



# FAMILY FRIENDLY POLICY

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| REF:   | CPOL21     |
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## 1. Family Friendly Policy Statement

All family related entitlements and practices are brought together within this Family Friendly Policy which aims to make all the key information available in one place.

We are committed to following good practice and recognise the value of having a diverse workforce and retaining and promoting talent. We recognise that by supporting people to manage their commitments, both the individual and our Company benefits. This policy will help to achieve that by setting out entitlements and arrangements clearly for each family friendly element.

The following policies are included within the Family Friendly Policy:

- Maternity
- Partner (formally Paternity)
- Neonatal Leave
- Adoption
- Shared Parental Leave
- Parental Leave
- Dependants Leave
- Carer's Leave
- Flexible working
- Career Break/Sabbatical

### a) Scope

This policy applies to all employees of Catholic Protection.

This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the management.

### b) Definitions

To aid clarity, definitions are given at the start of each individual policy.

### c) Family Friendly Pension Information

Employees have a right to pension contributions for periods of paid leave, this includes Ordinary Maternity, Neonatal Leave, Adoption, Shared Parental Leave and Paternity Leave. Please refer to the HR Department for further information.

### d) Skills and Development

Family Friendly Leave will not cause any long-term disadvantage in relation to training and/or development opportunities.

During periods of leave under this policy, individuals will be informed about promotion opportunities and changes within the workplace.

### e) Annual Leave

Holiday entitlement will accrue at the rate stated within the employee's contract during Family Friendly Leave.

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A period of Family Friendly Leave may last beyond the end of the holiday year. Any holiday entitlement for the year that cannot reasonably be taken before commencing Family Friendly Leave shall be paid in the month's salary following commencement of leave.

Holiday plans must be discussed with the manager before commencing Family Friendly Leave and are subject to approval.

## **f) Returning to Work**

Following a long period of Family Friendly Leave, we may arrange a discussion (whether in person or by telephone) about the arrangements for returning. This may cover:

- Updates on any changes that have occurred during the absence;
- Any training needs identified; and
- Any request for changes to working arrangements (e.g. a request to work part-time).

On return from Ordinary Maternity, Adoption Leave, Neonatal Leave or Shared Parental Leave, employees will normally be entitled to return to their substantive role.

Where additional leave has been taken under any of the relevant policy elements and a return to the substantive role is not reasonably practicable, a suitable alternative role may be offered. This will be explained, and information on the role will be provided.

## **g) Flexible Working**

Any request to change working patterns (such as working part-time) after a period of Family Friendly Leave will be considered on a case-by-case basis.

There is no statutory right to change working hours or patterns but there is a statutory right to request flexible working. Any request should be made as early as possible and will be properly considered along with the needs of the business. If the request cannot be agreed, the reason will be given.

The procedure for dealing with such requests is set out in the Flexible Working Policy.

## **h) Deciding Not to Return**

Where an individual decides not to return to work at the end of a period of leave under this policy, they should resign in accordance with their employment contract. Any decision not to return should be discussed with the manager or a member of the HR Department as early as possible. The amount of Family Friendly Leave left to run when notice is given should be at least equal to the contractual notice period, otherwise the Company may require the employee to return to work for the remainder of the notice period.

Deciding not to return to work does not affect the individual's right to receive some statutory entitlements such as Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) or Ordinary or Additional Paternity Pay.

## **i) Data Protection**

When managing an employee's Family Friendly Leave and Pay, the Company processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the Company of a relevant request or entitlement under

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this policy, is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their Family Friendly Leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Company's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Disciplinary Procedure.

#### **j) Policy Communications**

This policy will be available to all employees via the Company server or via managers and the HR Department.

#### **k) Further Information**

**All forms associated with the Family Friendly Policy are held in the forms section of the CPF059 - Family Friendly Forms).**

For further information about this policy please contact the HR Department.

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## 2. Maternity Policy and Procedure

### a) Policy Statement

This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and Maternity Leave and Pay.

### b) Definitions

**EWC** is the Expected Week of Childbirth and means the week, starting on a Sunday, during which the employee's Doctor or midwife expects her to give birth.

**QW** is the Qualifying Week and means the 15<sup>th</sup> week before the expected week of childbirth.

**SMP** is Statutory Maternity Pay which is payable for up to 39 weeks if the employee has sufficient length of service.

**OML** is Ordinary Maternity Leave and refers to the first 26 weeks of Maternity Leave.

**AML** is Additional Maternity Leave and refers to the last 26 weeks of Maternity Leave.

### c) Notification of Pregnancy

An employee must notify their manager and the HR Department of their pregnancy as soon as possible. This is important as there are health and safety considerations for the Company.

Information will then be provided about entitlements and key dates such as the Qualifying Week or the earliest date an employee can start their Maternity Leave.

In any case, the individual should, before the end of the Qualifying Week notify the HR Department in writing that:

- They are pregnant;
- The week, starting on a Sunday, in which the Doctor or midwife expects the birth to occur; and
- The date on which they would like their Maternity Leave to start.

This can be done by completing the **M1 Form** (CPF059 - Family Friendly Forms- All - Issue 01 and sending it to the HR Department.

The employee must also provide a MAT B1 form, which is a certificate from a Doctor or midwife confirming the expected week of childbirth. The form must have either the Doctor's name and address or the midwife's name and registration number on it.

### d) Health and Safety

The Company has a duty to take care of the health and safety of all employees. If there is likely to be any workplace risk for employees who are pregnant, have recently given birth or are breastfeeding a risk assessment will be completed. The employee will be given a copy of the risk assessment. If the risk assessment reveals any risk to the individual or their unborn child the Company will take such steps as are reasonably necessary to avoid those risks, such as altering working conditions. It may mean offering suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

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If it is not possible for the Company to alter working conditions to remove the risks and there is no suitable alternative work available to offer, the Company may suspend the employee from work on maternity grounds until such time as there are no longer any risks to health. This may be, if necessary, until the commencement of Maternity Leave. The employee would be entitled to normal salary and contractual benefits during the period of suspension, unless they had unreasonably refused an offer of suitable alternative employment. Employment would continue during the period of the suspension and it would not in any way affect statutory or contractual employment and maternity rights.

#### **e) Maternity Leave and Eligibility**

All pregnant employees are entitled to a period of Statutory Maternity Leave, retaining their right to return to work.

All employees, regardless of length of service, are entitled to 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML) which in total gives the employee 52 weeks consecutive maternity leave. AML begins on the day after OML ends.

In all cases, 2 weeks of leave must be taken directly after the birth or 4 weeks for factory workers.

For any Maternity Leave or Maternity Pay entitlements, written evidence of the expected date of confinement must be provided, i.e. a MATB1 Certificate, obtainable from the Doctor or Midwife.

#### **f) Time Off for Antenatal Care**

All pregnant employees are entitled to reasonable paid time off for ante-natal care. If requested, the employee must provide written evidence of the medical appointment, e.g. appointment card.

Antenatal care may include relaxation and parent craft classes if the Doctor, midwife or health visitor has advised attendance, in addition to medical examinations.

As much notice as possible should be given for antenatal appointments and, wherever possible, they should be arranged to minimise disruption to the business as far as possible.

#### **g) Commencement of Maternity Leave**

Employees can choose to commence the Maternity Leave period at any time after the start of the 11th week prior to the expected week of childbirth.

Should the leave date change, we require written notification of the new leave date with 28 days' notice where reasonably practicable.

Once confirmation of the leave date has been received, the employee will be informed, in writing, of the date on which they are expected to return to work (assuming the full entitlement is taken).

Maternity Leave shall start on whichever date is the earlier of:

- The employee's chosen start date;
- The day after the employee gives birth; or
- The day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

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The employee can change the Maternity Leave start date, provided they advise the Company in writing at least 28 days before the new start date to bring it forward, or 28 days before the original start date to postpone it.

#### **h) Sickness Absence (during pregnancy)**

If the employee is absent from work during pregnancy owing to sickness, they will receive normal Statutory or Company Sick Pay in the same manner as for any other sickness absence.

Should the employee be absent from work due to a pregnancy related illness at any time during the 4 weeks prior to the expected week of childbirth, then the Maternity Leave period will commence automatically. The employee will receive a letter to confirm a change of maternity dates in these circumstances.

If the baby arrives early, Maternity Leave automatically commences on the day after the employee gives birth.

If either of these situations occur, the employee must submit the relevant forms as soon as is reasonable practical if they have not done so already.

#### **i) Entitlements During Maternity Leave**

During the Maternity Leave the contract of employment continues in force and the employee is entitled to receive all contractual benefits, except for normal pay.

##### **i. Holiday Entitlement**

Any holiday entitlement accrued for the year up to the point of Maternity Leave commencing, that cannot reasonably be taken before commencing Maternity Leave, shall be paid in the month's salary following commencement of leave.

Holiday entitlement continues to accrue at the rate stated in the contract during Maternity Leave and may be carried forward to the next holiday year.

The employee should notify the Company how they wish holidays accrued during Maternity Leave to be taken i.e. to be saved for the return to work, paid in lieu, etc. (see Form M1 CPF059 - Family Friendly Forms- All - Issue 01).

Holiday accrued during Maternity Leave should, as far as possible, be taken at the end of the Maternity Leave period or paid in lieu.

If the employee decides not to return to work, any holiday accrued will be paid in final pay.

On return from Maternity Leave the HR Department will advise the employee the holiday entitlement for the balance of the holiday year.

##### **ii. Statutory Maternity Pay (SMP)**

An employee is entitled to SMP if:

- They have been continuously employed by the Company for at least 26 weeks at the end of the Qualifying Week and remains employed during that week.



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- Their average weekly earnings in the eight weeks (or two pay periods) up to and including the Qualifying Week are not less than the lower earnings limit for national insurance contributions.
- They are still pregnant 11 weeks before the start of the Expected Week of Childbirth (or have already given birth).
- They have provided written notification of their intention to take Maternity Leave by the 15<sup>th</sup> week prior to the expected week of childbirth. Written evidence (MAT B1 Form) must be have been provided at the same time.

SMP is payable for up to 39 weeks during Maternity Leave and is payable whether or not the employee intends to return to work after Maternity Leave.

For the first six weeks, SMP is paid at 90% of the employee's average weekly earnings calculated over the period of eight weeks (or two pay periods) up to and including the Qualifying Week. For the purpose of calculating average weekly earnings, all pay subject to NI deductions is used (shift allowances, overtime payments, bonuses and commission are all included). SMP is subject to PAYE, national insurance and pension deductions.

The standard rate of SMP is paid for the remaining 33 weeks. This is a rate set by the Government for the relevant tax year, or 90% of average weekly earnings calculated over the period of eight weeks up to and including the Qualifying Week if this is lower than the Government's set weekly rate. The current rate can be found at [www.gov.uk/maternity-pay-leave/pay](http://www.gov.uk/maternity-pay-leave/pay)

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of Maternity Leave, SMP will be recalculated to take account of the pay rise.

If the employee is not entitled to receive any SMP, they may be eligible for Maternity Allowance from Jobcentre Plus using an MA1 claim form available online. All relevant forms (including the MATB1 certificate) and notifications must still be submitted to the HR Department. The original MATB1 certificate and a completed SMP1 form will then be returned to the employee so that they can make a claim through Jobcentre Plus.

Maternity payments will commence at the start of Maternity Leave.

### j) Contact During Maternity Leave

Before Maternity Leave starts, the manager will discuss the best way to keep in touch during leave, should the employee wish to do so.

The Company reserves the right in any event to maintain reasonable contact from time to time during as this may be necessary to discuss plans for returning to work, any special arrangements to be made or training to be given to ease a return to work or simply to update on developments at work.

#### i. Keep-in-Touch (KIT) Days

Except during the first two weeks after childbirth (four weeks in the case of factory workers), an employee can agree to work for the Company (or to attend training) for up to 10 days during either Ordinary Maternity Leave or Additional Maternity Leave without that work bringing the period of Maternity Leave to an end and without loss of SMP. These are known as keep-in-touch (KIT) days.

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Any work carried out on a KIT day shall constitute a day's work for these purposes. Any KIT days worked do not extend the period of Maternity Leave. Once the KIT days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for the Company.

The Company cannot require an employee to work during Maternity Leave, nor does the employee have the right to expect it.

Attending work or training while on Maternity Leave should only happen if it is felt to be in the employee's best interests and they agree. Any work for a day or part of a day will be paid at the normal rate of pay for the hours worked, in addition to any SMP.

## k) Returning to Work

Providing the employee returns at the end of their Ordinary Maternity Leave, they have the right to return to the same job on the same terms and conditions where reasonably practicable. Employees returning after Additional Maternity Leave have the right to return to a similar job on terms that are no less favourable than would have applied had they not been absent.

Although the employee is not required to do so, it would be greatly appreciated if they could notify the Company of their intention to return to work following the Additional Maternity Leave as soon as reasonably practicable and giving as much notice as possible. Please complete the **M2 form** (contained in CPF059 - Family Friendly Forms), this will help the Company manage the return to the business more easily.

Maternity Leave cannot be extended beyond one year. However, employees may be eligible for Parental Leave. Please see the Parental Leave Policy.

The following requirement must be adhered to:

- Should the employee wish to return to work before the end of Maternity Leave, they should give 8 weeks written notice of the intended date of return (Form M2 contained in CPF059 - Family Friendly Forms).
- If 8 weeks' written notice is not given, the Company may postpone the date of return so that 8 weeks' notice is given. However, postponement would not go beyond the end of the relevant maternity period.

### i. Breastfeeding

If the employee decides to continue to breastfeed on return to work, they should inform their manager so that appropriate arrangements can be made.

### ii. Flexible Working Requests

An employee who worked full-time prior to Maternity Leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, all requests e.g. change in hours, reduced hours etc. will be considered in line with the operational requirements of the Company's business.

Any request should be done in writing **Form M2** (contained in CPF059 - Family Friendly Forms). to the HR Department. Please see the Flexible Working Policy for more details.

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Any request should be made as early as possible in advance of the employee's return date so that there is adequate time for full consideration. The procedure for dealing with such requests is set out in the Company's Flexible Working Policy.

## **l) Not Returning to Work / Resignation**

Should the employee at any time decide not to return to work, the manager must be informed, and they should resign in accordance with the terms of the employment contract and return **Form M2** (contained in CPF059 - Family Friendly Forms) as soon as possible. The leave date will be either the date the Company was informed or the date on which Ordinary Maternity Leave ends, whichever is later.

If the notice period would expire after Maternity Leave has ended, the Company may require a return to work for the remainder of the notice period.

Deciding not to return to work does not affect the individual's right to receive Statutory Maternity Pay (SMP).

## **m) Maternity Leave and Shared Parental Leave**

An employee who is entitled to Statutory Maternity Leave and Pay may curtail their entitlement so that the child's other parent may share the balance of the leave or pay as Shared Parental Leave (SPL). This will enable the employee to return to work before the end of their leave without sacrificing the rest of the leave or pay that they would otherwise be entitled to.

SPL can be taken consecutively or concurrently as long as the time taken does not exceed what is jointly available to the couple. Please see the Shared Parental Leave Policy for more information.

## **n) Sickness Absence (at the end of leave)**

If the employee is unable to return to work at the end of the Maternity Leave period due to illness, the Company's Sickness and Other Time Off Policy must be followed, and a call must be made into their manager or another appointed contact such as the HR Department by 9.30am on the first day of absence.

A Self Certification form must be completed for the first 7 days and a Doctor's Fit Note provided thereafter.

## **o) Special Circumstances**

Provided the employee meets all the other conditions, they can still take Maternity Leave if their child is stillborn after 24 weeks of pregnancy or born alive at any point in the pregnancy.

If having a child through surrogacy, the employee will not normally be eligible for Statutory Maternity Leave. Surrogate parents who meet the criteria to apply for a Parental Order are eligible for Statutory Adoption Leave and Pay, and for Shared Parental Leave and Pay if they meet the qualifying criteria.

## **p) Further Information**

For further information about this policy and entitlements please contact the HR Department.

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### 3. Partner Leave Policy and Procedure (formerly known as Paternity Leave)

#### a) Policy Statement

This policy sets out the statutory rights and responsibilities of employees who wish to take Partner Leave (formerly known as Paternity Leave) to support their partner or care for the child after the birth or adoption of a child.

Only one period of leave will be available to employees irrespective of whether more than one child is born as a result of the pregnancy. The leave must end within the 56-day period.

#### b) Scope

This policy applies to all employees who meet the eligibility criteria.

#### c) Definitions

**EWC** is the Expected Week of Childbirth and means the week, starting on a Sunday, during which the employee's Doctor or midwife expects her to give birth.

**MW** is the Matching Week and means the week in which you were informed that your partner has been matched with a child for adoption.

**QW** is the Qualifying Week and means the 15<sup>th</sup> week before the EWC or the Matching Week.

**SPP** is Statutory Paternity Pay which is the statutory payment to which an employee is entitled if they have sufficient length of service.

#### d) Eligibility

Although this entitlement is referred to in law as Paternity Leave it may be taken by a female partner in a relationship if she is the partner of the mother-to-be in a same sex relationship or if she is one of an adoptive couple where the other partner is choosing to take Adoption Leave.

An employee is entitled to Partner Leave if they:

- Have been continuously employed by the Company for 26 weeks or more by the 15th week before the baby is due and
- Have or expect to have responsibility for the child's upbringing and
- Are taking the time off to support the mother or care for the baby and
- Are the father of the child or
- Are not the child's father but is married to, or the partner of (including same sex relationships) the child's mother or
- Are the child's adopter or the partner of the adopter.

Employees who satisfy the eligibility criteria can take up to two weeks Partner Leave. The leave does not have to be taken in one single period, but the leave must be booked in blocks of at least one week. This means that the employee can take the leave in one single block of one week, one single block of two weeks, or two separate blocks of a week each.

Partner Leave can commence any day from the child's birth, but it must end within 52 weeks of the birth (or the expected week of childbirth if the child is born early).

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In the case of an adopted child, the 52-week period runs from the date on which the child was placed for adoption with the adopter (or the child's entry into Great Britain for adoptions from overseas).

If the employee wishes to take Shared Parental Leave, they must take the Partner Leave first. They cannot take Partner Leave if they have already taken a period of shared Parental Leave in relation to the same child.

An employee who meets the qualifying criteria and notice requirements is usually entitled to take:

- Two weeks' Partner Leave.
- Shared Parental Leave (SPL).
- Up to four weeks' unpaid Parental Leave, if they choose to take it at this stage rather than subsequently. Parents can take 18 weeks' Parental Leave in total up to the child's 18th birthday, capped at four weeks a year.

An employee is entitled to Statutory Paternity Pay (SPP) if they:

- Are eligible for Partner Leave (see 4.2 above) and;
- Have received normal weekly earnings for the period of eight weeks ending with the 15th week before the EWC, that are not less than the lower earnings limit in force at the end of the relevant week. If the employee earns less than this, they are still entitled to unpaid Partner Leave.

If the child is born early then the employee still qualifies for SPP if they would have been employed for at least 26 weeks by the Qualifying Week, even if the child was born before the Qualifying Week.

If the baby is stillborn and the birth occurs after 24 weeks of pregnancy, the employee is still entitled to take their Partner Leave.

Unless otherwise agreed in a formal workplace agreement, Statutory Paternity Pay is currently paid at the rate set by the Government or 90% of average weekly earnings if this is less. The current rate can be found at <https://www.gov.uk/paternity-pay-leave/pay>.

SPP is treated as earnings and is therefore subject to PAYE, national insurance and pension deductions. Employees who are not entitled to SPP may be entitled to receive income support and should contact Jobcentre Plus for further information.

## e) Notification of Pregnancy or Adoption

The employee should speak to their manager or a member of the HR Department as soon as they know their partner is expecting a baby or matched with a child for adoption and they think they will want to take Partner Leave. The manager or HR Department will ensure entitlements are explained along with key dates and payment rates.

The employee has three options for when to start a period of Partner Leave:

**On the date of the child's birth:** The employee should notify their manager or the HR Department at least 28 days before the first day of the expected week of childbirth.

**A set number of days after the child's birth:** The employee should notify their manager or the HR Department at least 28 days before the date falling that set number of days counted from the first day of the expected week of childbirth.



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**On a predetermined date (which has to be no earlier than the first day of the expected week of childbirth):** The employees' period of leave notice should be received by their manager or the HR Department at least 28 days before that predetermined date.

Notification should be done by completing **Form P1** (contained in CPF059 - Family Friendly Forms) and returning to the HR Department.

The employee should also provide a MAT B1 Form, which is a certificate from a Doctor or midwife confirming the Expected Week of Childbirth (a copy will be taken and the original returned) or a copy of the Matching Certificate from the adoption agency.

Partner Leave can start on any day of the week if the employee has given the required notice.

### **f) Changing the Partner Leave Start Date**

The employee can vary the date they wish to start Partner Leave by giving 28 days' notice of the new date. If it is not possible to give 28 days' notice, the employee must give the Company notice as soon as reasonably practicable.

The Company will formally respond in writing to the employee's notification of leave plans, confirming the dates and confirming whether the employee is entitled to SPP.

### **g) Entitlements During Partner Leave**

During Partner Leave the employee's contract of employment continues in force and they are entitled to receive all contractual benefits, except for normal pay.

Holiday entitlement continues to accrue during Partner Leave.

### **h) Time Off for Antenatal Care**

Employees have the right to take unpaid leave to accompany a pregnant woman to two antenatal appointments if they are:

- The baby's father; or
- The expectant mother's spouse or civil partner; or
- In a long-term relationship with the expectant mother; or
- Intended parent of a child in a surrogacy arrangement (if the employee or their partner expect to be entitled to, and intend to apply for, a Parental Order in respect of the baby).

The Company expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment and can be for a maximum of six-and-a-half hours on each occasion.

Permanent employees can apply for leave immediately on commencement of employment.

Agency workers must have been doing a job for 12 weeks before they qualify.

An employee should provide as much notice of the appointment as possible and must provide the Company with a signed statement providing the date and time of the appointment. The employee must also confirm the following:

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- That the eligibility criteria in 6.1 above has been met;
- That the purpose of the time off is to accompany the pregnant woman to an antenatal appointment; and
- That the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse.

Wherever possible, employees should try to arrange appointments to minimise disruption to the Company. Should the employee require time off for additional appointments over and above this entitlement, they may consider using Annual Leave (ensuring such leave is booked in line with the Sickness and Other Time Off Policy).

## **i) Time Off to Attend Adoption Appointments**

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (see Adoption Policy). The other can elect to take unpaid time off to attend up to two adoption appointments. This policy applies to the adoptive parent wishing to take up to two appointments.

The purpose of the appointment should be to enable the employee to have contact with the child (for example, to bond with them before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by, or at the request of, the adoption agency and evidence of this and the date and time of the appointment(s) should be provided to the Company in advance.

The time off must be taken before the date of the child's placement for adoption with the employee.

## **j) Adoptions from Overseas**

If an employee has adopted a child from overseas, they may still be entitled to Partner Leave and Shared Parental Leave. Special rules apply in these circumstances. For further information please contact the HR Department.

## **k) Partner Leave and the Relationship with Shared Parental Leave**

Shared Parental Leave enables mothers or adopters to commit to ending their Maternity or Adoption Leave and Pay at a future date, and to share the untaken balance of leave and pay as Shared Parental Leave and Pay with their partner (see Shared Parental Leave Policy).

Employees who wish to take both Partner Leave and Shared Parental Leave must take their period of Partner Leave first. An employee cannot take Partner Leave if they have already taken a period of Shared Parental Leave in relation to the same child.

## **l) Further information**

For further information relating to this policy please contact the HR Department.



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## 4. Neonatal Care Leave Policy

### a) Policy statement

Employees have a statutory right to neonatal care leave from day one of employment where they are responsible for a baby receiving neonatal care. We recognise that this can be a difficult and worrying time, both physically and mentally.

This policy explains your rights to time off, pay during time off and other support offered. Employees will not be subject to detriment for taking neonatal care leave.

### b) Entitlement

You are entitled to take one week of neonatal care leave for each consecutive seven-day period that your baby is receiving neonatal care, up to a maximum of 12 weeks.

You may take neonatal care leave if you have parental or other prescribed responsibility for a baby who is receiving, or who has received, neonatal care. This will apply if you are:

- the child's parent, intended parent, or partner of the child's mother at the date of birth
- in cases of adoption, the child's adopter, prospective adopter, or the partner of either, at the date the child is placed.

"Neonatal care" is defined in law as care of a medical or palliative kind lasting for at least seven consecutive days which starts within 28 days beginning with the day after the child's birth. The medical care may be received in hospital, or out of hospital providing the child was originally an inpatient and the care is under the direction of a consultant. Neonatal care also covers babies receiving palliative or end of life care.

### c) Notice requirements

You must give us notice in writing by completing form N1 if you want to take neonatal care leave.

The notice must specify:

- your name
- the child's date of birth and date of placement if adoption
- the date(s) the child started receiving neonatal care
- the date neonatal care ended if the child is no longer receiving it
- the date you want the leave to begin
- the number of weeks' leave you want to take
- the declaration that you are taking the leave to care for the child
- the declaration that you meet the eligibility requirements.

You can take neonatal care leave during two periods:

- a) "tier one period" — starts from the day the child starts receiving neonatal care, ending with the seventh day after the child stops receiving neonatal care. Leave taken in this period:
  - i. cannot be taken before the day after the first 7-day uninterrupted period of neonatal care



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- ii. can be taken in non-consecutive weeks
- b) “tier two period” — any period which is outside of tier one but you are entitled to neonatal care leave. Leave taken in this period must be taken consecutively.

If you wish to take neonatal care leave in the tier one period you must give us the required notice before you are due to start work on the first day of absence, unless it is not reasonably practicable to do so, to prevent any delays in accessing your entitlement.

If you wish to take neonatal care leave in the tier two period, you must give us the required notice no later than 15 days before the first day of leave when taking a single week, or no later than 28 days before the first day of leave when taking two or more weeks.

If you change your mind about taking neonatal care leave, you can withdraw your notice by following the same notice periods as above.

Your neonatal care leave will start on the day specified in your notice unless the leave is due to start on the same day as the notice is given, or you are at work on that day, then it will start the day after.

### d) Taking leave

You must take the leave before the end of a period of 68 weeks beginning with the child’s date of birth or date of placement in cases of adoption.

If you accrue neonatal care leave after already starting another period of statutory family leave, such as maternity or paternity leave, then you can take the neonatal care leave after the end of the statutory family leave, providing it is within 68 weeks beginning on the child’s date of birth or placement.

### e) Pay during leave

You are entitled to Statutory Neonatal Care Pay during neonatal care leave if you:

- are eligible for statutory neonatal care leave
- have 26 weeks’ continuous service by the week immediately preceding the one in which neonatal care starts
- earn at least the lower earnings limit on average calculated over the period of eight weeks ending with the week before neonatal care starts
- are still in employment in the week before neonatal care starts.

If you are eligible, you are entitled to a maximum of 12 weeks’ Statutory Neonatal Care Pay, paid at one week per every seven uninterrupted days of care the child receives.

The weekly rate of Statutory Neonatal Care Pay is the lower of:

- the current statutory rate
- 90% of your normal weekly earnings.

If you are eligible for Statutory Neonatal Care Pay, you need to give us notice in writing of your intention to claim it alongside your notice of intention to take neonatal care leave.

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Where you are claiming Statutory Neonatal Care Pay in the tier one period, you must provide notice before the end of 28 days after the first day of the pay week the notice refers to.

If you are claiming Statutory Neonatal Care Pay in the tier two period, you must provide notice no later than 15 days before the first day of the relevant pay week when taking a single week, or no later than 28 days before the first day of the first relevant pay week when taking two or more weeks.

The notice must include:

- your name
- the child's date of birth and date of placement if adoption
- the date(s) the child started receiving neonatal care
- the date neonatal care ended if the child is no longer receiving it
- the declaration that the week you are claiming pay for was taken to care for the child
- the declaration that you meet the eligibility requirements.

## **f) Returning to work**

You have the right to return to work to the same job unless you return after a specific point at which you will have the right to return to a similar job on no less favourable terms if it is not practicable for you to return to the same job. Your manager will explain how this affects you based on your individual circumstances.

## **g) Use of neonatal care leave**

Employees who take time off under this policy for reasons other than those for which the statutory right to neonatal care leave is intended may be subject to investigation and subsequent disciplinary proceedings.

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## 5. Adoption (Including Surrogacy) Policy and Procedure

### a) Policy Statement

This policy sets out the statutory rights and responsibilities of employees who adopt a child and gives details of the arrangements for time off for adoption appointments and Statutory Adoption Leave and Pay.

Under the regulations, employees who are using a surrogate are entitled to statutory adoption leave and pay if they satisfy the criteria. More details are provided below.

### b) Definitions

**Adopter** is a person who has been matched with a child for adoption when an adoption agency decides that the employee would be a suitable adoptive parent for a child.

**Official notification** is the permission required from a UK authority stating an employee can adopt from abroad.

**Parental Order** is the court order required to make the employee (and their partner) the legal parents of the child in a surrogacy arrangement.

**SAL** is Statutory Adoption Leave.

**SAP** is Statutory Adoption Pay.

**Matching Week** is the week when notification of matching with a child is given by an approved UK adoption agency, or in the case of adoption from overseas, the week when 'official notification' of approval to adopt is received from the relevant UK authority.

**Qualifying Period** is the eight weeks leading up to the Matching Week (adoption) or qualifying.

### c) Eligibility for Adoption Leave

The right to Adoption Leave is available to men and women (whether married, single or in a civil partnership) who adopt a child through an approved adoption agency. It does not apply to stepparents who adopt their partner's child or children.

Where a couple jointly adopt a child, only one of them will be entitled to take Adoption Leave (the couple can choose which). The other will normally be entitled to take Partner (Paternity) Leave and Shared Parental Leave, provided they meet the relevant statutory criteria.

If an employee is adopting a child they are fostering, they must be matched by a recognised agency to be eligible for Adoption Leave and Pay. The placement will begin when the child is placed with the employee for adoption.

#### i. Ordinary Adoption Leave

To qualify for Ordinary Adoption Leave (OAL) of 26 weeks the employee is required to:

- Be the adopter of the child;
- Have notified the adoption agency of their agreement that the child should be placed with them;

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- Give the correct notice.

## ii. Additional Adoption Leave

To qualify for Additional Adoption Leave (AAL) of 26 weeks the employee is required to:

- Have a child placed with them for adoption;
- Have taken OAL in the respect of the child;
- Not have had their OAL ended early because the placement was disrupted.

All employees, regardless of length of service, are entitled to 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave which in total gives the employee 52 weeks consecutive Adoption Leave. Additional Adoption Leave begins on the day after Ordinary Adoption Leave ends.

For any Adoption Leave or Adoption Pay entitlements, written evidence of the match for adoption (Matching Certificate) must be provided.

## d) Commencement of Adoption Leave

Adoption Leave can start:

- On the date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions).
- When an employee has been matched with a child to be placed with them by a UK adoption agency.
- When the child arrives in the UK or within 28 days of this date (overseas adoptions).
- The day the child is born or the day after (for parents in surrogacy arrangements).

## e) Changing the Start Date of Adoption Leave

An employee may change their Adoption Leave start date, provided they advise the Company in writing at least 28 days before the new start date if they want to bring it forward, or 28 days before the original start date if they want to postpone it.

## f) Notification of Being Matched with a Child

On being notified of a match with a child the employee should complete **Form A1** and notify their manager and HR within 7 days, or if that is not reasonably practical, as soon as it is possible to do so. The employee must provide the Company with a copy of the Matching Certificate from an approved adoption agency along with:

- The name and address of the adoption agency.
- The date on which the child is expected to be placed with them. This will be the date the adoption agency has informed the employee that it expects to place the child with them. This may not be the date on which the child is actually placed.
- The date on which the employee has chosen their leave to begin which is no more than 14 days before the expected placement date.
- The employee is permitted to bring forward their Adoption Leave date providing they provide at least 28 days' notice or as much notice as is reasonably practicably possible.

In the case of overseas adoptions the employee must give notice of:



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- The date on which the employee received official notification and the date the child is expected to enter Great Britain within 28 days of receipt of the notification.
- The date on which the employee has chosen to begin their period of Adoption Leave, which must be given at least 28 days before that date.
- The date on which the child enters Great Britain within 28 days of the entry date evidenced in the form of a plane ticket or entry documents.

When an employee advises the Company that they are adopting a child the Company will make sure that all entitlements are understood and agree the dates of Adoption Leave.

The Company will formally respond in writing to the notification of an employee's leave plans within 28 days confirming the date the employee is expected to return to work.

### g) Time Off for Adoption Appointments

Employees who are proposing to adopt, either on their own or jointly with another person can take time off work to attend adoption appointments in certain circumstances. Adoption appointments are appointments made by an adoption agency relating to a child being placed for adoption or for fostering for adoption placement.

Employees who are adopting a child or children on their own will be entitled to paid time off to attend five appointments. They must provide the Company with a declaration stating that they have elected to exercise the right to take paid time off.

Employees who are adopting a child or children with another (joint adopters) may elect for one of them to take paid time off to attend up to five appointments, while the other may take unpaid time off to attend up to two appointments.

The adopter who takes the five paid appointments must be the 'Primary Adopter' and will be entitled to take the period of SAL and SAP.

The adopter who takes the two unpaid appointments will be entitled to take Ordinary Paternity Leave if they satisfy the criteria. Please see the Partner Leave Policy.

The time off which can be taken for each appointment is a maximum of 6 and a half hours.

### h) Entitlements During Adoption Leave

During the Adoption Leave the contract of employment continues in force and the employee is entitled to receive all contractual benefits, except for normal pay.

#### i. Holiday Entitlement

Any holiday entitlement accrued for the year up to the date that Adoption Leave commences, that cannot reasonably be taken before commencing Adoption Leave, shall be paid in the month's salary following commencement of leave.

Holiday entitlement continues to accrue at the rate stated in the contract during Adoption Leave and may be carried forward to the next holiday year.

The employee should notify the Company how they wish holidays accrued during Adoption Leave to be taken i.e. to be saved for the return to work, paid in lieu, etc. **Form A1**.

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Holiday accrued during Adoption Leave should, as far as possible, be taken at the end of the Adoption Leave period or paid in lieu.

If the employee decides not to return to work, any additional holiday accrued will be paid in final pay.

On return from Adoption Leave the HR Department will advise the employee of the holiday entitlement for the balance of the holiday year.

## ii. Statutory Adoption Pay (SAP)

An employee is entitled to Statutory Adoption Pay (SAP) if:

- They are a person with whom a child is, or is expected to be, placed for adoption under UK law;
- They have been continuously employed by the Company for at least 26 weeks ending with the week in which they are notified of having been matched for adoption with the child;
- Their average weekly earnings in the eight weeks (or two pay periods) up to and including the Qualifying Week are not less than the lower earnings limit for national insurance contributions
- They have elected to receive SAP.

SAP is payable for up to 39 weeks during Adoption Leave and is payable whether or not the employee intends to return to work after Adoption Leave.

For the first six weeks, SAP is paid at 90% of the employee's average weekly earnings calculated over the period of eight weeks (or two pay periods) up to and including the Qualifying Week. For the purpose of calculating average weekly earnings all pay subject to NI deductions will be included (shift allowances, overtime payments, bonuses and commission are all included).

The standard rate of SAP is paid for the remaining 33 weeks. This is a rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings calculated over the period of eight weeks up to and including the Qualifying Week if this is lower than the Government's set weekly rate. The current rate can be found at <https://www.gov.uk/adoption-pay-leave/pay>.

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of Adoption Leave, SAP will be recalculated to take account of the pay rise.

SAP is treated as earnings and is therefore subject to PAYE, national insurance and pension deductions.

If the employee is not entitled to receive any SAP, they may be eligible for support from their local council and should approach them direct.

Adoption payments will commence at the start of Adoption Leave.

## i) Contact During Adoption Leave

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Before Adoption Leave starts the manager will discuss the best way to keep in touch during leave, should the employee wish to do so.

The Company reserves the right in any event to maintain reasonable contact from time to time during Adoption Leave as this may be necessary to discuss plans for returning to work, any special arrangements to be made or training to be given to ease a return to work or simply to update on developments at work.

## j) Keep-in-Touch (KIT) Days

An employee can agree to work for the Company (or to attend training) for up to 10 days during either Ordinary Adoption Leave or Additional Adoption Leave without that work bringing the period of Adoption Leave to an end and without loss of SAP. These are known as Keep-in-touch days.

Any work carried out on a KIT day shall constitute a day's work for these purposes. Any KIT days worked do not extend the period of Adoption Leave. Once the KIT days have been used up, the employee will lose a week's SMP for any week in which they agree to work for the Company.

The Company cannot require an employee to work during Adoption Leave, nor does the employee have the right to expect it.

Attending work or training while on Adoption Leave should only happen if it is felt to be in the employee's best interests and they agree.

Attendance for work or training for a day or any part of a day will be paid the normal rate of pay for the hours worked, in addition to any SAP.

## k) Returning to Work

Providing the employee returns at the end of their OAL, they have the right to return to the same job on the same terms and conditions where reasonably practicable. Employees returning after AAL have the right to return to a similar job on terms that are no less favourable than would have applied had they not been absent.

Although the employee is not required to do so, it would be greatly appreciated if they could notify the Company of their intention to return to work following the Additional Adoption Leave as soon as reasonably practicable and giving as much notice as possible. Please complete **Form A2**, this will help the Company manage the return to the business more easily.

Adoption Leave cannot be extended beyond one year. However, employees may be eligible for Parental Leave. Please see the Parental Leave Policy.

The following requirement must be adhered to:

- Should the employee wish to return to work before the end of Adoption Leave, they should give 8 weeks written notice of the intended date of return by completing **Form A2**.
- If 8 weeks' written notice is not given, the Company may postpone the date of return so that 8 weeks' notice is given. However, postponement would not go beyond the end of the relevant adoption period.

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## l) Flexible working requests

An employee who worked full-time prior to Adoption Leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, all requests e.g. change in hours, reduced hours etc.) will be considered in line with the operational requirements of the Company's business.

Any request should be done in writing using **Form A2** to the HR Department. Please see the Flexible Working Policy for more details.

Any request should be made as early as possible in advance of the employee's return date so that there is adequate time for full consideration. The procedure for dealing with such requests is set out in the Company's Flexible Working Policy.

## m) Not Returning to Work/Resignation

Should the employee at any time decide not to return to work, the manager must be informed, and they should resign in accordance with the terms of the employment contract and complete and return **Form A2** as soon as possible. The leave date will be either the date the Company was informed or the date on which OAL ends, whichever is later.

If the notice period would expire after Adoption Leave has ended, the Company may require the employee to return to work for the remainder of their notice period.

Deciding not to return to work does not affect the individual's right to receive Statutory Adoption Pay (SAP).

## n) Sickness

If the employee is unable to return to work at the end of the Adoption Leave period due to illness, the Company's Sickness and Other Time Off Policy must be followed, and a call must be made into their manager or another appointed contact such as the HR Department by 9.30am on the first day of absence.

A Self Certification form must be completed for the first 7 days and a Doctor's Fit Note provided thereafter.

## o) Adoption Leave and Shared Parental Leave

An employee who is entitled to Statutory Adoption Leave and Pay may curtail their entitlement so that the child's other parent may share the balance of the leave or pay as Shared Parental Leave (SPL). This will enable the employee to return to work before the end of their leave without sacrificing the rest of the leave or pay that they would otherwise be entitled to.

SPL can be taken consecutively or concurrently as long as the time taken does not exceed what is jointly available to the couple.

Please see the Shared Parental Leave Policy for more information.

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## p) Surrogacy

In surrogacy cases there is no concept of the 'adopter'. The Regulations replace that concept with the concept of 'Parent A', which simply means the parent who has elected (with the agreement of the other parent) to be Parent A and therefore qualify for SAL. The partner of Parent A will usually qualify for Partner Leave, subject to the usual criteria.

The key rights for an employee who has elected to be 'Parent A' are:

- Up to 52 weeks' SAL, split into 26 weeks OAL and 26 weeks AAL
- SAP up to 39 weeks

There is no requirement to be 'matched for adoption' in surrogacy cases.

**Form A1** must be completed to notify the Company of the employee's intention to take Adoption Leave.

## q) Antenatal Appointments for Surrogates

An employee who has a "qualifying relationship" with a pregnant woman or her expected child is entitled to take time off during their working hours to accompany the woman to antenatal appointments. This time is limited to no more than two occasions lasting no more than six and a half hours each.

An employee or agency worker has a qualifying relationship with a woman or her expected child if they are the potential applicant for the Parental Order.

## r) Ordinary Adoption Leave for Surrogates

In surrogacy cases, for children due to be born to a surrogate mother, the qualifying criteria for OAL are that:

- The employee is one of the child's Parental Order parents;  
A "Parental Order parent" means a person who, at the date of the child's birth, has applied or intends to apply within six months, for a Parental Order under section 54 of the Human Fertilisation and Embryology Act 2008, and expects to be granted the order, or a person who has already been granted such an order
- The employee has elected to be Parent A.

## s) Additional Adoption Leave for Surrogates

In surrogacy cases, for children due to be born to a surrogate mother, the qualifying criteria for AAL are that:

- The employee elected to be Parent A;
- The employee took OAL in respect of the child;
- The employee's OAL did not end early because the employee failed to apply for a Parental Order or the application for a Parental Order was not granted and any time limit for appeal or further application has passed, or if the child has died.

## t) Statutory Adoption Pay for Surrogates

In surrogacy cases, for children to be born to a surrogate mother, the qualifying criteria for SAP are that the employee must:



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- Be one of the child's Parental Order parents, as defined above;
- Have elected to be Parent A;
- Have served 26 weeks continuous service ending with the Qualifying Week which is the 15<sup>th</sup> week before the EWC;
- Be on a period of Adoption Leave;
- Have their normal weekly earnings for the period of 8 weeks ending with the relevant week must not be less than the lower earnings limit in force at the end of the relevant week; and
- Have elected to receive SAP.

### u) Notification and Evidence for Surrogates

The notification and evidential requirements in surrogacy cases are:

- The employee must notify their employer by the end of the 15th week before the Expected Week of Childbirth (EWC) that they intend to take OAL and specify the EWC.
- Along with **Form A1**, the Company may request a parental statutory declaration, which is a statutory declaration that the employee fulfils the criteria for a "Parental Order parent".

### v) Further Information

For further information about this policy please contact the HR Department.

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## 6. Shared Parental Leave Policy and Procedure

### a) Policy Statement

The Company recognises its role in assisting employees to achieve a work-life balance and, as far as the business is able, we support this. Shared Parental Leave and Shared Parental Pay give eligible parents the opportunity to share up to 50 weeks of leave (48 for a factory worker) and up to 37 weeks of pay in a more flexible way during the first year of a child's life, or the first year following adoption.

The right to Maternity or Adoption Leave and Pay remains in place but if the employee chooses to bring their Maternity or Adoption Leave and Pay to an early end, then eligible working parents will be able to share the balance of the remaining leave and pay as Shared Parental Leave and Pay.

Depending on eligibility, Shared Parental Leave and/or Pay may be available to one or both parents.

### b) Scope

This policy applies in relation to employees of the Company, whether they are the mother or the partner. If it is the mother who is employed by the Company, their partner must (where relevant) submit any notifications to take Shared Parental Leave set out in this policy to their own employer, which may have its own Shared Parental Leave Policy in place, if they want to take a period of Shared Parental Leave.

If the partner is employed by the Company, the mother must (where relevant) submit any notifications to take Shared Parental Leave to their own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for Shared Parental Leave are handled as smoothly as possible.

### c) Definitions Under this Shared Parental Leave Policy

**SPL** Shared Parental Leave

**ShPP** Shared Parental Pay

**Mother** is the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for Adoption Leave and/or Pay. They can be male or female).

**Partner** is the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

**Continuous leave** is a period of leave that is taken in one block e.g. four weeks' leave

**Discontinuous leave** is a period of leave that is arranged around weeks where the employee will return to work e.g. one week off each month.

**SPLIT day** is a Shared Parental Leave In Touch Day.

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

**Expected Week of Childbirth (EWC)** means the week, starting on a Sunday, during which the mother's Doctor or midwife expects them to give birth.

**Date of matching** means the date the adoption agency signs and issues the Matching Certificate or other evidence.

## d) Eligibility

### i. Shared Parental Leave (SPL)

A mother/adopter can only share leave with one other person. To be eligible for SPL, the child's mother/adopter or the other parent must be eligible for Maternity Leave or Pay, Maternity Allowance or Adoption Leave or Pay.

An employee who intends to take SPL must:

- Have at least 26 weeks continuous service with the Company by the end of the 15<sup>th</sup> week before the EWC or by the date of notification of a match for adoption,
- Meet the employment and earnings test i.e. have worked for at least 26 weeks in the 66 weeks leading up to the EWC or by the date of notification of a match for adoption and earned the required average in any 13 weeks.
- Still be employed by the Company when SPL is taken,
- Share or expect to share parental responsibility for the child with the other parent at the time of the birth or placement for adoption, and
- Give the correct notice to curtail their entitlement, including a declaration that the employee's partner meets the employment and income requirements for SPL. See the notification form for details.

### ii. Shared Parental Pay (ShPP)

An employee may be eligible for ShPP during a period of SPL if:

- They qualify for Statutory Maternity Pay, or Statutory Adoption Pay, or
- They qualify for Statutory Paternity Pay and their partner qualifies for Statutory Maternity Pay, or Statutory Adoption Pay.

## e) Entitlement

If the employee is eligible and they or their partner bring their Maternity or Adoption Leave and Pay to an end early, then they may:

- Take the remaining balance of the 52 weeks' leave as SPL.
- Be paid ShPP for the balance of the 39 weeks' pay period.

The mother must take a minimum of 2 weeks' Maternity Leave following the birth (4 weeks if they are a factory worker). If adopting the Primary Adopter must take 2 weeks leave. Therefore the maximum leave that can be shared is 50 (48 for a factory worker) weeks and the maximum pay to be shared is 37 weeks. If the partner is eligible for SPL the couple can take the leave together or at different times.

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The employee may request SPL in continuous or discontinuous periods. A continuous period would be a fixed block of for example one month. Requests for continuous leave will be accepted.

A discontinuous period would be in multiple shorter blocks, for example every other week off over a period of eight weeks. Requests for discontinuous leave will be considered but may be refused. See more information at section 5.7 of this policy.

If both parents qualify for ShPP they must decide how it will be divided and they must each inform their employer of their entitlement.

## f) Making a request to take SPL

For SPL to begin, the mother must do one of the following:

- End their Maternity or Adoption Leave and Pay by returning to work
- Give the Company/their employer binding notice of the date when they'll end their Maternity or Adoption Leave (at least 8 weeks beforehand)

SPL can start for the partner whilst the mother is still on Maternity or Adoption Leave provided the mother has given binding notice to end their leave/pay.

The eligibility criteria and the notification requirements for SPL are complex. Any employee considering taking SPL is encouraged to talk to their manager or the HR Department about the sort of arrangements they might like, as discussion may mean agreement can be reached and then formalised through the notification process.

### i. Notification of entitlement requirements – Maternity

An employee who wishes to take SPL in the case of Maternity must provide written notice of their entitlement to SPL and ShPP by completing **FORM SPL1** (mother) or **FORM SPL2** (partner).

If the Company asks for a copy of the child's birth certificate and the name and address of the partner's employer, this must be provided within 14 days.

### ii. Notification of entitlement requirements – Adoption (Including Surrogacy)

An employee who wishes to take SPL in the case of adoption (inc. surrogacy), must provide written notice of their entitlement to SPL and ShPP by completing **FORM SPL3** (Primary Adopter) or **FORM SPL4** (Joint Adopter).

The Company may request documents showing that a child has been placed with them. Where such a request is made the Primary Adopter must provide the evidence within 14 days beginning with the date the request was made.

Where there is a request to take SPL in the case of surrogacy, the Company may request a copy of the child's birth certificate, together with the name and address of the other parent's employer.

Where such a request is made the Primary Adopter must provide the evidence within 14 days beginning with the date the request was made.

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### iii. Notice to take a period of Leave

In addition to giving notice of entitlement set out above, the employee must give notice of each particular period of SPL requested. The notice must be given at least 8 weeks before the start date of the period of leave requested.

Each eligible parent can give their employer up to three separate notices booking or varying leave, although each must be given at least eight weeks before the leave is due to start. Each notice can be for a single block, or a pattern of discontinuous leave.

Each request for a period of SPL should be made using **FORM SPL5** at least eight weeks before the start date of the particular period.

#### g) Requests for Discontinuous Periods of Leave

Where the employee requests discontinuous periods of SPL (e.g. asks to take every other week off over a period of eight weeks), then the Company will consider the request and give a decision within two weeks of receiving it. The Company may agree to the leave, propose alternative dates, or refuse the request. A meeting will usually be arranged with the employee to discuss the request if approval is not certain.

If the Company agrees to the requested SPL dates or alternative dates are agreed with the employee within the two-week period, then the agreement is binding, and the employee is entitled to take that leave.

If an agreement cannot be reached within two weeks, then the employee may choose to take the total amount of SPL requested in one continuous block. Where this is the case the start date for SPL cannot be sooner than eight weeks after the original notice was given. The employee must provide a new date the leave will start on the date given in the original notice.

An employee may decide to withdraw a request for discontinuous SPL. This can be done before the Company has agreed a period of leave with the employee and within 14 days of the employee giving the Company notice of their request, this request will not then count towards the maximum 3 blocks of leave that can be requested.

#### h) Requesting a Variation to Leave

Should the employee wish to request a variation to either a period of continuous or discontinuous leave they must set out the request in writing using **FORM SPL6**. The employee may request to:

- Vary the start or end of any period of SPL (provided at least 8 weeks' notice is given)
- Ask for a single period of leave to become discontinuous or vice versa
- Cancel completely or vary the amount of leave requested (provided at least 8 weeks' notice is given)

An employee may give a maximum of three notices to take SPL. The following do not count towards this maximum:

- Any notices withdrawn at the Company's request because the request is for discontinuous leave.
- Any notice that varies an earlier notice because the child is born earlier or later than expected.

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- Any notice where the employee changes their mind giving at least 8 weeks' notice before the original start date.

## **i) Cancelling the Decision to End Maternity or Adoption Leave**

In certain circumstances the mother may be able to change the decision to end Maternity or Adoption Leave early provided the planned end date has not already passed and she has not already returned to work.

These circumstances are where:

- The employee finds out during the 8-week notice period that neither partner is eligible for SPL or ShPP, or
- The mother's partner had died, or
- The mother gave notice before the birth and then tells her employer less than 6 weeks after the birth.

## **j) Shared Parental Leave in Touch (SPLIT) Days**

The employee and their partner can work for up to 20 days each during SPL. These days are known as SPLIT days and may be taken in addition to the 10 Keep-In-Touch days already available if taking Maternity or Adoption Leave.

There is no obligation to work, or for the Company to offer any SPLIT days but where such days are agreed, payment will be agreed in advance and provided the maximum is not exceeded, entitlement to ShPP will be unaffected.

## **k) SPL and Paternity Leave**

An employee can choose to take both Partner (Paternity) Leave and Shared Parental Leave, but the period of Partner Leave must come first. An employee cannot take Partner Leave if they have already taken a period of Shared Parental Leave in relation to the same child.

## **l) Further information**

For further information about this policy please contact the HR Department.



# FAMILY FRIENDLY POLICY

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## 7. Parental Leave Policy and Procedure

### a) Policy Statement

Parental Leave is a right to take unpaid time off work to look after a child or make arrangements for a child's welfare. It applies to each child up to their 18<sup>th</sup> birthday. Parents can use it to spend more time with children and strike a better balance between their work and family commitments.

Parental Leave should not be confused with Shared Parental Leave which allows parents to split Maternity or Adoption Leave between them.

### b) Scope

This policy applies to all employees who meet the eligibility criteria.

### c) Definitions

Employees are entitled to take 18 weeks of Parental Leave in total for each child up until the child's 18<sup>th</sup> Birthday.

An employee may wish to take Parental Leave to:

- Stay with a child who is in hospital.
- Spend more time with a child.
- Make school/childcare arrangements and to help them to settle in.

### d) Eligibility

Employees must have completed one year's qualifying service with the Company by the time they want to take the leave.

The employee must have a child under the age of 18 and:

- Be named on the child's birth certificate.
- Be named on the child's adoption certificate.
- Have legal responsibility for the child.

### e) Length of Parental Leave

Parental Leave should usually be taken in blocks of a week unless agreed otherwise. If the child is disabled, Parental Leave can be taken in days rather than weeks.

Employees can take Parental Leave at any time up until the child's 18<sup>th</sup> birthday but cannot take more than four weeks in any one year. The length of a period of Parental Leave is subject to approval from the manager and approval will be given subject to the needs of the business.

### f) Procedure for Requesting Parental Leave

All requests for Parental Leave must be authorised by the Company.

To request Parental Leave 21 days' notice must be given, stating the proposed start and end date and using **Form PL1**. If an employee wants to take Parental Leave straight after the birth

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or adoption of a child, they should give 21 days' notice before the Expected Week of Childbirth or placement.

If the Company considers that an employee's absence would unduly disrupt the business, then the Company can postpone the leave for no longer than 6 months after the original requested start date.

The Company should discuss the matter with the employee and must then write to the employee within 7 days of receiving their request stating why the leave is being postponed and giving new dates for the leave to be taken.

Any postponement must allow the leave to be taken before the child's 18<sup>th</sup> birthday, even if this is less than six months away from the date of the original request.

The leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with a family for adoption.

#### **g) Return to Work**

If the leave is for a period of four weeks or less the employee is entitled to return to the same job as before.

If a period of leave greater than 4 weeks has been agreed, the employee is entitled to return to the same job unless that is not reasonably practicable. In which case to a similar job which has at least equivalent status, terms and conditions as the old job.

When Parental Leave follows Ordinary Maternity Leave the employee is entitled to return to the same job as before the leave.

When Parental Leave follows Additional Maternity Leave the employee is entitled to return to the same job unless it is not reasonably practicable. In such a case the employee is entitled to be offered suitable alternative work.

#### **h) Entitlements During Parental Leave**

During Parental Leave the employee's contract of employment continues in force and they are entitled to receive all contractual benefits, except for normal pay.

The employee will continue to accrue holiday entitlement during Parental Leave.

#### **i) Further Information**

For further information about this policy please contact the HR Department.

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## 8. Dependants Leave Policy and Procedure

### a) Policy Statement

All Employees have the right to take a reasonable period of time off to deal with an emergency involving a dependant, and not to be dismissed or suffer a detriment for doing so.

### b) Scope

This policy applies to all employees regardless of their length of service.

### c) Definitions

A **dependant** is:

- A spouse or civil partner.
- A child or parent.
- A person who lives with the employee other than as their employee, tenant, lodger or boarder.
- Any other person who would reasonably rely on the employee for assistance if they fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury
- In relation to the disruption or termination of care for a dependant, any other person who reasonably relies on the employee to make arrangements for the provision of care.

An **emergency** is a situation that is unexpected for example:

- To provide assistance when a dependant falls ill, gives birth or is injured or assaulted.
- To make arrangements for the provision of care for an ill or injured dependant.
- To deal with the death of a dependant.
- To deal with unexpected disruption or termination of arrangements for the care of a dependant.
- To deal with an incident that involves their child and occurs unexpectedly while the child is at school/another educational establishment.

### d) Eligibility

From day one of employment all employees have the right to time off for dependants.

Time off for dependants does **not** cover domestic emergencies such as a boiler breakdown; the care of pets; or a planned event such as a child's hospital appointment and employees should speak to their manager about how best to deal with such situations.

### e) Length of Time Allowed

The amount of leave will depend on individual circumstances but normally should not be more than one or two days. The employee must actively seek alternative longer-term arrangements for the care of a dependant as soon as possible after the emergency occurs.

If the employee is unable to make alternative arrangements, they must contact the manager and explain why further absence is required. If further time off is needed this no longer qualifies as time off for dependants and it is at the absolute discretion of the Company whether or not to grant holiday or unpaid leave at short notice.

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If an employee knowingly provides false information in relation to taking time off for dependants, this may be treated as a disciplinary matter, which could potentially amount to gross misconduct, rendering the employee liable to summary dismissal.

## **f) Bereavement**

Time off for dependants allows employees time off to arrange or attend the funeral of a dependant.

Time off for dependants does not allow for time off to cope with the emotional effects of a bereavement and in this case the employee should speak to their manager or consider speaking to their Doctor. For more information on leave relating to bereavement please see the Sickness and Other Time Off Policy.

## **g) Notifying the Company of a Need to Take Dependants Leave**

Employees need to tell their manager or a member of the HR Department as soon as possible about their absence, the reason for it and how long they expect to be away from work. If the employee becomes aware of an emergency situation while at work, they should immediately speak to their manager about leaving work early.

If possible, an employee should seek approval from their manager before taking Dependants Leave. If the employee is unable to contact the manager before taking time off for dependants, they should contact the manager as soon as possible.

The employee must inform the manager as soon as possible of any change in the anticipated date of their return to work.

Periods of Dependants Leave will be recorded by the Company on the employee's personal record.

## **h) Pay During Dependants Leave**

The right to time off for dependant care is unpaid.

## **i) Further Information**

For further information about this policy please contact the HR Department.

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## 9. Carers Leave Policy and Procedure

### a) Policy Statement

This policy sets out the statutory right of employees to Carer's Leave to provide or arrange care for a dependant with a long-term care need, and other support that we offer to combine work with care.

The Company recognise the challenges that carers face while trying to balance the demands of caring, work, and looking after their own health. As a Company, we are committed to doing what we can to help to ensure that the health and wellbeing of employees with caring responsibilities is looked after.

### b) Scope

This policy applies to all employees regardless of their length of service.

### c) Definition

A carer is anyone with caring responsibilities who provides care, assistance and support to any other individual who may be seriously ill or unable to care for themselves.

Carers might find it difficult to distinguish their caring role from the personal relationship they have with the individual they are caring for, be it a relationship with a spouse, civil partner, child, parent, or friend. Therefore, some employees may not immediately identify themselves as a carer.

The activities that carers undertake are wide ranging, including but not limited to:

- Help with personal care.
- Help with mobility.
- Managing medication.
- Practical household tasks.
- Emotional support.

### d) Supporting our Employees

The Company recognises that caring can be unpredictable and emotionally upsetting. An employee may acquire caring responsibilities overnight or caring responsibilities may develop over time.

The Company understands that caring is a subject that not everyone finds it easy to talk about. However, employees need to be as open as possible about any issues that they are experiencing to ensure that they are provided with the right level of support.

Employees are encouraged to speak to their manager or a member of the HR Department about their caring responsibilities to explore how the Company can help them with any challenges that they are facing.

Any information disclosed by the employee during discussions with their manager or the HR Department will be treated sensitively and in strict confidence.

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## e) Entitlement

Regardless of length of service, employees have a statutory right to take Carer's Leave to provide or arrange care for a dependant if they have a long-term care need.

In the context of Statutory Carer's Leave, a dependant means:

- A spouse, civil partner, child or parent.
- Any person who lives in the same household (other than as a lodger, tenant, boarder, or employee); or
- Any other person who would reasonably rely on them to provide or arrange care.

A dependant has a long-term care need if they:

- Have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months.
- Have a condition that amounts to a disability under the Equality Act 2010; or
- Require care for a reason connected to their old age.

This statutory right to Carer's Leave applies to a wide range of caring situations, but excludes general childcare, except where their child meets the definition of a dependant with a long-term care need.

## f) Leave

The amount of Carer's Leave that can be taken is up to one week in any 12-month rolling period.

A week of Carer's Leave is the same duration as a normal working week, meaning an employee working five days per week is entitled to five days' Carer's Leave in any 12-month rolling period. For employees who are contracted to work four days per week, their entitlement is four days of Carer's Leave in any 12-month rolling period, and so on.

Employees can take the leave in one continuous block, as individual days, or as half days.

If the employee is caring for more than one dependant, they do not have a separate entitlement to Carer's Leave for each dependant.

## g) Notice Required

If an employee needs to take Carer's Leave, they should submit this in writing to their manager by completing **FORM CA1**

The Company requests employees give as much notice as possible when requesting Carer's Leave so that the absence can be planned for. In any event, the employee must give notice in advance that is either twice the number of working days that they wish to take as Carer's Leave, or three days, whichever is earlier. For example, if the employee wishes to take five days as Carer's Leave, then they must give the Company ten working days' notice.

All Carer's Leave must be approved in advance by the appropriate manager.

## h) Pay

Employees do not have a statutory right to be paid during Carer's Leave, therefore, any leave taken as Carer's Leave is unpaid.

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While sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement continues to accrue.

## **i) Postponing and Cancelling**

While every effort will be made to meet the request, the manager may postpone a period of Carer's Leave if they consider that the employees' absence will disrupt the operation of the business.

If a decision is taken to postpone the employees leave, the manager will consult with them to find an alternative leave period within one month of the Carer's Leave period originally requested.

The Company will write to the employee within seven days of receiving leave request, clarifying the reason for the postponement and the revised dates on which the Carer's Leave can be taken.

An employee can cancel their Carer's Leave and take it at a different time as long as they let their manager know before the leave has started.

A period of Carer's Leave cannot be cancelled or amended once it has begun.

## **j) Returning to Work**

Following a period Carer's Leave, the employee has the right to resume working in the same job as before the period of leave on terms and conditions that are no less favourable than the terms that would have applied had they not been absent. The employee's continuity of employment is not affected by taking Carer's Leave.

## **k) Our Commitment to our Employees**

Employees have the right not to be subjected to any detrimental treatment because they have taken, sought to take, or made use of the benefits of Carer's Leave.

If anyone is told not to take or request Carer's Leave, or they believe that they have been subjected to detrimental treatment because they have taken or requested Carer's Leave, the matter should be reported to HR Department.

Any such behaviour will not be tolerated and will be treated as a disciplinary offence.

## **l) Alternative Leave**

The statutory right to Carer's Leave is intended to be for planned and foreseen caring commitments. If an employee needs to take time off to manage an unexpected or sudden problem relating to a dependant and make any necessary longer-term caring arrangements, this leave would be classed as Dependant's Leave, for further information please refer to the Dependants Policy and Procedure.

The Company recognise that employees may need a longer period off work that goes beyond their statutory entitlement to Carer's Leave under this policy. In such cases, their manager may agree for them to take the time off work as annual leave.

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## m) Requesting Flexible Working

The Company acknowledges that flexible working arrangements can help navigate the challenges of caring while also working. Where an employee feels that they would benefit from a permanent or temporary change to their working arrangements to help balance their work and caring responsibilities, we encourage them to look at requesting this following the Company's Flexible Working Policy and Procedure.

## n) Support

There are various organisations that provide help and support to carers, including:

- Carers [UK](#), which provides help and advice for carers on employment rights, benefits and tax credits, assessments, and other practical matters for carers;
- the [NHS website](#), which provides a wealth of information and advice for carers;
- [Grace Care Consulting](#), which provides advice and support on care, special needs and neurodiversity, al needs and neurodiversity.
- [Age UK](#) and [Independent Age](#), which offer information and support to anyone providing informal unpaid care to an older person through a range of local services;
- [Contact a Family](#), which provides support, advice and information to families with disabled children; and
- Carers [Trust](#), which works with other organisations to provide access for carers to breaks, information, advice, education, training, and employment opportunities.

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## 10. Flexible Working Policy and Procedure

### a) Policy Statement

This policy sets out the Company's approach to flexible working arrangements which is in accordance with the ACAS Code of Practice and guidance on handling requests to work flexibly in a reasonable manner.

This policy aims to encourage employees to consider flexible working arrangements. The Company recognises that a better work-life balance can improve employee motivation, performance, and productivity, and reduce stress. Therefore, the Company wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning, and other interests. The Company is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the Company and the employee can be met.

It is the Company's policy to encourage open discussion with employees. An employee that thinks they may benefit from flexible working is encouraged to contact their manager or the HR Department to arrange an informal discussion to talk about the options.

### b) Scope

This policy applies to all employees. Requests for flexible working may be for any reason and are not restricted to employees with family care commitments.

Under the Flexible Working Act 2023, all employees have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly subject to the eligibility conditions set out below.

### c) Definitions

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are the typical arrangements that employees will request but the Company recognises that there may be alternatives or a combination of options which are suitable to both the Company and the employee:

- Part-time working
- Homeworking
- Hybrid working
- Flexitime
- Job sharing
- Compressed hours
- Annualised hours
- Term-time working

### d) Eligibility

To make a request under this policy an employee must:

- Be employed by the Company and therefore does not include agency workers.
- Employees will be able to make two applications in any 12-month period for

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a flexible work pattern. However, employees will be allowed only one "live" request with the same employer. The first request must have been concluded before a second request is submitted. A request will be concluded if:

- A decision has been made (including any appeal).
- The application is withdrawn.
- An agreed outcome is reached.
- The two-month decision period ends.

## e) Principles

The Company will try to accommodate requests where possible and may also, if appropriate, explore alternative flexible arrangements with the employee in order to reach a mutually beneficial arrangement. This will normally be within a calendar month of the manager and a member of the HR Department receiving the request. The whole process, including any possible appeal against the decision will be conducted within a maximum of 2 calendar months. This timescale may be extended with agreement of both parties.

An employee does not have the right to work flexibly but has the right to request to do so.

Any reduction in working hours as a result of a change in working pattern would result in a reduction of pay and any change in working hours will be permanent unless otherwise agreed.

## f) Informal, Temporary or Trial Periods

If an employee only needs to change their working pattern for a short, temporary period, or is unsure as to whether the change being considered is suitable for them and their team, a trial or temporary change may be agreed with the manager. This should not be for more than 2 months' duration.

## g) Considering Retirement Run Down

Whilst there is no requirement for employees to retire from work at a specified age, it is possible that employees may want to decrease their hours as they approach the time that they would like to retire.

Any employee considering this should make a Flexible Working Request, stating clearly the date they plan to retire from work. This will enable the Company to consider whether the request is viable for that fixed period.

If an agreement is reached on a reduction of hours leading up to retirement, the Company will require notice of resignation in writing before any agreed change in hours can be implemented. This is necessary because any decision will have been based on the expectation that the reduced hours will be for a defined period only.

## h) How to Apply

Applications should be put in writing to the HR Department using **Form FWA1** at the end of this policy.

The application must include:

- The date of the application.
- The changes the employee is seeking to their terms and conditions.

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- The date the employee would like the proposed change to come into effect.
- Whether this is a statutory or non-statutory request.
- Whether a previous application for flexible working has been made.
- The dates of any previous applications.

On receipt of the written application, HR will liaise with the manager and arrange to meet with the employee at a mutually convenient time to discuss their request. This will usually be within 28 days of the date of the request.

There is no statutory right to be accompanied but the employee may, if they wish, be accompanied by either their trade union representative or work colleague. The manager may, if they wish, be accompanied by a representative from HR. Should the employee be unable to attend the meeting, a further meeting will be arranged within 5 working days. However, if they fail to attend this meeting without good reason the application will be considered to have been withdrawn and the employee informed of this decision.

Meetings will be face-to-face wherever possible but may be conducted via video conferencing to support employees where a face-to-face meeting may cause delay.

Any request will be considered, if necessary, an appeal held, and a final decision made within a maximum of two months from the date of the request. It may be necessary to agree an extension to allow for any trial period before making a decision.

### **i) Recording of Meetings**

The employee, or any person acting on their behalf, is not normally permitted to record electronically any meeting held by the Company as part of the Disciplinary Process. This is to encourage openness and full participation by all parties during meetings. Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal.

In certain limited circumstances, the Company may permit the meeting to be recorded electronically. For example, where the employee is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010. Where the Company permits the meeting to be recorded electronically, it will take responsibility for making the recording.

### **j) The Decision**

Decisions will be based on whether a request can be granted on business grounds. The Company's ability to maintain effective business processes is paramount. If the request may be problematic the reasons will be discussed with the employee to see if there are alternative suggestions/options.

Not all working patterns or flexible working options will be suitable to all departments or processes. It may also be difficult to accommodate flexible working request from a number of employees in the same area.

Each request will be considered on a case by case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change.

Where the Company accepts an employee's Flexible Working Request in its entirety, or a modified or alternative arrangement is agreed following consultation, the Company and employee may agree not to hold a formal meeting to discuss the request.

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If a request cannot be accepted in full, the Company will consult with the employee about any modifications, or alternative options, that may still benefit the employee, including whether a trial period would help to assess the feasibility of the request.

The request may be granted in full, in part or refused.

Once a decision has been reached and any approval given, the manager will inform the employee of the outcome, which may be to:

- Agree to a new work pattern and a start date
- Confirm a compromise agreed with the employee
- Propose a temporary/trial arrangement
- Consult with the employee and explain the clear business reason as to why the application cannot be accepted.

This reason must be one of those listed below.

The decision will be confirmed in writing by the HR Department no later than seven days after the date of the meeting.

## **k) Grounds for Refusing a Request**

The manager should carefully consider the advantages, possible costs and potential logistical implications of any request.

An application may only be rejected for one or more of the following business reasons and this/these will be communicated in the decision letter:

- The burden of any additional costs is unacceptable.
- An inability to reorganise work among existing staff.
- An inability to recruit additional staff.
- The Company considers the change would have a detrimental impact on quality.
- The Company considers the change would have a detrimental impact on the performance of the individual, the process or the Company.
- There is insufficient work during the periods that the employee proposes to work.
- Where the requested changes will not fit in with planned structural changes.

## **l) Appeals Procedure**

The employee can appeal the decision if their request is refused or only agreed in part.

The employee may appeal the decision within 5 working days of the decision being notified to them. The grounds for the appeal should be put in writing to the HR Department.

A manager not previously involved in the application will review the application. They may, as they feel necessary, request further information and/or evidence from the applicant or decision maker. A meeting will be arranged with the employee to discuss the grounds of their appeal and they have the right to be accompanied at this meeting by a work colleague or trade union representative.

The manager will notify the employee of the outcome of the appeal within 7 working days of being asked to review the application. Their decision is final.

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#### **m) Terms and Conditions**

Where a flexible working request which results in a reduction in working hours is approved, the employee's salary and benefits will be pro-rated to reflect the new working hours.

A successful application will result in a permanent change to the employee's terms and conditions of employment. However, there may be occasions where it may be appropriate to agree a temporary change such as, an agreed trial period.

#### **n) Further Information**

For further information about this policy or for any questions or concerns about the new contract of employment the employee should contact the HR Department.