HUMAN RESOURCES & COUNCIL TAX COMMITTEE
28 July 2025

REPORT OF ASSISTANT DIRECTOR - PEOPLE

A.2 FAMILY LEAVE AND SUPPORT POLICY (FORMERLY THE COUNCIL'S MATERNITY POLICY) (*INCORPORATING MATERNITY, PATERNITY, ADOPTION, SURROGACY, AND NEONATAL CARE PROVISIONS*)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report presents the proposed revised Family Leave and Support Policy (*formerly the Council's Maternity Policy*), which consolidates and updates the Council's provisions relating to maternity, adoption, paternity, and associated leave arrangements. It outlines the rights and responsibilities of employees and managers, incorporates recent legislative changes, and provides clear guidance on related health and safety obligations. The Human Resources and Council Tax Committee is asked to consider and approve the implementation of the updated policy.

EXECUTIVE SUMMARY

The Council is committed to fostering a diverse, inclusive, and supportive working environment. As part of this commitment, the updated Family Leave and Support Policy sets out the current rights and responsibilities of employees in relation to maternity, adoption, paternity, neonatal care, and parental leave. The policy reflects the Council's legal obligations under employment and equality legislation and ensures that staff are supported through key life events.

This review has been undertaken in response to recent changes in employment legislation, including provisions introduced in April 2025. These changes entitle eligible employees to up to 12 weeks of paid leave where a baby is admitted to hospital for neonatal care within 28 days of birth. The policy also expands adoption leave eligibility to include employees involved in surrogacy arrangements and overseas adoptions, ensuring the Council's approach remains inclusive and legally compliant.

Key areas covered by the policy include:

- Entitlements to pay, time off, and return-to-work arrangements.
- Employee responsibilities regarding maternity and parental provisions.
- Managerial guidance and expectations for supporting staff.

The policy reinforces the Council's duty of care in safeguarding the health and safety of employees during pregnancy, post-childbirth, and while breastfeeding. Employees are expected to notify both their line manager and Human Resources to enable timely risk assessments and appropriate workplace adjustments.

Recognising that family-related entitlements can be complex, the updated policy provides a clearer and more comprehensive framework to support informed decision-making and proactive planning by both employees and managers. It applies to all employees, regardless of working hours or length of service, and reflects an inclusive approach to all family structures, gender

identities, and arrangements—including same-sex couples, Foster to Adopt placements, and surrogacy.

To support implementation, employees are encouraged to engage with Human Resources early, to access advice and guidance. Dedicated Human Resources Advisors will be available to provide support to managers in addressing any service-related challenges, whilst they manage the increased statutory entitlements to family-related leave. This may include the need to source temporary cover or relocating internal resources, to ensure continuity of service delivery during an employee's period of absence. Additionally, resources and supporting materials will be made available via the Council's Intranet.

The Human Resources and Council Tax Committee is asked to approve the implementation of the revised Family Leave and Support Policy, reaffirming the Council's commitment to supporting staff through key life events and maintaining a fair, inclusive, and legally compliant workplace.

RECOMMENDATION(S)

It is recommended that the Human Resources and Council Tax Committee:

a) approves and adopts the Council's Family Leave and Support Policy (*formerly the Maternity Policy*), which consolidates and updates various leave and payment arrangements including maternity, adoption, neonatal care, parental, and paternity provisions;

b) authorises the Assistant Director – People, in consultation with the Head of Paid Service, to make any necessary and consequential amendments to associated people policies and procedures arising from the implementation of this updated policy; and

c) authorises the Assistant Director – People, in consultation with the Head of Paid Service, to make any further amendments to this policy (*and any associated policies*) as may be required to ensure compliance with future changes to employment legislation, including those anticipated under the Employment Rights Act, particularly in relation to family leave and support provisions.

REASON(S) FOR THE RECOMMENDATION(S)

As the revisions to the Family Leave and Support Policy (*formerly the Council's Maternity Policy*) represent a fundamental update in line with recent legislative changes and best practice, the Human Resources and Council Tax Committee is requested to approve the revised policy and its formal adoption, in line with its delegated responsibilities.

Adoption of the revised Family Leave and Support Policy is essential to ensure the Council remains compliant with recent legislative changes, including the introduction of statutory neonatal care leave from April 2025. The updated policy also reflects the Council's commitment to inclusivity by recognising a wider range of family structures and arrangements. By consolidating and clarifying entitlements and responsibilities, the policy supports consistent application across the organisation and reinforces the Council's role as a fair, supportive, and legally compliant employer.

ALTERNATIVE OPTIONS CONSIDERED
While there is no practical alternative to updating the Family Leave and Support Policy, doing so presents a valuable opportunity to ensure the Council's approach remains current, inclusive, and aligned with best practice. The revised policy reflects recent legislative developments, such as the introduction of neonatal care leave, and better supports the diverse needs of today's workforce. By providing clearer guidance for both employees and managers, the policy helps foster a consistent and supportive working environment, reinforcing the Council's commitment to fairness, wellbeing, and legal compliance.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the six included themes is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity and prioritising what we focus our time, money and assets on. The development and implementation of the Family Leave and Support Policy also aligns with Tendring District Council's Corporate Plan 2024–2028 themes of "working with partners to improve quality of life" and "raising aspirations and creating opportunities." By supporting our employees—many of whom are also residents—we contribute positively to both workforce wellbeing and the wider community.
LEGAL REQUIREMENTS (including legislation & constitutional powers)
The Council must comply with a range of statutory rights and legal obligations designed to protect employees and support work–life balance. These include: **Employment Rights Act 1996** - Establishes statutory rights to maternity, paternity, adoption, and parental leave and pay. **Maternity and Parental Leave etc. Regulations 1999** - Sets out detailed provisions for maternity, paternity, and parental leave entitlements. **Shared Parental Leave Regulations 2014** - Enables eligible parents to share leave following birth or adoption. **Paternity and Adoption Leave Regulations 2002** - Provides rights to leave and pay for adoptive parents and fathers/partners. **Neonatal Care (Leave and Pay) Act 2023 -** Introduces up to 12 weeks of paid leave for parents of babies requiring neonatal care (*effective from April 2025*). **Flexible Working Regulations 2014 (as amended)** - Gives employees the right to request flexible working arrangements (*now a day-one right from April 2024*). **Equality Act 2010** - Protects against discrimination based on pregnancy, maternity, sex, sexual orientation, gender reassignment, and other protected characteristics.

Human Rights Act 1998 - Upholds rights to family life, privacy, and protection from discrimination.

Adoption and Children Act 2002 - Governs adoption processes and parental rights.

Health and Safety at Work etc. Act 1974 - Requires employers to ensure, as far as reasonably practicable, the health, safety, and welfare of all employees—including pregnant workers.

Management of Health and Safety at Work Regulations 1999 - Regulation 16 specifically requires employers to assess and manage risks to new or expectant mothers. If risks cannot be avoided, working conditions must be adjusted or the employee suspended on full pay.

Workplace (Health, Safety and Welfare) Regulations 1992 - Regulation 25 requires employers to provide suitable rest facilities for pregnant and breastfeeding workers.

The Human Resources & Council Tax Committee has responsibility for the discharge of Part II – miscellaneous functions as set out in Schedule 1 to the Local Authorities (*Functions and Responsibilities)* (*England*) Regulations 2000 (*as amended*) and as detailed in Appendix 1 to Part 3 of the Constitution; including the 'decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers'. This extends to the agreement on key personnel policies.

In accordance with the Council's Constitution, the Assistant Director – People holds delegated authority to make operational decisions and implement changes to Human Resources policies and procedures, including those necessary to ensure compliance with legislation and best practice, in consultation with the Head of Paid Service where appropriate.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Failure to comply with statutory family-related employment duties may expose the Council to legal, financial, and reputational consequences. Employees could bring claims for unfair dismissal, discrimination, or breaches of statutory rights — such as failure to provide maternity leave or pay resulting in tribunal awards or compensation. Regulatory bodies, including HMRC and the Health and Safety Executive, may also investigate non-compliance, leading to fines or enforcement action. In serious cases, breaches of health and safety or equality legislation could result in personal injury claims, criminal prosecution, or reputational harm to the Council's standing as a fair and inclusive employer.

USE OF RESOURCES AND VALUE FOR MONEY

The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 ("the 1999 Act") to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	To support financial sustainability, the Council manages resources efficiently to ensure safe, effective service delivery. The Family Leave and Support Policy supports this by helping prevent

	pregnancy related ill-health, reducing enforcement risks, and avoiding costs such as fines, claims, and service disruption—protecting both workforce wellbeing, retention and motivation.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including and	The Council ensures strong governance through informed decision-making, effective risk management, and alignment with legal requirements. The Family Leave and Support Policy reinforces this by providing a clear, consolidated, and updated framework that promotes clarity and consistency in application, reducing the risk of misinterpretation or uneven practices across departments.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Council uses data and performance insights to enhance service delivery. The Family Leave and Support Policy supports this by reducing costs associated with pregnancy-related ill health, promoting safe working environments, and helping to retain key skills.

MILESTONES AND DELIVERY

The adoption and implementation of the Family Leave and Support Policy will follow the timeline below:

- Management Team – 8 July 2025
- Human Resources and Council Tax Committee – 28 July 2025
- Officer Decision – 29 July 2025
- Publication to TDC Intranet – 29 July 2025
- Circulation to Relevant Services – 29 July 2025

Following formal approval, the guidance will be shared across the organisation to promote a consistent, Council-wide approach to supporting family leave and pay within service areas.

ASSOCIATED RISKS AND MITIGATION

This report proposes the introduction of the reviewed Family Leave and Support Policy which will play a critical role in managing and mitigating a wide range of organisational risks and supports the Council's legal compliance, employee wellbeing and retention, and operational resilience.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Full consultation has taken place with the local UNISON Branch Executive, who are fully supportive and welcome the updated policy and the Council's commitment to supporting employees with family leave and pay.

EQUALITIES

Section 149 of the Equality Act 2010 establishes the Public Sector Equality Duty (PSED), which requires public authorities, including the Council, to have due regard to the need to:

(a) Eliminate unlawful discrimination, harassment, victimisation, and other conduct prohibited by the Act.
(b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
(c) Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Marriage and civil partnership is also a protected characteristic, but it is only relevant to the duty to eliminate unlawful discrimination.

The Council is committed to being an inclusive and supportive employer in all its people policies and practices.

The implementation of a clear policy to promote a consistent, Council-wide approach to managing family leave and pay within service areas will help ensure non-discriminatory and consistent practices are adopted, in accordance with the Council's Diversity and Equality Policies.

An Equality Impact Assessment has been completed and indicates that the proposals in this report will not have a disproportionately adverse impact on individuals with any protected characteristic.

SOCIAL VALUE CONSIDERATIONS

Social Value is defined under the Public Services (Social Value) Act 2012, which requires public sector organisations and their suppliers to consider how the services they commission and procure can improve the economic, social, and environmental wellbeing of their communities.

The introduction of the revised Family Leave and Support Policy contributes to this duty by promoting a fair, consistent, safe, and supportive working environment for Tendring District Council (TDC) staff. By clearly outlining expectations and responsibilities, the guidance ensures that employees feel supported in managing their health and wellbeing.

The document offers staff a clear and detailed overview to help them understand their entitlements and responsibilities, while equipping managers to address such matters with confidence and sensitivity. This proactive approach not only supports individual wellbeing, but also reinforces the Council's commitment to delivering services in a socially responsible and sustainable way.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

There is no direct impact on the Council's implementation of devolution or the ongoing local government reorganisation in Greater Essex arising from the adoption of the Family Leave and Support Policy. However, by proactively ensuring full compliance with employment legislation, the Council enhances its operational resilience and legal assurance. This approach supports a smooth and compliant transition in the event of a future transfer to a Unitary Authority structure.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

Consideration has been given to the Councils aim to be net zero by 2050, there is no direct implication related to the content of this report.

OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	Not applicable
Health Inequalities	The Family Leave and Support Policy helps to reduce health inequalities by ensuring all employees—regardless of background—have equitable access to paid leave, support, and safe working conditions. By clearly outlining entitlements and promoting inclusive practices, it supports better health outcomes for parents and children while fostering fairness across the workforce.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	This proposal does not involve the provision of financial assistance or confer any economic advantage to external organisations; therefore, subsidy control considerations are not applicable in this instance.
Area or Ward affected	Not Applicable.
ANY OTHER RELEVANT INFORMATION	
None.	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
The Council is legally obligated to comply with a range of statutory rights and duties that protect employees and promote work–life balance. These include, but are not limited to, the Employment Rights Act 1996; Maternity and Parental Leave etc. Regulations 1999; Shared Parental Leave Regulations 2014; Paternity and Adoption Leave Regulations 2002; Flexible Working Regulations 2014 (as amended); Equality Act 2010; Health and Safety at Work etc. Act 1974; Management of Health and Safety at Work Regulations 1999; Workplace (Health, Safety and Welfare) Regulations 1992; and the Neonatal Care (Leave and Pay) Act 2023. The updated Family Leave and Support Policy reflects these legal obligations and outlines the current rights and responsibilities of employees in relation to maternity, adoption, paternity, neonatal care, and parental leave. In recognition of evolving family structures, the policy now includes provisions for employees in same-sex relationships, those involved in surrogacy, Foster to Adopt placements, and overseas adoptions—ensuring fairness, inclusivity, and equal access to entitlements. Given the complexity of employment legislation in this area, the revised policy provides a clear and accessible framework to support both employees and managers. It promotes consistent application across departments, reduces the risk of misinterpretation, and enhances confidence in managing family-related matters. This update reinforces the Council's

commitment to fostering a diverse, inclusive, and supportive workplace that prioritises staff wellbeing, recruitment, and retention.
PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
None.
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
There are no background papers or published reference material associated with this report.

APPENDICES
Appendix A – Family Leave and Support Policy

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