

**Aspire2**

**Absence from Work Policies**

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## **Holidays**

The Charity's holiday year runs from 1<sup>st</sup> April to 31<sup>st</sup> March. All full time employees are entitled to 25 days paid holiday per annum. In addition you are entitled to take designated public and local holidays as are specified by the Charity annually and which currently total 8 per annum. Part time employees are entitled to a pro rata equivalent, as are employees with flexible hours. If you work flexible hours, your holiday pay will be pro-rated based on your last 52 weeks worked.

For part time employees who work four or fewer days per week the entitlement is on a pro rata equivalent, i.e. an employee working three days per week will receive 3/5ths of 25 days – 15 days, as their annual holiday entitlement together with a pro-rated entitlement to English Statutory Bank Holidays of 5 days (based on 3/5ths of full time bank holiday entitlement of 8 days). All Bank and Public Holidays which fall on their normal working days should be taken as holiday.

If you are working flexible hours then in order to receive the equivalent of 25 days paid holiday plus 8 English statutory Bank and Public Holidays per annum, your holiday entitlement will be calculated using the following formula: (14.54% x hours worked).

In your first and last year of employment, your holiday entitlement will be that proportion of your annual holiday entitlement equivalent to the proportion of the holiday year in question during which you have been employed (rounded up to the nearest half-day and assuming that holiday entitlement accrues at an even rate from day to day).

You must give 4 weeks' notice of your intention to take a holiday of more than 5 days duration to your manager, on the Charity's holiday request form. For holidays of less than five working days duration, you should give the Charity at least two weeks' notice. No more than 2 weeks holiday (pro-rated for part time employees) may be taken at any one time without the prior written agreement of your manager.

Holiday must be timed to minimise disruption to work schedules and your manager may refuse to authorise your request if it causes severe disruption to work schedules, other employees are absent or another substantial reason. This is why no bookings should be made before approval is received. Your manager will explain any refusal.

The Charity expects employees to take all their holiday entitlement within the year it is accrued. Any holiday not taken during this time will be lost, except in exceptional circumstances which must be authorised by your manager.

You may be required to take such days/weeks of your annual holiday entitlement during quiet trading periods as notified to you by your manager giving four weeks' notice in writing.

Should you be incapacitated for work during any period of pre-booked holiday (whether in whole or in part) the Charity will, subject to the correct notification and certification, pay statutory/Charity sick pay. You must follow the absence reporting procedure and provide the Charity with a relevant medical certificate covering the period of incapacity.

### **Holiday Pay on Termination**

On termination of employment, employees shall be entitled to receive a payment representing holiday accrued but as yet untaken. If you have taken more than your holiday entitlement when you leave, a sum representing the amount of additional holiday will be deducted from your final salary.

### **Bank and Public Holidays**

Employees are not normally required to work Bank Holidays and will be paid their normal salary if the Bank Holiday falls on a day they would normally work.

### **Entitlement for part-time employees**

The entitlement of part-time staff to public holidays will be calculated on a pro-rata basis according to the number of days worked per week i.e. an employee working three days per week will receive

3/5ths of eight days – five days, as their annual entitlement to Bank Holidays. If a Bank Holiday falls on their usual day of work it must be taken out of their holiday entitlement.

### **Sickness & Absence Rules**

As a Charity, we need to measure and record sickness absence and to know when and why we need to do something about it. This is why we record and keep all records relating to absence, these records will be kept on your employee file, in line with our Data Protection Policy and Privacy Notice.. As an employee, you need to know that you work for someone who cares about your health and welfare. The following absence policy has been drawn up to meet these needs and must be followed at all times.

### **Disability**

Where any employee has a condition that would be classified as a disability they have a duty to inform the Charity. Any information will be treated in the strictest confidence but will allow the Charity to support and make any reasonable adjustments necessary.

### **Reporting**

All unauthorised absence must be reported to your manager as early as possible as and certainly no later than 9.00am on the first day or absence. Contact should be made directly by you, not email or text message, and only in exceptional circumstances should partners, parents or friends ring on your behalf.

You will be asked to give the reason for your absence and an indication of when you may return and details of any outstanding work that needs to be attended to in your absence.

If your absence continues for more than 1 day you must keep us informed.

If the absence is due to sickness and continues for 7 days or less (Saturday and Sunday included) you must complete a self-certification form and give it to your manager. (A copy of the self-certification form can be found at the back of the handbook.)

If absence continues for more than 7 days (Saturday and Sunday included) a medical certificate signed by your doctor must be sent immediately to the Manager and thereafter at weekly intervals for as long as the absence continues.

During all periods of absence the employee's manager will maintain contact with the employee.

If you are absent for more than 4 weeks you may be considered long-term sick. The Charity may at any time require you to have a medical examination at the Charity's expense. In cases of persistent repetition of, or prolonged absence due to sickness or injury, the Charity reserves the right to terminate your employment.

### **Medical Certification**

Medical certificates are now referred to as "Fit Notes" Where a medical certificate indicates that you may be fit for work for some work the doctor may have suggested ways of helping you get back to work, such as a phased return to work, altered hours, amended duties or workplace adaptations, your manager will discuss the advice on the doctor's certificate with you and will consider any comments made by the doctor, any of the return to work tick boxes and any other action that could help you return to work despite your illness. If you return to reduced hours your pay would reflect this. If the Charity is not able to make any adaptations or adjustments to help you return to work, your manager will explain the reasons for this to you and will set a date for review. You may then use the doctor's certificate as if the doctor had advised 'not fit for work'.

### **Statutory Sick Pay (SSP)**

SSP will be paid in accordance with legislation in force at the time of absence. SSP is currently paid after three days absence and for a maximum of 28 weeks.

The Charity may at any time require you to have a medical examination at the Charity's expense. In cases of persistent repetition of, or prolonged, absence due to sickness or injury, the Charity reserves the right to terminate your employment.

### **Additional Sick Pay**

After the successful completion of the probationary period and subject to the correct notification and certification process, the Charity may, at its absolute discretion, pay 10 days Additional Sick Pay as follows which will include any SSP in a 12 month rolling period:

If you are absent due to incapacity caused by a third party or for an accident covered by insurance, any payments made by us under the Charity Sick Pay scheme will be a loan and you or your personal representatives must include in any claim you make against a third party or Insurance Charity, a claim in respect of that loan.

### **Behaviour whilst Absent**

Employees are expected to attend work unless sickness or injury prevents them performing their duties.

Whilst an employee is absent, they must adhere to the policy and do nothing to aggravate or delay recovery such as working for another employer or taking part in inappropriate social or sporting activities.

### **Returning to work**

On occasions, you may feel ready to return to work but if you are on any form of medication that could affect your ability to carry out your normal duties you must inform your Manager. To ensure the Charity does all it can to understand the causes of absence, a return to work interview may be held.

### **Termination of employment**

Whilst the Charity will endeavour to support employees throughout periods of prolonged sickness, a heavy burden is thrown onto colleagues and the Charity is unable to plan work effectively. It may therefore be necessary to terminate employment so that a replacement may be recruited.

### **Managing Long-Term or Persistent Absence**

The following procedure may be used when dealing with long-term absence or where your level or frequency of short-term absence has given us cause for concern. The purpose of the procedure is to investigate and discuss the reasons for your absence, whether it is likely to continue or recur, and whether there are any measures that could improve your health and/or attendance. We may decide that medical evidence, or further medical evidence, is required before deciding on a course of action.

We will notify you in writing of the time, date and place of any meeting, and why it is being held. We will usually give you a week's notice of the meeting. Meetings will normally be conducted by your line manager.

You may bring a companion to any meeting or appeal meeting under this procedure. Your companion may be either a trade union representative or a colleague, who will be allowed reasonable paid time off from duties to act as your companion.

If you or your companion cannot attend at the time specified you should let us know as soon as possible and we will try, within reason, to agree an alternative time.

If you have a disability, we will consider whether reasonable adjustments may need to be made to the sickness absence meetings procedure, or to your role or working arrangements.

### **Medical examinations**

We may ask you to consent to a medical examination by a doctor or occupational health professional or other specialist nominated by us (at our expense).

You will be asked to agree that any medical report produced may be disclosed to us and that we may discuss the contents of the report with the specialist and with our advisers. All medical reports will be kept confidential and held in accordance with our Data Protection Policy.

### **Initial sickness absence meeting**

The purposes of a sickness absence meeting or meetings will be to discuss the reasons for your absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve your health and/or attendance.

In cases of long-term absence, we may seek to agree a return-to-work programme, possibly on a phased basis.

In cases of short-term, intermittent absence, we may set a target for improved attendance within a certain timescale.

### **If matters do not improve**

If, after a reasonable time, you have not been able to return to work or if your attendance has not improved within the agreed timescale, we will hold a further meeting or meetings. We will seek to establish whether the situation is likely to change and may consider redeployment opportunities at that stage. If it is considered unlikely that you will return to work or that your attendance will improve within a short time, we may give you a written warning that you are at risk of dismissal. We may also set a further date for review.

### **Final sickness absence meeting**

Where you have been warned that you are at risk of dismissal, and the situation has not changed significantly, we will hold a meeting to consider the possible termination of your employment. Before we make a decision, we will consider any matters you wish to raise and whether there have been any changes since the last meeting.

### **Appeals**

You may appeal against the outcome of any stage of this procedure. If you wish to appeal you should set out your appeal in writing stating your grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.

If you are appealing against a decision to dismiss you, we will hold an appeal meeting. This will be dealt with impartially and, where possible, by a more senior manager who has not previously been involved in the case.

We will confirm our final decision in writing, usually within one week of the appeal hearing. There is no further right of appeal.

The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

## **Medical/Dental Appointments**

It is appreciated that visits to doctors and dentists and other medical practitioners are necessary and, whilst time off will normally be granted, such appointments should, as far as possible, be taken outside of normal working hours or with the minimum disruption to the working day (i.e. at the beginning or end of the working day). Time off for such appointments must be approved by your line manager in advance and no more than two hours should be taken off work for any one appointment. There is no contractual entitlement to remuneration for absences relating to attendance at medical appointments. Payment of salary during attendance at such appointments is at the absolute discretion of the Charity.

## **Compassionate Leave**

Subject to your statutory right to unpaid time off to deal with a family emergency (see the Parental Leave and Family Emergencies Policy), if you suffer a bereavement or serious illness in your family or in a close relationship, compassionate leave will be considered on an individual basis and time off must be approved by your line manager. There is no contractual entitlement to remuneration for absences relating to compassionate leave. Payment of salary during compassionate leave is at the absolute discretion of the Charity.

Subject again to your statutory right to time off to deal with a family emergency (see the Parental Leave and Family Emergencies Policy), you are expected to use your paid annual leave entitlement for leave needed to care for sick relatives or friends.

## **Statutory Parental Bereavement Leave and Pay**

If, sadly, you lose a child under 18 and were the legal parents or had primary caring responsibilities, you are entitled to 2 weeks bereavement leave. This also applies if you are a parent who has suffered a still birth after 24 weeks.

- Leave must be taken in a block of two weeks, or two single weeks and must be taken within 56 weeks from the date of the child's death.
- Notice in the first 7 weeks after the death can be given before you are due to start on the first day. From the 8th week up until 56 weeks, the notice required is 1 week.
- Leave can be cancelled or changed using the notice periods above.
- You will be entitled to Statutory Parental Bereavement Pay if you have been continuously employed for 26 weeks up until the week preceding the death and meet the qualifying criteria for National Insurance limits.

## **Jury Service**

If you must attend court for Jury Service or as a witness, please let us know as soon as possible and provide a copy of the court summons to support your request for time off work. Payment of salary during this period is at the absolute discretion of the Charity. You will be able to claim an amount for loss of earnings and we need you to provide this to us, so that this amount can be deducted from any discretionary pay that may be paid.

If you attend court and are told your services are not required that day, you must telephone us immediately and then return to work.

## **Voluntary public duties**

You are entitled to a reasonable amount of unpaid time off work to carry out certain public duties, including duties as a tribunal member, magistrate, local councillor, member of an NHS Trust, prison visitor, police station lay visitor or school governor.

If you are unsure whether a public service that you perform is covered by this policy you should speak to your line manager.

As soon as you are aware that you will require time off for performance of a public service you should notify your line manager in writing, providing full details of the time off that is being requested and the reasons for your request. In order that arrangements can be made to cover your duties in your absence you should make your request in good time.

Each request for time off will be considered on its merits taking account of all the circumstances, including how much time is reasonably required for the activity, how much time you have already taken, and how your absence will affect the business.

We may grant you up to 2 days' paid leave in any 12-month period to perform public duties that are not paid. Any additional leave will be granted on an unpaid basis subject to the exercise of our discretion to grant further paid leave.

### **Elective Surgery**

Elective surgery is surgery that is not considered to be medically necessary, for example because it is concerned with the enhancement of appearance through surgical and medical techniques. It includes cosmetic surgery (such as breast implants and face-lifts) and other non-essential medical procedures such as laser eye treatment and vasectomies.

If you wish to take time off for elective surgery, you may use your existing paid annual leave entitlement, provided that you comply with the provisions relating to annual leave set out in your contract of employment. Any further time off is at the absolute discretion of the Charity and will be unpaid leave.

### **Fertility Treatment**

Medical appointments in connection with the early stages of the fertility treatment process will be treated no less favourably than any other medical appointments and the section above on 'medical appointments' applies. If you wish to take additional time off for fertility treatment, you may use your existing paid annual leave entitlement. Any further time off is at the absolute discretion of the Charity and will be unpaid leave.

### **Time off for Dependant Emergencies**

We recognise the right of all employees to reasonable amounts of leave to deal with incidents involving a dependant. This is defined as any person who reasonably relies on you to make provision of care. The type of situations when this leave may be taken would be when a dependant:

- Is ill, injured, gives birth or is assaulted;
- When care arrangements unexpectedly break down;
- When a dependant dies; or
- To deal with an unexpected incident involving a child at school.

Employees wishing to take leave to deal with any of the above must telephone their manager personally prior to the start of their working day giving the reason for the absence and the expected duration of the absence.

We may grant you up to 2 days' paid leave in any 12-month period to deal with incidents involving a dependant. Any additional leave will be granted on an unpaid basis subject to the exercise of our discretion to grant further paid leave.

### **Falsifying Claims**

In the event of an employee taking time off fraudulently under any of the above sickness and absence policies we will investigate and disciplinary action may be taken.



## **Severe Weather and Disruptions to Travel**

The Charity acknowledges that employees may occasionally have problems travelling to and from work due to either severe weather conditions or major disruptions to public transport (for example, train strikes or accidents on the roads). Whilst we understand and are committed to protecting the health and safety of all our employees, we must also ensure that the business and our clients are not unduly disrupted by external factors.

### **Reporting for work**

You should make every reasonable effort to attend work in all circumstances. When severe weather conditions occur or where there are major disruptions to public transport, you should take steps to obtain advice on the position from the appropriate external agencies and allow extra time for your journey, making alternative travel arrangements where appropriate.

Unjustified or unacceptable absence or lateness may give rise to disciplinary action under the Charity's disciplinary procedure.

### **Accepted absence or lateness**

If you are unable to attend work or are going to be delayed by the weather conditions or public transport disruptions, you should contact your manager as soon as possible to discuss the position. If your manager is unavailable, you should speak to an alternative manager.

Where the Charity accepts that you have used your best endeavours to attend work but you are unable to do so or you are late because of the severe weather conditions or the major disruptions to public transport, your manager will discuss the various options potentially available. At the Charity's discretion, you may be required or permitted to:

- Make up the time at a later date.
- Take any absence from work as part of your annual leave entitlement.
- Take any absence from work as special unpaid leave (in this case, your pay will reduce accordingly to take account of the hours/days you have not worked).
- Be paid as if you had attended work on the day(s) of absence.
- Work from home or otherwise work remotely.

The Charity will base its decision on your individual circumstances, for example your distance from home to work, your mode of transport and how viable it is for you to work from home, and on the needs of the Charity.

### **Leaving work early**

If severe weather conditions or major disruptions to public transport occur during the working day which will cause problems for you in travelling home, your manager will decide whether to allow you to leave work early (and to make up the time at a later date if necessary). The Charity will again base its decision on your individual circumstances, for example your distance from home to work, your mode of transport and how viable it is for you to take work with you and work from home for the rest of the day, and on the needs of the Charity.

### **Health and safety**

The Charity is committed to protecting the health and safety of all its employees and this includes during severe weather conditions and where there are major disruptions to public transport and therefore a reasonable approach will be taken to the situation. You also have a duty to take reasonable care of your own health and safety and that of other persons who may be affected by your acts or omissions. This includes taking extra care when travelling to and from work in severe weather conditions and allowing more time for your journey, including making alternative travel arrangements where appropriate.

## **Maternity Leave, Surrogacy, Adoption Leave, Paternity Leave, Parental Leave, Shared Parental Leave**

### **Maternity Leave**

If you are pregnant please do speak to us as early as possible so that we can discuss with you any particular health and safety risks which may affect you or the baby. By the 15<sup>th</sup> week before the baby is due, you need to provide the following information to us (preferably in writing):

- Your expected week of childbirth
- The date on which you intend to start your Maternity leave, you can start your Maternity Leave anytime from 11 weeks before the baby is due.

We will then write to you to confirm all the details and state the date we will be expecting you to return to work. You can change your mind about the date you wish to start your Maternity Leave but you must give us 28 days' notice of the change.

All pregnant employees are entitled to 52 weeks Maternity Leave and this is made up of 26 weeks Ordinary Leave and 26 weeks additional leave. The first two weeks after the birth are compulsory.

Throughout the Maternity Leave you are entitled to all your non-pay related contractual benefits.

If you are not planning to take all your Maternity Leave you must let us know when you will return. You can change your mind but must give us 8 weeks' notice of a change.

If you decide not to return to work you are required by law to give the correct notice if you are resigning, but giving longer is helpful. You are still entitled to Statutory Maternity Pay or Maternity Allowance even if you are not returning to work.

We reserve the right in any event to maintain reasonable contact with you from time to time during your Maternity Leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work, or simply to update you on developments at work during your absence.

You are encouraged to take any outstanding annual leave due to you before the commencement of your Maternity Leave. As a general rule, holiday should normally be taken in the year that it is earned and therefore if the holiday year is due to end during Maternity Leave, you should try to take the full year's entitlement before starting your Maternity Leave.

### **Health and safety**

We have a duty to assess any risks that may affect you at work during your pregnancy. We will provide you with information as to any risks identified in any risk assessment and look at ways in which we can minimise the risk.

### **IVF**

You will be entitled to paid time off for antenatal care only after the fertilised embryo has been implanted. From that point onwards, all entitlements are the same.

### **Antenatal Care**

All pregnant employees are entitled to paid time off to receive antenatal care, provided such care is on the advice of a doctor, midwife or health visitor. Where such appointments can be arranged to take place outside of working hours you should do so. Copies of all appointment times should be given to your line manager.

Prospective fathers to be and partners of pregnant women, as well as surrogacy parents and the secondary adopter, are allowed unpaid time off to attend two antenatal appointments. The main adopter is allowed up to 5 paid adoption appointments.

We need you to provide us with your MATB1 Maternity certificate which your midwife will give you when you are about 25 weeks pregnant.

Adoptive Parents must give us the matching certificate or notification that one is being issued within 7 days of having been matched with a child or as soon as is practicable.

### **Pay & Benefits during Maternity Leave**

#### **To receive Statutory Maternity Pay (SMP) you must have been:**

- Earning before tax an average that is no less than the lower earnings limit, which applies to National Insurance (NI). This is the amount you have to earn to qualify for benefits. You have to earn more than this amount before you actually start paying NI
- Employed by the same employer continuously for at least 26 weeks up to and into the 15<sup>th</sup> week before the week your baby is due.

The earliest date that SMP can start is from the 11th week before the week your baby is due and the latest from the day following the birth.

If you continue to work after the 11th week before the week your baby is due, you can choose when you want your SMP to start. SMP will start from any day you choose, once you have stopped work to have your baby. This means that your SMP should start from the first day of your Maternity Leave.

#### **The start of your SMP will change if:**

- Your baby is born before the start of the 11th week, or before the start of your SMP pay period. If this happens SMP will start from the day following the birth of your baby.
- You are off sick from work with a pregnancy-related illness at the start of or in the 4 weeks before your baby is due, SMP will start from the day following the first complete day you are off sick from work for that reason.

#### **If you are entitled to SMP and you leave your employment with us:**

- After the start of the 15th week before your baby is due but before the start of the 11th week – SMP will start from the beginning of the 11th week before the week your baby is due.
- At any time after the start of the 11th week before the week your baby is due and before the start of your Maternity pay period, your SMP will start from the day after you left employment.

SMP is paid for a continuous period of up to 39 weeks.

First 6 weeks	90% of your average weekly earnings with no upper limit
Remaining 33 weeks	Standard rate or a rate equal to 90% of your average weekly earnings. You will get whichever rate is lower.

### **Maternity Allowance**

#### **If you are not eligible for Statutory Maternity Pay you may be entitled to Maternity Allowance if:**

- You have worked (including self-employment) for 26 weeks during the 66 weeks before your baby is due
- You can find 13 weeks in which you earned over £30 a week or paid Class 2 (self-employed) National Insurance contributions or held a certificate of small earnings exception.

To claim Maternity Allowance (MA), ask your local Job Centre Plus for form MA1.

### **Pension during maternity**

Pension contributions will continue to be made during the period when you are receiving SMP but not during any period of unpaid additional maternity leave. Your contributions will be based on your actual pay while the Charity's contributions will be based on the salary you would have received had you not gone on Maternity leave.

### **Keeping in Touch Days**

Whilst you are on Maternity leave we will try to keep you up to date with all that is happening here. This may be to let you know about any changes; invite you to attend a particular event or to offer a training opportunity. You do have the right to refuse to attend.

If we offer and you wish to accept, you can work up to 10 days during your leave without this affecting your Statutory Maternity Pay.

### **Returning to work**

Whilst you are under no obligation to do so, it would assist us if you could confirm as soon as convenient during your Maternity Leave that you will be returning to work as expected. If you plan to return to work before the end of your Additional Maternity Leave you must give us 8 weeks' notice. If you come back to work after the Ordinary Maternity Leave you may return to the same job with the same terms and conditions as you had before your leave. If you return after additional leave you are entitled to return to the same job on the same terms and conditions but if for a good reason we cannot do this we will find a position which is at the same level and with terms and conditions at least as good as your previous role.

If you are planning to breast feed when you return to work please let us know so that we can carry out a risk assessment and provide suitable rest facilities for you.

### **Adoption Leave**

In order to qualify for the right to take Adoption Leave, you must be adopting a child through an approved UK adoption agency. Surrogacy parents may be entitled to adoption leave if they fulfil eligibility requirements.

If you are jointly adopting a child with your spouse, partner or civil partner, only one of you will be entitled to take Adoption Leave. You can choose which adopter will take Adoption Leave. The other adoptive parent will normally be entitled to take ordinary Paternity Leave. The right to Adoption Leave is not available to a step-parent who adopts their partner's child.

Assuming you are eligible, you are able to take up to 26 weeks' Ordinary Adoption Leave and up to 26 weeks' Additional Adoption Leave, making a total of 52 weeks.

If you wish to take Adoption Leave, you must inform your line manager in writing of your request no later than seven days after the date on which notification of the match with the child is provided to you by the adoption agency. You must provide written details of the date on which you were notified of having been matched with the child, the date the child is expected to be placed with you for adoption and when you want your Adoption Leave to start.

Adoption Leave can start on the day the child is placed with you for adoption (whether this is earlier or later than expected) or on a date that is up to 14 days before the expected date of placement.

As evidence of your entitlement to Adoption Leave, you will also be required to provide a copy of the relevant matching certificate and adoption papers from the adoption agency.

You can change your mind about the date you wish to start your Adoption Leave but you must give us 28 days' notice of the change.

Throughout the Adoption Leave you are entitled to all your non pay related contractual benefits.

If you are not planning to take all your Adoption Leave you must let us know when you will return. You can change your mind but must give us 8 weeks' notice of a change.

If you return after additional leave you are entitled to return to the same job on the same terms and conditions, but if for a good reason we cannot do this we will find a position which is at the same level and with terms and conditions at least as good as your previous role.

If you decide not to return to work you are required by law to give the correct notice if you are resigning, but giving longer is helpful. You are still entitled to Statutory Adoption Pay even if you are not returning to work.

We reserve the right in any event to maintain reasonable contact with you from time to time during your Adoption Leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

You are encouraged to take any outstanding annual leave due to you before the commencement of Adoption Leave. As a general rule, holiday should normally be taken in the year that it is earned and therefore if the holiday year is due to end during Adoption Leave, you should try to take the full year's entitlement before starting your Adoption Leave.

### **Statutory Adoption Pay**

Paid Adoption Leave is available for a child adopted under UK law - but some details may vary for parents adopting outside the UK.

#### **To receive Statutory Adoption Pay (SAP) you must:**

- Be the child's adopter
- Earn before tax an average that is no less than the lower earnings limit which applies to National Insurance (NI). This is the amount you have to earn to qualify for benefits. You have to earn more than this amount before you actually start paying NI
- Be employed for a continuous period of at least 26 weeks ending before the placement of the child
- Have received official matching certificate or notification that it is being issued.

Statutory Adoption Pay is paid for up to 39 weeks.

Statutory Adoption Pay is paid as 90% of your average weekly earnings for the first 6 weeks followed by the statutory rate or 90% of your average weekly earnings (whichever is lower) for the remaining 33 weeks.

### **Pension during adoption leave**

Pension contributions will continue to be made during the period when you are receiving SAP but not during any period of unpaid additional adoption leave. Your contributions will be based on your actual pay while the Charity's contributions will be based on the salary you would have received had you not gone on Adoption leave.

### **Keeping in Touch Days**

Whilst you are on Adoption Leave we will try to keep you up to date with all that is happening here. This may be to let you know about any changes; invite you to attend a particular event or to offer a training opportunity. You do have the right to refuse to attend.

If we offer and you wish to accept you can work up to 10 days during your leave without this affecting your Statutory Adoption Pay.

### **Return to Work**

Whilst you are under no obligation to do so, it would assist us if you could confirm as soon as convenient during your Maternity leave that you will be returning to work as expected.

If you are intending to return earlier than the return date you stated, then you must give the Charity at least 8 weeks' written notice of your intention, failure to do so may mean the Charity postpones your return to work for up to 8 weeks, provided of course this is not later than your originally stated return to work date.

## **Paternity Leave**

In order to qualify for the right to take Paternity leave, you must meet each of the following eligibility criteria:

- You have, or expect to have, responsibility for the upbringing of the child.
- You are either the biological father of the child, or you are married to, the civil partner or the cohabiting partner of the child's mother, or you are married to, the civil partner or the cohabiting partner of the child's adopter, or you are one of a couple jointly adopting a child. A cohabiting partner is a person, whether of a different sex or the same sex, who lives with the mother or adopter and the child in an enduring family relationship but is not an immediate relative of the mother or adopter.
- You are taking the leave to care for the child or to support the child's mother or adopter.
- You have worked continuously for the Charity for 26 weeks calculated as at the 15<sup>th</sup> week before the expected week of childbirth, or, in respect of an adopted child, calculated as at the week in which the child's adopter is notified of having been matched with the child.

A cohabiting partner is a person, whether of a different sex or the same sex, who lives with the mother or adopter and the child in an enduring family relationship but is not an immediate relative of the mother or adopter.

If you wish to take Paternity Leave and are eligible you are entitled to two weeks on the birth or adoption of a child. You are entitled to take either one week or two consecutive weeks of Paternity leave. It cannot be taken as odd days.

You are required to inform the Charity of your intention to take Paternity leave by the end of the 15<sup>th</sup> week before the expected week of childbirth or, in the case of an adopted child, no later than seven days after the date on which notification of the match with the child was given by the adoption agency, unless this is not reasonably practicable. You are required to provide the following information in writing to the Charity:

- The date the child is expected to be born or adopted
- Whether you wish to take one or two week's Paternity Leave
- When you want your Paternity Leave to start.

In the case of an adopted child, your notice should also specify the date on which the adopter was notified of having been matched with the child.

Paternity Leave can start on any day of the week on or following the child's birth or placement for adoption, but it must be completed either within 56 days of the actual date of childbirth or adoption or, if the child is born early, within the period from the actual date of childbirth up to 56 days after the first day of the expected week of childbirth.

In the case of multiple births from the same pregnancy, only one period of Paternity Leave is available.

On resuming work after Paternity Leave, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

During the period of Paternity Leave you will receive Statutory Paternity Pay (SPP) if you are eligible to receive it, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary.

## **Statutory Paternity Pay**

During the period of ordinary Paternity leave you will receive Statutory Paternity Pay (SPP) if you are eligible to receive it, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary.

## **Shared Parental Leave**

This policy applies to a parent wishing to share traditional Maternity or Adoption leave. Unpaid Parental Leave remains as does the right to take 52 weeks Maternity or Adoption Leave. Surrogacy parents may be able to take Shared Parental Leave if they fulfil the eligibility requirements.

To take advantage of this provision the mother must commit, in writing, to ending their Maternity/Adoption Leave and Pay at a set date, and to share the untaken balance of leave and pay as Shared Parental Leave and Pay with their partner, or to return to work early from maternity or adoption leave and opt in to Shared Parental Leave and pay at a later date.

The timescales and process to plan Shared Parental Leave is quite complex so please speak to your line manager if you have any queries or wish to discuss possible arrangements. Good communication during the planning is the key to finding a workable plan for both employee and the Charity.

To help understand this policy we have listed the meaning of the following terms:

**Mother:** the woman who gives birth to a child or the adopter.

**Adopter:** is the male or female who is eligible for adoption leave and or pay.

**Partner:** the child's biological father or the partner of the mother/adopter. This may be a spouse, civil partner or a partner who is in an enduring relationship with the mother and the child.

**SPL:** Shared Parental Leave

**ShPP:** Statutory Parental Pay.

**Continuous Leave:** a period time of leave that is taken in one block for example four weeks' leave

**Discontinuous Leave:** a period of leave that is arranged around weeks where the employee will return to work for example an arrangement where an employee will work every other week for a period of three months.

**SPLIT Day:** Shared Parental Leave in Touch Day

**Match:** when an adopter is approved to adopt a named child or children.

**Curtail:** where an eligible mother brings their Maternity/Adoption Leave and if appropriate pay or allowance entitlement to an end early.

This policy applies to employees whether they are the mother or the partner. If it is the mother who is employed by the Charity, a partner must follow his/her own employer's policy if he/she wishes to take a period of SPL. If it is the partner who is employed by us then their partner must follow their own employees' policy.

Good communication is essential with both employers to ensure requests are dealt with properly.

### **Are you eligible?**

There are some criteria which must be met for this policy to apply. The mother is eligible for SPL if they:

- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth or matching date of the child, and remains in continuous employment with the organisation until the week before any period of SPL that is taken
- Have, at the date of the child's birth or placement, the main responsibility, apart from the partner, for the care of the child
- Are entitled to statutory maternity/adoption leave in respect of the child
- Comply with the relevant leave curtailment requirements (or have returned to work before the end of Statutory Maternity/Adoption Leave), and SPL notice and evidence requirements.

In addition, for the mother to be eligible for SPL, the partner must:

- Have been employed, been a worker or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth
- Have average weekly earnings meeting the lower earnings test for any 13 of those 66 weeks
- Have, at the date of the child's birth or placement, the main responsibility, apart from the mother, for the care of the child.

### **Partner's eligibility for Shared Parental Leave**

The partner is eligible for SPL if he/she:

- Has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth or placement of the child and remains in continuous employment with the organisation until the week before any period of SPL that he/she takes
- Has, at the date of the child's birth or placement, the main responsibility, apart from the mother, for the care of the child
- Complies with the relevant Shared Parental/Adoption Leave notice and evidence requirements.

In addition, for the partner to be eligible for SPL, the mother must:

- Have been employed, been a worker or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth or placement of the child;
- Have average weekly earnings meeting the lower earnings test for any 13 of those 66 weeks; and
- Have, at the date of the child's birth or placement, the main responsibility, apart from the partner, for the care of the child;
- Comply with the relevant leave or pay curtailment requirements (or have returned to work before the end of Statutory Maternity/Adoption Leave).

### **How to calculate the amount of leave available**

The amount of SPL to which an individual is entitled will depend on when the mother brings her maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child.

SPL may only be taken in complete weeks but may start on any day of the week. An eligible employee can request to take SPL in one continuous block in which case the Charity is required to accept the request as long as the correct notification has been given. Alternatively she/he may request to take the leave as a number of discontinuous blocks, with breaks between the leave where the employee returns to work. In requests of continuous blocks the Charity must agree to these. A maximum of three requests for leave or amendments to leave booked can be made by each parent.

The first two weeks following birth are the compulsory Maternity Leave period and may only be taken by the mother. This means that the mother cannot curtail her Maternity Leave to take SPL until two



weeks after the birth and the absolute maximum period that the parents could take as SPL is 50 weeks between them. In most cases mothers commence their Maternity Leave before their expected due date and so any time taken before the birth is also deducted from the available 50 weeks.

The mother's partner can begin a period of SPL at any time from the date of the child's birth or placement. However he/she would lose their entitlement to the two weeks paid Paternity Leave if this has not been taken before the start of any SPL.

### **Notice requirements for Shared Parental Leave**

To take advantage of SPL it is important that the following notifications are given in the correct timeframe.

An employee may only make three leave notice requests or variations of leave notices during a period of SPL. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

If the mother wishes to take SPL a curtailment notice must be provided stating the date the maternity/adoption leave is to end.

That date must be:

- After the compulsory Maternity Leave period, which is the two weeks after birth
- At least eight weeks after the date on which the mother gave the maternity/adoption leave curtailment notice to her employer
- At least one week before what would be the end of the additional maternity/adoption leave period.

### **Information required in any Shared Parental Leave notice of entitlement**

With the curtailment notice the employee must also provide the Charity with the following details:

- The names of the mother and partner
- The start and end date of any Statutory Maternity or Adoption Leave
- The total amount of SPL available
- The child's expected week of birth, actual birth date or date of placement
- How much SPL the mother and partner each intend to take
- An indication as to when they intend to take the leave although this will not be binding.

A signed declaration to confirm that:

- They will be taking the leave to care for the child
- The mother has given notice to end her maternity/adoption entitlement
- The information they have given is true and accurate
- Should for whatever reason they cease to be eligible for SPL they will inform the Charity.

In addition, the mother's notice of entitlement must include a declaration signed by her partner stating:

- Their name, address, and national insurance number
- That they are the father of the child, or married to, the civil partner of, or the partner of, the mother or adopter

If the employee is the partner, the partner's notice of entitlement and intention must set out:

- The names of the mother and partner
- The start and end date of any Statutory Maternity or Adoption Leave
- The total amount of SPL available
- The child's expected week of birth, actual birth date or date of placement

- How much SPL the mother and partner each intend to take
- An indication as to when they intend to take the leave although this will not be binding.

A signed declaration to confirm that:

- They will be taking the leave to care for the child
- The mother has given notice to end her maternity/adoption entitlement
- The information they have given is true and accurate.

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, the Charity can request from the employee:

- An MATB1 Certificate, a matching certificate or birth certificate
- The name and address of the other parent's employer.

The employee has 14 days from the request to provide the information.

### **How to book leave**

To take a period of SPL, the employee must write to the Charity giving not less than eight weeks' notice before the start date of the first period of leave.

The employee must set out the start and end dates of each period of SPL requested in that notice. This written notification may be given at the same time as a notice of entitlement and can be a request for a continuous period of leave or discontinuous periods of leave.

### **Continuous period of Shared Parental Leave**

If an eligible employee gives a period of leave notice requesting one continuous period of leave, he/she will be automatically entitled to take that period of leave.

### **Discontinuous periods of Shared Parental Leave**

An employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the Charity, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested
- propose an alternative pattern of leave
- refuse the pattern of leave requested.

The Charity will have to consider what impact the arrangements would have on the business. If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two week discussion period, the employee is entitled to take the leave as one continuous period of leave (the default provision). In that event, the employee can choose a start date for when this leave period will begin within 19 days of the date the notification was given, but the leave cannot start sooner than the initial notified start date. If no date is notified within this time period the leave will begin on the start date stated in the original notification.

Alternatively, if the Charity has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given.

### **Cancelling or varying curtailment notice or booked Shared Parental Leave**

In certain circumstances the employee may wish to withdraw a Maternity or Adoption Leave curtailment notice. In this case the request must be in writing and can be given only if the mother has not returned to work. It could only be withdrawn in the following circumstances:

- The mother and partner cease to be eligible for SPL or ShPP and the mother withdraws her Maternity Leave curtailment notice within eight weeks of the date on which the notice was given
- If the notice was given before the birth, and the mother revokes the Maternity or Adoption Leave curtailment notice in the six weeks following the birth (for mothers only)
- The partner has died.

Sometimes circumstances change and the employee may need to change or cancel his/her proposed SPL dates. To do this they must write to the Charity at least eight weeks before the dates varied begin and making clear what change they are seeking. This will count as a second notification.

The written notice must contain:

- An indication as to when the employee intends to take SPL (including the start and end dates for each period of leave)
- Details of any periods of SPL that have been notified through a period of leave notice
- Details of any periods of ShPP that have been notified in relation to periods where SPL was not to be taken
- A declaration signed by the mother and the partner that they agree to the variation.

### **Rights during Shared Parental Leave**

During SPL, all terms and conditions of the employee's contract except remuneration will continue. Pay will be replaced by ShPP if the employee is eligible for it.

### **Communication and SPLIT Days**

Whilst an employee is on SPL the Charity will try to keep them up to date with important changes and developments within the Charity. It is also helpful to discuss the employee's plans to return to work during this time.

An employee can agree to work for the Charity (or to attend training) for up to 20 days during their SPL without that work bringing the period of his/her SPL and pay to an end. These are known as "Shared Parental Leave in Touch" (SPLIT) days. If you are entitled to receive ShPP for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you an agreed rate for the work you do work during a SPLIT day.

There is no obligation on the Charity to offer work or on the employee to accept it.

### **Returning to work following Shared Parental Leave**

The employee has the right to return to the same job when returning to work from SPL if the period of leave is 26 weeks or less.

If the employee is returning to work from SPL and the period of leave taken is more than 26 weeks they have the right to return to the same job unless this is not reasonably practicable. In these circumstances the Charity will find another job that is suitable and appropriate for him/her.

### **Parental Leave**

Unpaid Parental Leave may be taken to look after a child or make arrangements for the good of the child.

### **Eligible employees:**

- All employees employed by the Charity for a minimum of one year.
- Employees who have a child or children under the age of 18.

- Employees who have become the adoptive parents
- Parents of a child under the age of 18.

A maximum of 18 weeks per child (pro rata for part-time employees) may be taken in total.

If you wish to take Parental Leave you should submit an application to your line manager. Leave should normally be taken in one-week blocks up to a maximum of 4 weeks at any one time; requests for longer periods will be dealt with on an individual basis. You should submit an application to take the time off 21 days prior to leave being taken. The Charity must respond in two weeks. We will respond sympathetically to all requests but on occasions may ask you to postpone the leave for business reasons. However this cannot be for more than 6 months. Any leave at the time of childbirth or adoption cannot be postponed.

We will keep a record of Parental Leave taken.

### **Flexible Working Policy**

Employees who have more than 26 weeks continuous service have the right to make a formal flexible working request.

#### **Eligible employees can request:**

- A change in hours i.e., working less than normal hours and or fewer days
- A change to the times when they are required to work
- A change to the place of work i.e., to work from home
- A different pattern of work
- Job sharing

To make an application you must submit a written request setting out the change to the working conditions you want, when this change would be effective from and how you believe it could work. An accepted application will mean a permanent change to your contract of employment.

Your Manager will hold a meeting with you and complete the process including any appeal within three months of your request unless you both agree to extend this period. You are entitled to be accompanied at the meeting by a work colleague.

At this meeting, a practical business assessment of how the proposed arrangement can work will be undertaken. The changes you have proposed, the effect of the proposed changes and any possible alternative work patterns that might suit both parties will be discussed.

The Charity will properly consider the request and will make a practical business assessment on whether, and if so how, the flexible working request could be accommodated.

Following the meeting and consideration, your Manager will write to you to either:

- Accepting the request, setting out any action on which agreement is dependent and establishing a start date; or
- Rejecting the request and explaining the business reasons surrounding this and setting out the appeals procedures.

If your request is accepted, you will receive either a new contract of employment or a contract amendment detailing the new working pattern.

If the request is refused it will be for a business reason for example:

1. The burden of additional costs
2. Detrimental effect on ability to meet customer demand
3. Inability to reorganise work among existing staff
4. Inability to recruit additional staff
5. Detrimental impact on quality and/or performance
6. Lack of work during the period when the employee proposes to work

## 7. Planned structural or workforce changes

Following any refusal, you may appeal in writing against the decision setting out the reasons for the appeal. Your appeal letter should be sent within five working days.

Should you appeal, you will be invited to an appeal hearing. At the appeal meeting you will have the right to be accompanied by a work colleague.

Following the appeal meeting an outcome will be given in writing.

Each request for flexible working will be dealt with individually, taking into account the likely effects the changes will have on the Charity, the work of the department in which the employee making the request is employed and the employee's colleagues. This means that if the Charity agrees to one employee's request, this does not set a precedent or create a right for another employee to be granted the same or a similar change to their work pattern.

### **Repeated Requests**

Further to submitting your request, regardless of whether your request was agreed or refused, you must wait a further 12 months before making a new request.