



Calstock Parish Council

Tamar Valley Centre, Cemetery Road, Drakewalls, PL18 9FE

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Staff Leave Policy

Calstock Parish Council – Statement of Intent

Calstock Parish Council will adhere to statutory acts and government guidelines for

- Maternity Leave;
- Paternity Leave;
- Adoption Leave;
- Compassionate leave;
- Carers Leave; and
- ‘Ordinary’ parental leave

All policies and procedures are written from information published by the UK Government and found at www.gov.uk and from the ACAS website found at www.acas.org.uk

There is a separate policy for Annual Leave entitlement

Reviewed and approved at the Annual Meeting: 12-05-2026

Maternity, Paternity and Adoption Leave

Statutory Maternity Leave

Eligible employees can take up to 52 weeks' maternity leave. The first 26 weeks is known as 'Ordinary Maternity Leave', the last 26 weeks as 'Additional Maternity Leave'.

The earliest that leave can be taken is 11 weeks before the expected week of childbirth, unless the baby is born early.

Employees must take at least 2 weeks after the birth (or 4 weeks if they are in the Outside Services Team).

Statutory Maternity Pay (SMP)

SMP for eligible employees will be paid for up to 39 weeks, usually as follows:

- the first 6 weeks: 90% of their average weekly earnings (AWE) before tax
- the remaining 33 weeks: £184.03 or 90% of their AWE (whichever is lower)

Tax and National Insurance will be deducted.

An employee must be on the payroll in the 'qualifying week' which is the 15th week before the expected week of Childbirth and have been continuously employed by the parish council for at least 26 weeks up to any day in the qualifying week. They should also earn at least £123 a week (gross) in an 8-week relevant period.

If the baby is born early

Leave starts the day after the birth if the baby is born early.

The employee must provide a copy of the child's birth certificate or a document signed by a doctor or midwife that confirms the actual date of birth.

A letter must be sent to the employee confirming the new end date for their leave.

Advice will be sought in the event of a very premature birth i.e. where the child is born 15 weeks or more before the due date.

If the baby dies

Employees still qualify for leave or pay if the baby:

- is stillborn after the start of the 24th week of pregnancy
- dies after being born

Employment rights

Employment rights (like the right to pay, holidays and returning to a job) are protected during maternity leave.

Proof of pregnancy

An employee must provide proof of the pregnancy before SMP is paid. This is usually a doctor's letter or a maternity certificate. Midwives and doctors usually issue these 20 weeks before the due date.

Statutory Maternity Leave

At least 15 weeks before the baby is expected, an employee must tell their line manager the date that:

- the baby is due
- they want to start their maternity leave - they can change this with 28 days' notice

The leave start and end dates must then be confirmed in writing within 28 days.

Employees can change their return to work date if they give 8 weeks' notice.

Statutory Maternity Pay (SMP)

Employees must give 28 days' notice of the date they want to start their SMP. This is usually the same date they want to start their leave.

You can refuse to pay SMP if your employee does not give you this notice and they do not give you a reasonable excuse.

4. Refuse pay form SMP1

You can refuse Statutory Maternity Pay (SMP) if the employee does not qualify. They may be able to get Maternity Allowance instead.

An employee will be given a SMP1 form within 7 days of a decision to refuse to pay SMP. They must get this form within 28 days of their request for Statutory Maternity Pay or the birth (whichever is earlier).

5. Record keeping

Line managers must keep records for HM Revenue and Customs (HMRC), including:

- proof of pregnancy - usually a doctor's note or a MATB1 certificate (a photocopy is fine)
- the date SMP began
- your SMP payments (including dates)
- the SMP you've reclaimed
- any weeks you did not pay and why

You must keep records for 3 years from the end of the tax year they relate to, for example by using form SMP2 or keeping your own records.

Compassionate Leave

There is no statutory right to compassionate leave.

However up to 5 days paid leave may be granted in the event of the death of someone close to you.

Further unpaid leave may be granted at the Council's discretion. In exceptional circumstances paid leave may be granted at the Council's discretion.

Paid or unpaid leave for other traumatic circumstances may be granted, at the Council's discretion.

In all cases, the employee should tell their line manager who should inform them as soon as possible as to whether the leave is granted and if it is in a paid or unpaid capacity.

Carers' Leave

In line with the Carers' Leave Act 2024, an employee has the right to up to five days of unpaid leave per year to help with caring responsibilities. The leave can be taken in half or full days for planned caring commitments. An employee is entitled to a period of leave that is equal to their usual working week. For example, if someone works 3 days a week, they can take 3 days of carer's leave. The amount of leave an employee is entitled to will be on a pro rata basis.

An employee can take carer's leave to give or arrange care for a dependant who needs long-term care.

An employee's dependants can include:

- their husband, wife, civil partner or partner
- their child
- their parent
- a person who lives in their household (not tenants, lodgers or employees)
- a person who relies on them for care, such as an elderly neighbour

A dependant has a long-term care need if they have any of the following:

- a disability as defined under the Equality Act 2010
- an illness or injury that is likely to need care for at least 3 months
- a care need related to old age

'Ordinary' Parental Leave

For employees who have been employed for over 1 year, they are entitled to unpaid parental leave. This is 18 weeks' leave for each child and adopted child, up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

Parental leave must be taken as whole weeks (for example 1 week or 2 weeks). Individual days may be granted at the Council's discretion or if your child is disabled. You do not have to take all the leave at once.

A 'week' equals the length of time an employee normally works over 7 days e.g. if an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52.

Carrying leave over from a previous job

Parental leave applies to each child, not to an individual's job. This means that an employee is entitled to 18 weeks in total. If they have used 10 with a previous employer they can use up to 8 weeks with their new employer if they're eligible.

Employees qualify if all of these apply:

- they've been with the parish council for more than a year
- they're named on the child's birth or adoption certificate or they have or expect to have parental responsibility
- they're not self-employed or a 'worker', for example an agency worker or contractor
- they're not a foster parent (unless they've secured parental responsibility through the courts)
- the child is under 18

The parish council can ask for proof (like a birth certificate) as long as it's reasonable to do so - for example they cannot ask for proof each time an employee requests leave.