

# Family Friendly Policy and Procedure *Version 6.3*

*Owner: Head of HR Operations  
Approved by Group HR Director*



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## 1. Policy Statement

Network Rail recognises that employees may wish to balance work and family/home life. By offering family friendly arrangements, Network Rail can support employees aiming to manage their working life and other priorities during, particularly important times, such as during pregnancy, childbirth, adoption, surrogacy, and during the early to young adult years of a child's life.

To support this, Network Rail provides the following family friendly arrangements:

- [Maternity leave and pay \(Section 2\)](#)
- [Adoption and Surrogacy leave and pay \(Section 3\)](#)
- [Paternity leave and pay \(Section 4\)](#)
- [Unpaid parental leave \(Section 5\)](#)
- [Shared parental leave and pay \(Section 6\)](#)

### 1.1 Scope

This covers all employees of Network Rail.

### 1.2 Principles

The underlying principle of this policy is that we will, whenever possible, support employees to manage their working life and other priorities through enabling these family friendly arrangements. We are committed to:

- Developing a great place to work where our employees feel valued and we are an attractive employer for prospective candidates;
- Positively supporting employees in balancing their work and home life commitments taking account of business requirements;
- Helping to increase employee motivation and well-being;
- Supporting the retention and utilisation of all the talent and experience available in our organisation; and
- Building a more open, diverse and inclusive organisation, which is the key objective of our diversity and inclusion strategy, and is further supported by our equality, diversity and inclusion policy.

Employees on leave through the above arrangements will be kept informed of suitable internal job opportunities as part of their contact arrangements with their line manager.

## 1.3 Definitions

<b>Adoption and Surrogacy Leave</b>	<p><b>Ordinary Adoption &amp; Surrogacy Leave:</b> Up to 26 weeks leave can be taken by primary adopters and first surrogate parents.</p> <p><b>Additional Adoption &amp; Surrogacy Leave:</b> A further 26 weeks leave can be taken by primary adopters and first surrogate parents following <b>Ordinary Adoption &amp; Surrogacy Leave.</b></p>
<b>Childbirth</b>	Means the live birth of a child or a still-birth after a pregnancy lasting at least 24 weeks.
<b>EWC</b>	Expected week of childbirth, as decided by a doctor.
<b>First surrogate parent</b>	The 'first applicant' named in the parental order who is intended to be the primary carer of the child. The first applicant will be entitled to Adoption & Surrogacy Leave. <b>(NB: A first surrogate parent does not include the surrogate mother).</b>
<b>KIT days</b>	Up to 10 ' <b>keeping in touch days</b> ' can be taken by mothers during maternity leave, by primary adopters and first surrogate parents during adoption and surrogacy leave.
<b>Maternity Leave</b>	<p><b>Ordinary Maternity Leave:</b> Up to 26 weeks leave can be taken by mothers.</p> <p><b>Additional Maternity Leave:</b> A further 26 weeks leave can be taken by mothers following <b>Ordinary Maternity Leave.</b></p>
<b>Mother</b>	Birth mothers of the relevant child (including surrogate mothers).
<b>Partner</b>	<p>Is the other member of a couple e.g. spouse, partner (including same sex partner), civil partner of an individual, secondary adopter or secondary surrogate parent.</p> <p>'Partner' is intended to cover the lead party's significant other only, and so does not include mothers or fathers etc.</p>
<b>Paternity Leave</b>	<b>Ordinary Paternity Leave:</b> Up to 2 weeks of leave can be taken by partners.
<b>Primary adopter</b>	The 'first applicant' stated in the parental order, who is intended to be the primary carer of the child and who would be entitled to <b>Adoption &amp; Surrogacy Leave.</b>

<b>Secondary surrogate parent</b>	The Partner of the first surrogate parent who is named as the 'second applicant' in the parental order. The <b>Secondary Surrogate Parent</b> is intended to be the secondary carer of the child and would <b>not</b> be entitled to <b>Adoption &amp; Surrogacy Leave</b> .
<b>Secondary adopter</b>	The Partner of the primary adopter and would <b>not</b> be entitled to <b>Adoption &amp; Surrogacy Leave</b> .
<b>Shared Parental Leave</b>	A period of up to 52 weeks of leave to be shared between mothers/primary adopters/first surrogate parents and their partners. <b>The 52 week period is reduced to 50 weeks when the 2 weeks compulsory maternity leave is taken and when the 2 weeks adoption/surrogacy leave is taken.</b>
<b>SPLIT days</b>	Up to 20 <b>shared parental leave keeping in touch days</b> can be taken by each parent during shared parental leave.
<b>Unpaid Parental Leave</b>	Up to 18 weeks of <b>unpaid</b> leave can be taken and shared between parents.

## 2. Maternity leave and pay procedure

### 2.1. Notification of pregnancy

When you know you are pregnant you should inform your line manager as soon as possible and complete the [Notification of Maternity Leave Form \(NR/HR/FORM/003\)](#) on My Connect confirming you are pregnant. This should be done no later than the 15<sup>th</sup> week before your EWC.

You should also provide the maternity certificate (MAT B1 form) from your doctor, midwife or health visitor as soon as possible, but not before 20 weeks prior to your EWC. Please give your MAT B1 (the original not a copy) to your line manager.

Once the Notification of Maternity Leave Form is completed and the maternity certificate is received, HR Shared Services will write to you with the details of your eligibility to maternity leave and pay.

### 2.2 Ante-natal care

#### 2.2.1 For mothers

Mothers are entitled to paid time off during working hours to attend ante-natal appointments made on medical advice.

You may be asked by your manager to produce:

- a certificate from a registered medical practitioner, midwife or health visitor stating that you are pregnant; and/or
- an appointment card or document showing the appointment has been made.

When booking such appointments use the self-service system where possible, or record it on timesheets under 'ante natal appointments (mother)'. **Should 'ante natal appointments (mother)' not be available then use hospital/dental appointment'.**

#### 2.2.2 For partners

Partners are entitled to unpaid time off during working hours to attend up to 2 ante-natal appointments (of up to 6.5 hours per appointment) made on medical advice.

When booking such appointments use the self-service system where possible, or record it on timesheets under 'ante natal appointments (partner)'. **Should 'ante natal appointments (partner)' not be available then use 'unpaid absence'.**

### 2.3 Amount of maternity leave

You are entitled to a maximum of 52 weeks' maternity leave regardless of your length of service. This is made up of 26 weeks' ordinary maternity

leave, followed immediately by a further 26 weeks' additional maternity leave. See section 2.5 for payment details.

## 2.4 Starting maternity leave

The start of your maternity leave must be no earlier than the 11<sup>th</sup> week before your EWC and can start on any day of the week. After this date, your maternity leave will normally begin on the date you have advised us. There may be exceptions to this as follows:

- if childbirth occurs before the date you have notified, your maternity leave begins automatically on the day after your baby's birth; and/or
- the start of your maternity leave will be automatically triggered if you are absent because of a pregnancy related illness in the four weeks prior to your EWC.

If you wish to change the start date of your maternity leave you will need to give your line manager at least 28 days' notice in writing.

## 2.5 Maternity pay

### 2.5.1 Employees **with** 26 weeks' service at the end of the 15<sup>th</sup> week prior to EWC

If you have been employed continuously for at least 26 weeks at the end of the 15<sup>th</sup> week prior to your EWC, you qualify for 26 weeks on full pay inclusive of statutory maternity pay, followed by 13 weeks on statutory maternity pay. If you chose to take the maximum period of maternity leave, i.e. 52 weeks, the final 13 weeks will be unpaid.

### 2.5.2 Employees with **less than** 26 weeks' service at the end of the 15<sup>th</sup> week prior to EWC

If you have **not** been employed continuously for 26 weeks at the end of the 15<sup>th</sup> week prior to your EWC you do not qualify for Network Rail maternity pay, or for statutory maternity pay. You may, however, be entitled to maternity allowance which is a weekly benefit payable for a maximum of 39 weeks. Your local Jobcentre Plus will have information on this.

## 2.6 Terms and conditions of employment

Your terms and conditions of employment (for example, holiday entitlement, pension rights, travel facilities), except remuneration, continue during your ordinary and/or additional maternity leave period as if you are still at work.

Please refer to section 2.8.1 in relation to organisation change during maternity leave.

### 2.6.1 Annual leave arrangements

You will be advised of any annual leave you are entitled to for the current leave year and your line manager will discuss the options for taking

this with you.

The aim is that any outstanding leave entitlement should be taken in the leave year to which it applies; either before you start maternity leave or if this not possible immediately after maternity leave before you return to work.

## 2.7 Keeping-in-touch (KIT) days

During your maternity leave, either before or after the birth, but not during the first two weeks after childbirth (compulsory maternity leave period), you can agree to come to work or to attend training for up to 10 days. These KIT days do not have to be consecutive, and working for part of a day will count as one day's work. Any KIT days worked will not bring the period of maternity leave to an end and neither will they extend it.

Where the KIT days fall in week 27 to 52 of your maternity leave period and you are not in receipt of Network Rail maternity pay, your pay will be topped up to full pay for any days worked and you will not lose any statutory maternity pay or maternity allowance you are entitled to.

During your maternity leave, if these 10 KIT days are used up, any subsequent days that you work for us will be paid in line with your normal salary, but you will lose a week's statutory maternity pay if you are receiving statutory maternity pay.

## 2.8 Returning to work

### 2.8.1 Returning at the end of Additional Maternity Leave

If you intend to return to work immediately after the end of your full 52 weeks' maternity leave, there is no need to give any notice of your return; you have an automatic right to return.

You have the right to return to your former job on the same terms and conditions that you had prior to your maternity leave, unless a redundancy or reorganisation situation has arisen. If such a situation occurs during your maternity leave your line manager will keep you informed and provide you with relevant information. We will work with you to identify alternative roles through the relevant people process for the change.

### 2.8.2 Returning early

If you wish to return to work earlier than your expected return date, you will need to give your line manager at least 8 weeks' notice of your return date. If you give less notice, your return may be postponed until 8 weeks have elapsed.

## 2.9 Return prevented by illness

If you fall ill at the end of your maternity leave period and are unable to return to work on the date agreed you should follow the normal sickness absence reporting arrangements and contact your line manager as soon as

practicable.

### 2.10 Extending maternity leave due to **unpaid** parental leave

If you have completed one year's employment at the time of your child's birth you may also extend your maternity leave by applying for Unpaid Parental Leave - see Section 5.

### 2.11 Linking periods of maternity leave

It is possible that you may take your full 52 weeks maternity leave entitlement, become pregnant while on leave and become entitled to another consecutive

period of leave without returning to work. If you take consecutive periods of maternity leave you are entitled to return to your former job, or, if this is not reasonably practicable, to another which is similar.

However, you may not qualify for statutory maternity pay during the second period of maternity leave. This may arise where your average weekly earnings (based on earnings during the 8 weeks immediately preceding the 14<sup>th</sup> week before the EWC of your second pregnancy) are less than the Lower Earnings Limit for National Insurance Contributions. If you are not entitled to statutory maternity pay, this would mean that if you took the full 52 weeks' leave, the first 26 weeks' paid leave would be subject to a reduction equal to any maternity allowance due from the Department for Work and Pensions and the last 26 weeks would be subject to any statutory entitlement.

### 2.12 Resignation

If you do not wish to return to work following your period of ordinary maternity leave or additional maternity leave, you are required to give appropriate notice of your resignation. Your notice should be given in writing to your line manager and the duration of notice should be as set out in your contract of employment.

### 2.13 Workplace risk assessment

Your line manager will carry out a workplace risk assessment once you have advised him/her that you are pregnant. A risk assessment will also take place when you return to work from maternity leave, if you have given birth in the previous six months or you are breastfeeding. Information on the assessment process together with the risk assessment form can be found on MyConnect ([NR/L2/OHS/0017](#)).

## 3. Adoption and surrogacy leave and pay procedure

The rights to adoption and surrogacy leave and pay entitle eligible employees to take paid leave when a child is newly placed via adoption or surrogacy arrangements . If you adopt through an overseas agency separate provisions

will apply.

Adoption and surrogacy leave and pay are available to:

- individuals who adopt or become surrogate parents; and
- one member of a couple where a couple adopt or become surrogate parents jointly. The couple must elect and advise Network Rail which partner is the primary adopter or first surrogate parent, i.e. the person who is to take adoption or surrogacy leave.

A partner may be entitled to paternity leave and pay (see section 4).

### 3.1 Eligibility

To qualify for adoption and surrogacy leave you must:

- be the primary adopter or first surrogate parent (i.e. your spouse or partner will not be taking adoption leave with their employer);
- be newly\* matched with a child:
  - **for adoption** - from an approved adoption agency who should provide you with a Statutory Adoption Leave and Pay Matching Certificate; or
  - **for surrogacy** - have applied for a Parental Order or be in receipt of a Parental Order Acknowledgement (C52); and
- have worked continuously for Network Rail for 26 weeks leading into the week in which you are notified of being matched (Note: From April 2015, this qualifying working period will not apply and adoption and surrogacy leave will be available as a day one right).

(\*Adoption and surrogacy leave and pay is not available where your child is not newly matched, for example if you are a step-parent adopting a partner's children.)

### 3.2 Notice of intention to take adoption and surrogacy leave

You should inform your line manager of your intention to take adoption and surrogacy leave within 7 days of:

- **for adoption** - being notified by the adoption agency that you have been matched with a child; or
- **for surrogacy** - sending your application for, or receiving confirmation of a Parental Order.

When you know the date your child is expected to be born or placed with you, you should confirm your arrangements to your line manager by completing the [Notification of Adoption or Surrogacy Leave form \(NR/HR/FORM/004\)](#)

on MyConnect. This form advises your line manager when you want your adoption and surrogacy leave to start.

You may change your mind about the date you want your adoption and surrogacy leave to start, but you should give at least 28 days' written notice of the change.

### 3.3 Evidence required for entitlement to adoption and surrogacy leave

**For adoption** – you should provide a copy of your matching certificate from the adoption agency

**For surrogacy** – you should provide a copy of your Parental Order application and or confirmation.

### 3.4 Length of adoption and surrogacy leave

If you qualify under 3.1 above, you are entitled to a maximum of 52 weeks' adoption and surrogacy leave, made up of 26 weeks' ordinary adoption and surrogacy leave followed immediately by a further 26 weeks' additional adoption and surrogacy leave.

You are entitled to one period of leave irrespective of the number of children placed as part of the same arrangement.

### 3.5 Adoption and surrogacy leave

Your leave may begin:

- on the date of the child's placement; or
- from a fixed date, which can be up to 14 days before the expected date of placement.

If your child's placement ends during your adoption and surrogacy leave, you may continue to take adoption and surrogacy leave for up to eight weeks after the end of the placement (unless your entitlement to leave would have ended earlier in the normal course of events). You should give your line manager at least 28 days' notice of your return to work.

### 3.6 Adoption and surrogacy pay

If you are eligible for adoption and surrogacy leave under section 3.1 above, you will also be entitled to Network Rail's adoption and surrogacy pay during your leave inclusive of statutory payments or reductions where due. This means you qualify for 26 weeks' full pay inclusive of statutory payments where eligible, followed by 13 weeks on statutory pay where eligible. If you chose to take the maximum period of adoption and surrogacy leave, i.e. 52 weeks, the final 13 weeks will be unpaid.

### 3.7 Adoption and surrogacy appointments

#### 3.7.1 Adoption appointments

The primary adopter is entitled to **paid** time off during working hours to attend up to 5 adoption appointments.

The secondary adopter is entitled to **unpaid** time off during working hours to attend up to 2 adoption appointments.

You may be asked by your manager to produce an appointment card or document showing the appointment has been made.

### 3.7.2 Surrogacy appointments

Both surrogate parents are entitled to unpaid time off during working hours to attend up to 2 ante natal appointments (of up to 6.5 hours per appointment) with the woman carrying the child.

You may be asked by your manager to produce:

- a certificate from a registered medical practitioner, midwife or health visitor stating that the surrogate mother is pregnant; and/or
- an appointment card or document showing the appointment has been made.

## 3.8 Terms and condition of employment

Your terms and conditions of employment (for example, holiday entitlement, pension rights, travel facilities), **except** remuneration, continue during your adoption and surrogacy leave period as if you are still at work.

### 3.8.1 Annual leave arrangements

You will be advised of any annual leave you are entitled to for the current leave year and your line manager will discuss the options for taking this with you.

The aim is that any outstanding leave entitlement should be taken in the leave year to which it applies; either before you start adoption and surrogacy leave

or if this is not possible immediately after your adoption and surrogacy leave period, but before you return to work.

## 3.9 Keeping-in-touch (KIT) days

During your adoption and surrogacy leave you can agree to come to work or to attend training for up to 10 days. These KIT days do not have to be consecutive, and working for part of a day will count as one day's work. Any KIT days worked will not bring the period of adoption and surrogacy leave to an end and neither will they extend it.

Where the KIT days fall in week 27 to 52 of your adoption and surrogacy leave period and you are not in receipt of Network Rail adoption and surrogacy pay, your pay will be topped up to full pay for any days worked and you will not lose any statutory adoption and surrogacy leave

pay you are entitled to.

During your adoption and surrogacy leave, if these 10 KIT days are used up, any subsequent days that you work for us will be paid in line with your normal salary, but you will lose a week's statutory adoption and surrogacy pay if you are receiving statutory adoption and surrogacy pay.

### 3.10 Returning to work

#### 3.10.1 Returning at the end of adoption and surrogacy leave

If you intend to return to work immediately after the end of your full 52 weeks' adoption and surrogacy leave, you do not need to give any notice of your return; you have an automatic right to return.

You have the right to return to your former job on the same terms and conditions that you had prior to your adoption and surrogacy leave, unless a redundancy or reorganisation situation has arisen. If such a situation occurs during your adoption and surrogacy leave, your line manager will keep you informed and provide you with relevant information. We will work with you to identify suitable alternative work through the relevant people process for the change.

#### 3.10.2 Returning early

If you wish to return to work earlier than your expected return date, you will need to give at least 8 weeks' notice of your return date. If you give less notice, your return may be postponed until 8 weeks have elapsed.

### 3.11 Return prevented by illness

If you fall ill at the end of your adoption and surrogacy leave period and are unable to return to work on the date agreed you should follow the normal sickness absence reporting arrangements and contact your line manager as soon as practicable.

### 3.12 Extending adoption and surrogacy leave due to unpaid parental leave

If you have completed one year's employment at the time of your child's placement you may also extend your adoption and surrogacy leave by applying for unpaid parental leave- see section 5.

### 3.13 Resignation

If you do not wish to return to work following your period of ordinary or additional adoption or surrogacy leave, you are required to give appropriate notice of your resignation. Your notice should be given in writing to your line manager and the duration of notice should be as set out in your contract of employment.

## 4. Paternity leave and pay procedure

This covers paternity leave for childbirth and in relation to adoption or surrogacy.

#### 4.1 Ordinary paternity leave

You may, if eligible, take one week or two consecutive weeks' ordinary paternity leave, but it cannot be taken in instalments. Ordinary paternity leave may start on any day of the week:

- from the date of your child's birth or placement; or
- from a chosen number of days after the birth or placement; or
- from another specified date

However, it must be completed within 56 days (8 weeks) of the birth of your baby or the EWC (if born earlier than this), or if adopting or becoming a surrogate parent, within 56 days (8 weeks) of the child's placement.

##### 4.1.1 Eligibility

To qualify for ordinary paternity leave you must satisfy the following criteria:

- be the biological father of the child, or the spouse, partner or civil partner of the child's mother; **or**
- be the secondary adopter or secondary surrogate parent; **and**
- be taking the leave to care for the child and/or support the child's mother, the primary adopter or first surrogate parent; **and**
- have been employed continuously by Network Rail for 26 weeks ending with the:
  - 15<sup>th</sup> week before the EWC; or
  - the week you were notified of having been matched; **and**
- have given written notification of your intention to take ordinary paternity leave.

##### 4.1.2 Notification of ordinary paternity leave

You will need to give notice in writing to your line manager of your intention to take ordinary paternity leave as follows:

- **For birth – give notice** at least 15 weeks before the EWC, by completing an [SC3](#) form available on MyConnect; **or**
- **For adoption and surrogacy cases give notice** within 7 days of:
  - **For adoption** - being notified by the adoption agency you have been matched with a child; **or**
  - **For surrogacy** - sending your application for, or receiving, a Parental Order;

**Notice is to be given** by completing an [SC4](#) form available on

## MyConnect.

In each case state the EWC or the expected placement date and the length and dates of ordinary paternity leave you intend to take.

Within 48 hours after the birth or commencement of the child's placement, you will need to email [FamilyFriendly@networkrail.co.uk](mailto:FamilyFriendly@networkrail.co.uk) to confirm the actual date of birth or start of placement.

If you subsequently wish to change the timing of your ordinary paternity leave you will need to give your line manager at least 28 days' written notice of the new dates and complete a new [SC3](#) form (for the birth of your child) or a new [SC4](#) form (for adoption or surrogacy).

### 4.1.3 Ordinary paternity pay

Ordinary paternity pay will be paid at your basic rate of pay for a maximum of two weeks inclusive of statutory payments where due. However, for this to be paid, you will need to complete either a [SC3](#) form or [SC4](#) form (see 4.1.2).

### 4.1.4 Terms and conditions

During ordinary paternity leave you are entitled to your normal terms and conditions of employment and to return to your former job at the end of it.

## 5. Unpaid Parental leave procedure

### 5.1 Eligibility

You are entitled to unpaid parental leave if you:

- become a parent, whether by birth, adoption or surrogacy, or gain formal parental responsibility for caring for a child in other circumstances, for example when you become a step-parent; **and**
- have one year's continuous service with Network Rail at the time the leave is taken; and
- are taking the leave to spend time with or care for the child.

You are required to take unpaid parental leave between the date your child is born and their 18<sup>th</sup> birthday or, in the case of adoption or surrogacy, during the 18 years following your child's placement or, if sooner, the child's 18th birthday.

### 5.2 Amount of unpaid parental leave

You can take 18 weeks' unpaid parental leave in respect of each child.

If you have an entitlement to take unpaid parental leave for more than one child, each week of leave in respect of one child may not be

transferred to another child.

Where both parents are employees with one year's service, your total leave entitlement remains at 18 weeks each for each child. Both parents may share the leave entitlement between them, subject to 5.3.

If you work part-time you are entitled to leave on a pro-rata basis to your hours of work.

Any unpaid parental leave taken while working for another employer counts towards the 18 week entitlement. If you have taken unpaid parental leave during previous or concurrent employment, you should provide details to your line manager.

### 5.3 Taking unpaid parental leave

Unpaid parental leave may be taken:

- only in blocks of one complete week, or multiples of one complete week (**Note:** if you take less than one complete week of leave, this will still be counted as one full week of your entitlement);
- up to a maximum of four weeks' in any one calendar year; and
- if your child has a disability, unpaid parental leave may be taken one day at a time, or in longer periods, up to a maximum of four weeks' leave per calendar year.

A week is based on your usual working pattern. If, for example, you work Mondays and Tuesdays, a week would be 2 days or if you work Monday to Friday, a week would be 5 days. For rostered staff, one week's leave will equate to the total number of days on which you would have been rostered to work during the week on which leave is taken.

### 5.4 Notice requirements

You will need to give your line manager at least 21 days' notice before the EWC or expected week of placement, of your wish to take unpaid parental leave and complete the [Unpaid Parental Leave Application Form](#) (NR/HR/FORM/002), which your manager should countersign.

When you request unpaid parental leave your line manager may ask to see evidence that you have become a parent or the person responsible, legally or otherwise, for a child. Evidence may be the child's birth certificate, matching certificate confirming a child's adoption, Parental Order confirming surrogacy arrangements or, in the case of a disabled child, the award of disability living allowance.

Once agreed, your line manager should record unpaid parental leave as leave in the usual way, indicating that the period of time off is unpaid parental leave.

## 5.5 Postponing leave

Your line manager may not postpone unpaid parental leave when you give the required 21 days' notice. In other circumstances, your line manager may postpone leave but only for a maximum of six months.

Your line manager must return a copy of the unpaid parental leave application form to you, indicating whether the leave is to be granted or postponed, within 7 calendar days. If the unpaid parental leave is postponed, your line manager will need to indicate on the application form the reason for the postponement and the dates on which the leave may be taken.

If postponement takes the leave date past your child's 5<sup>th</sup> birthday (from 5<sup>th</sup> April 2015 18<sup>th</sup> birthday), or the 5<sup>th</sup> anniversary (from 5<sup>th</sup> April 2015 18<sup>th</sup> anniversary) of your child's placement, the leave may still be taken.

## 5.6 Terms and conditions during unpaid parental leave

You will not be paid during a period of unpaid parental leave although you remain an employee and the leave period counts in terms of service-related benefits.

## 5.7 Returning from unpaid parental leave

You do not need to give any notice of your return and have the right to return to your former role. However, if your period of unpaid parental leave is more than 4 weeks or has been combined with other family related leave, and a return to your former role is not practicable, for example due to a re-organisation, you have the right to return to a similar job which has the same or better status and terms and conditions as your old job.

If you ask to return early from a period of agreed leave, this will be considered at management discretion, based on the requirements of the business. In such circumstances the amount of leave untaken is forfeited and cannot be deferred to a later date.

## 5.8 Resignation

If you do not wish to return to work following your period of unpaid parental leave, you are required to give appropriate notice of your resignation. Your notice should be given in writing to your line manager and the duration of notice should be as set out in your contract of employment.

# 6 Shared parental leave and pay procedure

## 6.1 Shared parental leave

### 6.1.1 Eligibility

You are entitled to Shared Parental Leave if:

- you become a parent whether by birth, adoption or surrogacy to a child expected to be born or placed on or after 5 April 2015; **or**
- you are the partner of the birth mother but not the biological father **and**
- you or your partner are entitled to maternity or adoption/surrogacy leave; **and**
- in the case of the partner, the mother or primary adopter or first surrogate parent is not entitled to maternity, adoption or surrogacy leave but he/she is entitled to statutory maternity pay, maternity allowance or statutory adoption pay; **and**
- you have 26 weeks' continuous service with Network Rail at the end of the:
  - 15<sup>th</sup> week before the EWC (includes surrogacy) ; or
  - week you were notified of having been matched for adoption; **and**
- you are still employed by Network Rail in the week before the leave is to be taken; **and**
- your partner worked for at least 26 of the 66 weeks prior to EWC or the week you were notified of being matched, in which time they earned on average £30 per week in 13 of those 26 weeks; **and**
- you wish to share childcare responsibility with your partner; **and**
- you have completed and provided your line manager with the notices described in section 6.1.2, including notice to end any maternity or adoption or surrogacy leave or statutory maternity pay, maternity allowance or statutory adoption pay period, as appropriate.

Any period of shared parental leave must be taken within 52 weeks from the date your child is born or placed.

### 6.1.2 Taking shared parental leave and Notification to take leave

Shared parental leave may be taken:

- in whole weeks; **or**
- in continuous or discontinuous periods; **and**
- by parents at the same time, overlapping or one after the other.

Network Rail may decline periods of discontinuous shared parental leave but will seek to support such leave arrangements where reasonably practicable, based on operational requirements. If the period is declined, you may choose to take the total amount of leave requested as a continuous period or withdraw your original notice.

A week is based on your usual working pattern. If, for example, you

work Mondays and Tuesdays, a week would be 2 days or if you work Monday to Friday, a week would be 5 days. For rostered staff, one week's leave will equate to the total number of days on which you would have been rostered to work during the week on which leave is taken.

## Notification

If you wish to take shared parental leave, you will need to complete and give to your line manager the forms outlined below.

These forms can be found on MyConnect in the Shared Parental Leave Application Pack for birth [Application Pack Shared Parental Leave - Birth](#)

- **An Opt In Form (NR/HR/FORM/005)** at least 8 weeks before you first expect to take shared parental leave. This form brings to an end your maternity/adoption/surrogacy leave period and maternity/adoption/ surrogacy pay) **and**
- **A Booking Form (NR/HR/FORM/006)** for each period of shared parental leave. You should give the booking form to your line manager at least 8 weeks before the date on which you intend any periods of shared parental leave to start.

(Note: If you wish for the shared parental leave dates you specified in your Opt In Form to be binding, you will need to mark the form as such where indicated. If you do this you will not be required to complete a separate Booking Form as your Opt In form will count as your Booking Form.)

Once you have booked your periods of shared parental leave, you may vary these dates by providing your line manager with a **Variation Notice Form (NR/HR/FORM007)** You will need to give the Variation Notice Form to your line manager at least 8 weeks before the original start date you requested **and** your new proposed shared parental leave start date.

You are able to submit a maximum total of 3 Booking Forms and/or Variation Notices in aggregate.

HRSS will respond to your Booking Form or Variation notice (as applicable) within 2 weeks of receipt. Once your shared parental leave dates are confirmed, your line manager should record this leave in the usual way, indicating that the period of time off is shared parental leave.

The process and forms for **adoption and surrogacy arrangements** are the same as above and the relevant form can be found on MyConnect in the Shared Parental Leave Application Pack for Adoption & Surrogacy [Application Pack Shared Parental Leave - Adoption & Surrogacy](#)

- Opt In Form NR/HR/FORM/009
- Booking Form NR/HR/FORM/010
- Variation Notice Form NR/HR/FORM/011
- Revocation Form NR/HR/FORM/012

### 6.1.3 Amount of shared parental leave

**Childbirth** - by excluding the 2 weeks of compulsory maternity leave immediately after childbirth, parents are able to share 50 weeks of shared parental leave.

**Adoption & Surrogacy** - The primary adopter and first surrogate parent must qualify for and take at least 2 weeks of adoption and surrogacy leave. Parents are able to share 50 weeks of shared parental leave.

The total entitlement of 50 weeks of shared parental leave will be reduced further for each week of maternity leave or adoption and surrogacy leave taken or each week in which statutory maternity pay or maternity allowance or statutory adoption pay has been received.

There is only one entitlement to shared parental leave per pregnancy, adoption or surrogacy.

If you work part-time, you are entitled to shared parental leave on a pro-rata basis to your hours of work.

Ordinary Paternity Leave is additional to any shared parental leave entitlement, but you will lose any untaken ordinary paternity leave entitlement once you start a period of shared parental leave.

### 6.1.4 Terms and conditions during shared parental leave

Your terms and conditions of employment (for example, holiday entitlement, pension rights, travel facilities), **except** remuneration, continue during your shared parental leave period as if you are still at work.

Please refer to section 6.3 in relation to organisation change during shared parental leave.

### 6.1.5 Annual leave arrangements

You will be advised of any annual leave you are entitled to for the current leave year and your line manager will discuss the options for taking this with you.

The aim is that any outstanding leave entitlement should be taken in the leave year to which it applies; either before you start your period of shared parental

leave, or if this is not possible immediately after your period of shared parental leave but before you return to work.

### 6.1.6 Change of circumstance

If you are no longer entitled to shared parental leave, you will need to inform your line manager immediately. **See Section 6.4**

## 6.2 Shared Parental Pay

### 6.2.1 Eligibility

You qualify for Shared Parental Pay if:

- you become a parent, whether by birth, adoption or surrogacy to a child expected to be born or placed on or after 5 April 2015; **and**
  - you have 26 weeks' continuous service with Network Rail at the end of the:
    - 15<sup>th</sup> week before the EWC (includes surrogacy); or
    - week you were notified of having been matched for adoption;
- and**
- your normal weekly earnings in the 8 weeks before the EWC or the week you were notified of being matched are not less than the Lower Earnings Limit for National Insurance Contributions; **and** for:
    - mothers - the mother must have become entitled to statutory maternity pay in respect of the child, which is stopped in favour of shared parental pay; **or**
    - partners - the mother must have become entitled to statutory maternity pay, statutory adoption pay or maternity allowance in respect of the child, and the partner must have been entitled to statutory paternity pay, which is stopped in favour of shared parental pay; **and**
  - your partner worked for at least 26 of the 66 weeks prior to EWC or the week you were notified of being matched, in which time they earned on average at least £30 per week in 13 of those 26 weeks; **and**
  - you wish to share childcare responsibility with your partner; **and**
  - you provided the notices as per section 6.1.2 above.

Any shared parental pay is not payable after 52 weeks from the date your child is born or placed.

### 6.2.2 Amount of shared parental pay

**Childbirth** - by excluding the 2 weeks of compulsory maternity pay immediately after childbirth, parents are able to share up to 37 weeks of shared parental pay.

**Adoption & Surrogacy** - The primary adopter and first surrogate parent must be paid at least 2 weeks statutory adoption and surrogacy pay. Parents are able to share up to 37 weeks of shared parental pay.

The 37 week entitlement will be reduced further for each week of statutory maternity, adoption and surrogacy pay or maternity allowance

paid.

You are only able to claim shared parental pay on the weeks that you are absent from work due to shared parental leave. If you work for another employer(s), you may not claim shared parental pay from Network Rail unless you are also absent from those other employer(s).

#### 6.2.2.1 For mothers, primary adopters, and first surrogate parents

If you fulfil the requirements for shared parental pay as at section 6.2.1 above, you will be eligible following curtailment of maternity or adoption pay to take the remaining balance as follows:

- a maximum of 37 weeks shared parental pay paid at the rate of statutory shared parental pay.
- up to a further 13 weeks leave **unpaid**.

A mother, primary adopter or first surrogate parent, must be paid at least 2 weeks of maternity, adoption or surrogacy pay before it can be curtailed.

#### 6.2.2.2 For partners, secondary adopters and secondary surrogate parents

If you fulfil the requirements for shared parental pay as at section 6.2.1 above you will be eligible for the following payments:

- a maximum of 37 weeks shared parental pay paid at the rate of statutory shared parental pay.
- up to a further 13 weeks leave **unpaid**.

### 6.3 Returning to work

#### 6.3.1 Returning at the end of shared parental leave

You have the right to return to your former job on the same terms and conditions that you had prior to your shared parental leave, unless a redundancy or reorganisation situation has arisen. If such a situation occurs during your shared parental leave your line manager will keep you informed and provide you with relevant information. We will work with you to identify suitable and appropriate alternative work through the relevant people process for the change.

#### 6.3.2 Returning early

If you wish to return to work earlier than your expected return date, you will need to give your line manager at least 8 weeks' notice of your return date. If you give less notice, your return may be postponed until 8 weeks have elapsed. If you have already given us three notifications to book leave you will not be able to end your shared parental leave early without our agreement.

### 6.3.3 Return prevented by illness

If you fall ill at the end of your shared parental leave period and are unable to return to work on the date agreed, you should follow the normal sickness absence reporting arrangements and contact your line manager as soon as practicable.

### 6.3.4 Resignation

If you do not wish to return to work following your period of shared parental leave, you are required to give appropriate notice of your resignation. Your notice should be given in writing to your line manager and the duration of notice should be as set out in your contract of employment.

## 6.4 Revocation – Opting out of shared parental leave and shared parental pay

Mothers, primary adopters and first surrogate parents who opted into shared parental leave and shared parental pay can subsequently opt out of taking shared parental leave and shared parental pay if:

- **for birth only** - you submitted your Opt in Form before birth, in which case you will need to give your line manager the **Revocation Form NR/HR/FORM/008** within 6 weeks of birth; The form can be found in [Application Pack Shared Parental Leave - Birth](#) or
- your partner dies, in which case you will need to give your line manager the **Revocation Form NR/HR/FORM/008** within a reasonable time – form can be found in [Application Pack Shared Parental Leave - Birth](#); If you are a primary adopter or first surrogate parent use **Revocation Form NR/HR/FORM/012** – form can be found in [Application Pack Shared Parental Leave – Adoption & Surrogacy](#) or
- where it is discovered in the 8 weeks following opting into shared parental leave and pay that neither the mother/primary adopter/first surrogate parent or their partner has any entitlement to shared parental leave or pay. You will need to give to your line manager the **Revocation Form NR/HR/FORM/008** within 8 weeks following the submission of the Opt In Form – form can be found in [Application Pack Shared Parental Leave - Birth](#).  
If you are a primary adopter or surrogate parent use **Revocation Form NR/HR/FORM/012** - form can be found in [Application Pack Shared Parental Leave - Adoption & Surrogacy](#)

Line Managers will complete a [Change of Circumstances Form NR/HR/FORM/013](#) and send this to HRSS as soon as possible following receipt of your Revocation Form.

### **6.5 Workplace risk assessment (for birth mothers only)**

Your line manager will carry out a workplace risk assessment when you return to work from shared parental leave if you have given birth in the previous six months or you are breastfeeding. Information on the assessment process together with the risk assessment form ([NR/L2/OHS/0017](#)) is available on MyConnect.

### **6.6 Shared Parental Leave In-Touch days (SPLIT days)**

During shared parental leave, you can agree to come to work or to attend training for up to 20 SPLIT days. These are in addition to the 10 KIT days you may take during maternity, adoption or surrogacy leave.

These SPLIT days do not have to be consecutive, and working for part of a day will count as one day's work. Any SPLIT days worked will not bring the period of shared parental leave to an end and neither will they extend it. You will be paid for any days worked if not already in receipt of any Network Rail shared parental pay and you will not lose any shared parental leave pay you are entitled to.