility and intended leave with their line manager. Once leave dates have been agreed, the employee should complete the relevant form and submit to the Advice and Casework Team (A&C) via email.
- 3.3.2 The forms are available from HM Revenue and Customs website.
  - 3.3.2.1 **SC3 Form:** To be completed when applying for secondary caregiver leave due to becoming a parent following the birth of a child. Complete and submit this form by the 15<sup>th</sup> week before the baby is due.
  - 3.3.2.2 **SC4 Form:** To be completed when applying for secondary caregiver leave due to becoming an adoptive or parental order parent. Complete and submit this form at least 28 days prior to the start of secondary caregiver leave. If you are a paternal order parent, complete and submit this form by the 15<sup>th</sup> week before the baby is due.
  - 3.3.2.3 **SC5 Form:** To be completed when applying for secondary caregiver leave due to adopting a child from abroad. Complete and submit this format least 28 days prior to the secondary caregiver leave.

### 3.4 Ante-natal appointments

The secondary caregiver employee has the right to accompany their primary caregiver partner to attend their antenatal appointments. Their time off work is paid, limited to two occasions, and is capped at 6.5 hours for each appointment. The right is available from day one of employment and no evidence of the appointment is required.

### 3.5 Holidays

Your holiday entitlement will continue to accrue while you're on secondary caregiver leave. Remember that once you're back at work, the normal arrangements for carrying holidays forward will apply.

## 4. Lessons Learned from Procedure Evaluation

As an outcome of an internal study carried out by the Family Friendly Working Group, and feedback provided by the Working Families annual report 2022, a review of this procedure was undertaken involving consultation with the EDI team, all the networks and all the stakeholders from People Service. This review also included benchmarking with other organisations within the industry. As a result, this informed improvements to this procedure document including simplified language, using gender inclusive terms, and increasing paid leave from 2 weeks to 12 weeks.

## 5. Responsibilities

Chief Operating Officer is responsible for ensuring that this procedure allows achievement of external and internal standards. The People Policy Advisor is responsible for maintaining and reviewing this procedure where necessary.

## 6. Governance

<b>Associated policy document/s</b>	Secondary Caregiver Leave Policy Shared Parental Leave Policy Flexible Working Policy HR Policy Framework, section 5.3.2
<b>Supporting procedure document/s</b>	N/A
<b>Procedure/s superseded</b>	Paternity Leave Procedure
<b>Legislation/ regulatory requirements and standards</b>	Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)  Shared Parental Leave Regulations 2014 (SI 2014/3050)  Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014 (SI 2014/3054)  Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)
<b>Endorsing Authority; Endorsement date</b>	Executive Leaders Team; July 2023
<b>Approval Authority; Approval date</b>	Executive Leadership Team; July 2023
<b>Procedure Owner</b>	Chief Operating Officer

<b>Procedure Lead</b>	People Policy Advisor	
<b>Date effective</b>	September 2023	
<b>Interim update date</b>	N/A	
<b>Review date</b>	September 2026	
<b>Version</b>	Version number 4.0	
<b>Keywords</b>	Paternity, leave, secondary, caregivers, maternity	
<b>Revision history</b>	<b>Version</b>	<b>Summary of change (s)</b>
	Interim update	26 weeks statutory qualifying period inserted.
Interim update	1.1	Amalgamation of UK & International policies.
Scheduled review	2.0	Introduction of additional paternity leave and pay in April 2011.
Interim update	2.1	WEF 1 October 2014 employees who have a 'qualifying relationship' with a pregnant woman have the right to attend two antenatal appointments.
Scheduled Review	3.0	- 'Additional' paternity leave and pay will no longer be available for those with babies due after 5th April 2015; reference to it has been removed. Additional paternity leave and pay has been replaced by 'shared' parental leave and pay. - Paternity leave and pay is provided in addition to any shared parental leave and pay.
Interim update	3.1	Changed 'local people and learning representative' to the P&L Advice and Support Team.
Interim update	3.2	Review date aligned with related leave procedures.

Interim update	3.3	Updated to align with new HR Policy Framework and corporate procedure template
Interim update	3.4	Currently fit for purpose. Push back review date.
Interim update	3.5	No legal updates required currently fit for purpose push back review date to align with family friendly policies review
Update	3.6	Review date pushed back to allow for wider consultation
Minor review	3.7	Reviewed as fit for purpose. Review date extended
Interim update	3.8	Updated the 'recording paternity leave in SAVI' to contact People Support Team.
Major Review	4.0	Increased leave entitlement from 2 weeks to 12 weeks. Changed use of terms and language to make it inclusive of all genders Made ante natal appointment leave paid Extended the period of using leave to 12 months
Interim update	4.1	Added 3.1.3 to say in payment in lie will be make for any untaken leave.

## Appendix: Definitions

**'Partners'**: Includes the spouse, civil partner individual and a person in a long-term relationship with another person. The right also applies to those who will become parents through surrogacy.

**Primary Caregiver:** A person who is the primary carer of a newborn or newly adopted child. The primary carer is the person who meets the Child's needs more than anyone else. According to UK law, only one person can be a Child's primary carer.

**Secondary Caregiver:** A person who has parental responsibility for the Child but is not the Primary Caregiver.