

<b>POLICY NAME</b>	<b>Family Leave Policy</b>
<b>PURPOSE</b>	<b>To ensure that the Company complies fully with Family Leave legislative requirements, and that all employees are aware of the various initiatives that are available to them.</b>
<b>APPLIES TO</b>	<b>All Staff</b>
<b>DATE IMPLEMENTED</b>	<b>April 2015</b>

## **1 Introduction**

1.1 Igloo Transport & Automotive Staffing Solutions Ltd ('the Company'), appreciates that its employees have domestic arrangements that are vital to their well-being. The Company therefore recognise the need for special provisions to be in place to enable employees to deal with domestic responsibilities.

1.2 This policy covers the following entitlements:

- Maternity Leave and Pay
- Paternity Leave and Pay
- Adoption Leave and Pay
- Shared Parental Leave
- Parental Leave (unpaid)
- Compassionate Leave
- Bereavement Leave
- Time off for Dependents

1.3 The policy complies with current legislation and codes of practice.

## **2 Eligibility**

2.1 The Family Leave Policy applies to both full-time and part-time employees, no matter how many hours they work, provided that they satisfy the appropriate qualifying conditions.

## **3 Breach of the Policy**

3.1 Disciplinary action, up to and including summary dismissal, may be taken if an employee is in breach of this policy or falsifies records in any way.

## **4 MATERNITY LEAVE AND PAY**

### **4.1 Introduction**

4.1.1 As part of its family leave provisions, the Company aims to support all pregnant employees by complying with the provisions of The Maternity and Parental Leave etc Regulations 1999 and related legislation, and by providing a source of information and advice on entitlements and procedures.

4.1.2 This section of the policy outlines all of the necessary information an employee should need in relation to Maternity Leave and Maternity Pay entitlements. It also provides a framework to ensure the obligations of both the Company and the employee are met.

4.1.3 Employees are encouraged to refer to the Glossary of Terms and Key Dates chart at the end of this document.

## **4.2 During Pregnancy**

### **4.2.1 Notifying the Company of the Pregnancy**

- a) Whilst a pregnant employee is not obliged to inform the Company of her pregnancy until the Qualifying Week (15<sup>th</sup> week before the expected week of childbirth (EWC)), we would nevertheless encourage an employee to inform her immediate Manager as soon as possible, for reasons of health and safety.
- b) When notifying her Manager of her pregnancy an employee must provide the following information:
  - The week the baby is expected to be born
  - When they want their maternity leave to start and a provisional return to work date (this must be in writing)
  - The original MATB1 certificate, provided by the employee's doctor or midwife.
- c) In the case of a premature birth, an employee must advise her immediate Manager of the birth as soon as is reasonably practicable and produce a MAT B1 form which is can be obtained from a doctor or midwife.

4.2.2 Following the notification of a woman's pregnancy, Managers should carry out a Risk Assessment to assess any possible risks. Where it is felt there may be a risk, the Company will take all necessary steps to eliminate that risk and inform the employee of any potential dangers. This may include a temporary change in role or in some cases may result in a temporary suspension from duties.

### **4.2.3 Illness during Pregnancy.**

- a) If a pregnant employee is absent from work with a pregnancy related absence during pregnancy before the beginning of the 4<sup>th</sup> week before the expected week of childbirth, they will be entitled to receive sick pay under the Company's normal sick pay procedures.
- b) If an employee is absent from work with a pregnancy-related condition after the beginning of the 4<sup>th</sup> week before the expected week of childbirth, ordinary maternity leave (OML) will automatically commence. The maternity leave start date will be recorded as the 2<sup>nd</sup> day of the absence period

### **4.2.4 Complications with Pregnancy**

- a) If the pregnancy ends in a stillbirth or miscarriage more than 24 weeks into the pregnancy, the employee will still be entitled to take maternity leave and receive statutory maternity pay (SMP) (or Maternity Allowance).

- b) If an employee miscarries before the 24<sup>th</sup> week of pregnancy, ordinary sick leave and compassionate leave rules will apply.

#### 4.2.5 Time off for Antenatal Appointments

- a) All pregnant employees are entitled to reasonable paid time off for antenatal care appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care may include relaxation and parent craft classes, provided that the attendance is based on the advice of a healthcare professional. Employees must notify their Manager as far in advance as possible of the date and time of their antenatal appointments.
- b) Time off for antenatal care will be paid at the employees normal rate of pay. Managers are entitled to request to see evidence of antenatal appointments, except for the first appointment.
- c) Fathers and partners also have a legal right to take unpaid time off to attend antenatal appointments if they are in a “qualifying relationship” with a pregnant woman. This includes:
- A pregnant woman’s husband, partner or civil partner, i.e. if she’s in a same-sex relationship;
  - The father of the expected child;
  - The parent of the expected child; and
  - The intended parents in a surrogacy situation who meet specified conditions.

The right is to time off for up to two antenatal appointments for a maximum of 6.5 hours each and the appointment must have been made on the advice of a registered medical practitioner, midwife or nurse. Employees must put in requests for time-off to their immediate Manager.

The Manager of the person requesting time off may ask for a signed declaration confirming these conditions are satisfied. The declaration must also state the date and time of the appointment and that the employee or agency worker has a qualifying relationship with the pregnant woman or expected child.

This right applies to employees from day one of employment, i.e. no continuous period of employment is required. Agency workers also have the right to time off, provided they have been working in the same role for at least 12 weeks.

### **4.3 Entitlement to Maternity Leave**

- 4.3.1 All pregnant employees, regardless of length of service, are entitled to take up to 52 weeks Maternity Leave, made up of 26 weeks Ordinary Maternity Leave (OML), and 26 weeks Additional Maternity Leave (AML).

#### 4.3.2 Ordinary Maternity Leave (OML)

- a) OML lasts for 26 weeks. This leave may begin any time from the 11<sup>th</sup> week before the expected week of childbirth up to the birth itself.

- b) Maternity leave will automatically be triggered for employees who chose to take annual leave before their maternity leave start date, but who have the baby early.
- c) A woman is required, by law, to refrain from work for a minimum of 2 weeks following childbirth. This two week period is part of the OML and not an addition.

#### 4.3.3 Additional Maternity Leave (AML)

- a) AML is a further 26 weeks leave commencing on the day immediately after the last day of OML (giving the maximum of one year's leave). There must not be a gap between OML and AML.
- b) The Company will assume that all pregnant employees intend to take the maximum 52 weeks maternity leave unless the employee informs her immediate Manager otherwise.

#### 4.3.4 Notification of intention to commence Maternity Leave

- a) An employee is encouraged to inform her immediate Manager of the date she intends to commence Maternity Leave as soon as possible so that operational needs can be considered, but in any event, must give at least 28 days' notice of the start date.
- b) This date can be changed provided that 28 days' notice of the change is given. Maternity leave cannot commence before the beginning of the 11<sup>th</sup> week before the EWC.
- c) The employee must also submit their MATB1 form to her immediate Manager as soon as possible. This will be provided to the employee by a doctor or midwife. Failure to submit the MATB1 before the 3<sup>rd</sup> week of an employee's Maternity Leave may result in non payment of SMP.

### **4.4 Entitlement to Maternity Pay**

#### 4.4.1 Statutory Maternity Pay (SMP)

- a) Employees who have 26 weeks continuous service or more by the 15<sup>th</sup> week before the EWC are entitled to SMP, providing their weekly earnings are equal to or exceed the lower earnings limit for National Insurance.
- b) SMP for the full 52 weeks maternity leave is paid at the following rates:
  - The first 6 weeks at 90% of normal weekly earnings (8 week average earnings for commission based roles)
  - The following 33 weeks at a weekly statutory rate (please consult your Manager for confirmation of this amount) or 90% of the normal weekly earnings, whichever is the lower amount. This statutory amount is reviewed by the government every April (see [www.gov.uk](http://www.gov.uk) ).
  - The remaining 13 weeks of leave are unpaid.
- c) If an employee decides to return to work before the 39<sup>th</sup> week of Maternity Leave, the entitlement to any remaining SMP will be lost.

#### 4.4.2 Maternity Allowance

- a) Employees with less than 26 weeks continuous service by the 15<sup>th</sup> week before the EWC are not entitled to SMP but may be entitled to Maternity Allowance (MA) if the following criteria are met:
  - They have been employed or self-employed for at least 26 weeks in the 66 weeks preceding the week before the expected week of childbirth; and
  - Their average weekly earnings during that period were over the minimum statutory amount, specified by the government (see [www.gov.uk](http://www.gov.uk)).
- b) More information regarding Maternity Allowance can be obtained through the local Jobcentre Plus office.

#### 4.5 **During Maternity Leave**

##### 4.5.1 Keeping in Touch Days

- a) It may be in the interests of both the employee and the department to keep in touch during the maternity leave period. Employees therefore have the option to work up to 10 'Keeping in Touch' (KIT) days (to attend relevant training sessions and meetings, etc.) during their maternity leave without affecting their Maternity Leave or Pay. The date and payment are to be agreed in advance.
- b) These days can be taken at any time during an employee's Maternity Leave, except for the first two weeks following the birth. The working days will depend on the needs of the business, and must be agreed by both the employee and their immediate Manager. There is no obligation to attend work should an employee not wish to do so, and there is protection from detriment for an employee for refusing to take their KIT days.

During the maternity leave period, we would encourage Managers and employees to keep in regular contact with each other. The amount and type of communication should be agreed prior to the employee going on maternity leave.

##### 4.5.2 Annual Leave

- a) Employees will retain their contractual annual leave entitlement throughout Ordinary and Additional Maternity Leave.
- b) An employee must plan to use their leave entitlement for that year during her pregnancy or before the maternity leave start date. This is due to the fact that it is Company policy that accrued annual leave should not be carried over from one leave year to the next unless in exceptional circumstances and at the discretion of the Company.

#### 4.6 **Return to Work**

##### 4.6.1 Date of Return

- a) A preliminary return to work date should be agreed before the maternity leave period commences.

- b) Should an employee wish to return before the 52 weeks have expired, she must give at least 8 weeks' notice, in writing, to her immediate Manager. Failure to give 8 weeks' notice may result in the return date being postponed in order to provide 8 weeks' notice. However, a Manager can consent to less notice at their discretion should it fit with the needs of the business.
- c) Women returning from OML have the right to return to the same job, unless a redundancy situation arises. Following a period of AML, an employee is entitled to return to the same job unless it is not reasonably practicable for an employee's position to be held open. An employee may not be able to return to her previous role, but has the right to be offered a position that is as suitable for her as possible – a similar job which has the same status, terms and conditions as the previous job.

#### 4.6.2 Non Return to Work

- a) If an employee does not wish to return after her maternity leave she must indicate this in writing to her immediate Manager, giving notice as per her contract of employment.
- b) If the employee knows before she goes on Maternity Leave that she does not wish to return, she should inform the Company of this fact. In this instance, the last day of employment with the Company will be recorded as the last day of statutory maternity leave unless an earlier termination date is provided.

### 4.7 **Additional Information**

#### 4.7.1 Pension Contributions

- a) Contributions will be deducted from an employee's SMP unless the Company are instructed otherwise. Employees will have their deductions stopped after the period of SMP has ended, but will have the option to contribute for any lost months upon return to work if they so wish.

#### 4.7.2 Employee Obligations

- a) Whilst receiving Maternity Pay, an employee must inform the Company if they:
  - Intend to return to work before the 52 Statutory Maternity weeks leave
  - Leave the European Economic Area
  - Are taken into legal custody
  - Undertake work for another employer

## 5 **PATERNITY LEAVE AND PAY**

### 5.1 Introduction

5.1.1 As part of its family leave provisions, the Company aims to support all employees who have a pregnant partner by providing them with Paternity Leave and Paternity Pay in accordance with employment legislation, and by providing a source of information and advice on entitlements and procedures.

5.1.2 No employee will be treated less favourably, suffer detriment or be dismissed because they request or take Paternity Leave. However, the misuse of Paternity Leave, such as the use of leave for reasons other than to care for the child or support

the mother or partner, or failure to follow the correct procedure may result in disciplinary action.

## **5.2 Entitlement to Paternity Leave**

### **5.2.1 Birth or Adoptive Situations**

In order to qualify for Paternity Leave in birth or adoptive situations an employee requesting to take Paternity Leave must:

- Have worked continuously for 26 weeks by the beginning of the 15<sup>th</sup> week before the baby is due to be born, or the end of the week in which the child's adopter is notified of being matched with the child
- Be the child's biological father, and have, or expect to have, responsibility for the child's upbringing; OR be the spouse or partner of the mother (including same-sex partners), and have, or expect to have, responsibility for the child's upbringing; and
- Give the correct notice

### **5.3 Notification of Intention to take Paternity Leave**

5.3.1 An employee should inform their Manager of their intention to take Paternity Leave as soon as possible, but no later than the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC) or no later than 7 days after receiving notification of placement in the case of adoption.

5.3.2 The employee must complete a Paternity Leave Form which can be obtained from their Manager. The completed form must then be returned to the employees Manager.

### **5.4 Paternity Leave**

- Paternity leave is for a maximum of 2 weeks.
- The employee may take the leave in a block of one or two consecutive weeks.
- Employees who wish to take only one week of leave may not take the other week at a later stage.
- Leave must be taken within 56 days of the birth of the child or, in the case of adoption, within 8 weeks of the placement.
- If the baby is born early, the 56 day limit remains from the Expected Week of Childbirth, and not the birth date.
- Leave can commence on any day of the week, which, may include the day on which the child is born or adopted.
- Statutory Paternity Leave may not be taken before the birth or adoption of a child.
- The length of Statutory Paternity Leave is unaffected by multiple births or if more than one child is adopted as part of the same placement.

### **5.5 Statutory Paternity Pay**

5.5.1 Employees who are eligible to receive Paternity Pay will receive (for each week they are on leave) the Statutory rate or 90% of their average weekly earnings at the time, whichever is lower. Employees can obtain the rate for Paternity Pay from their Manager.

5.5.2 Employees must have completed the Paternity Leave Form in order to qualify for Paternity Leave and Pay.

5.5.3 Employees who do not qualify for SPP should contact their local benefits agency.

#### 5.6 Additional Paternity Leave and Pay

This is now in a transitional period with shared parental leave. For further details on this right please contact [your manager/HR].

## **6 ADOPTION LEAVE AND PAY**

### **6.1 Introduction**

6.1.1 As part of its Family Leave provisions, the Company is obliged to support all employees who are adopting a child, by complying fully with employment legislation, and allowing the employee adequate time off work to adjust to having a child and to spend time getting to know the child.

6.1.2 This section of the policy outlines all the necessary information an employee should need in relation to Adoption Leave and Adoption Pay entitlements.

6.1.3 It also provides a framework to ensure the obligations of both the Company and the employee are met.

6.1.4 Adoption leave is available to individuals who adopt, or to one partner of a couple where the couple adopt jointly a child up to the age of 18 years (subject to certain qualifying conditions such as where an approved adoption agency has notified an adopter of a match with a child).

### **6.2 Entitlement to Adoption Leave**

6.2.1 All eligible employees, regardless of length of service are entitled to take up to 52 weeks Adoption Leave made up of 26 weeks Ordinary Adoption Leave (OAL), and 26 weeks Additional Adoption Leave (AAL).

6.2.2 To qualify for adoption leave an employee must be newly-matched with a child for adoption by an approved adoption agency.

6.2.3 Employees are only entitled to one period of leave even if more than one child is placed for adoption.

#### 6.2.4 Ordinary Adoption Leave (OAL)

OAL lasts for 26 weeks. Employees may commence their leave:

- On the date of the child's placement; or
- On a fixed date which can be up to 14 days before the expected date of placement (EDP); and
- This can be any day of the week

### 6.2.5 Additional Adoption Leave (AAL)

AAL is a further 26 weeks leave commencing on the day immediately after the last day of OAL. This will give the maximum of 1 year's leave. There must not be a gap between OAL and AAL.

Eligible employees must inform their Manager about the amount of OML and AML they intend to take, up to a maximum of 52 weeks.

## 6.3 **Notification of Intention to take Adoption Leave**

6.3.1 An employee should inform his or her Manager of the date they intend to commence Adoption Leave as soon as possible, but no later than 7 days (unless this can be justified) following notification by the adoption agency of a match. This is to enable operational arrangements to be made. This date can be changed providing that the Manager is given 28 days' notice of the change. Adoption leave cannot commence before 14 days of the expected date of placement.

6.3.2 The employee must complete the Notification of Adoption Leave form (to be obtained from their Manager) and return it to their Manager together with their Matching Certificate from the adoption agency at least 28 days before the desired start date of adoption leave in order to qualify for Statutory Adoption Leave and Pay.

## 6.4 **Statutory Adoption Pay**

6.4.1 Employees who have 26 weeks continuous service or more by the 15<sup>th</sup> week before the EDP are entitled to Statutory Adoption Pay, providing their weekly earnings are equal to or exceed the lower earnings limit for National Insurance.

6.4.2 Statutory Adoption Pay for the full 52 weeks adoption leave is paid at the following rates:

- The first 6 weeks at 90% of normal weekly earnings (8 week average earnings for commission based roles)
- The following 33 weeks at a weekly statutory rate (please consult your Manager for confirmation of this amount) or 90% of the normal weekly earnings, whichever is the lower amount. This statutory amount is reviewed by the government every April (see [www.gov.uk](http://www.gov.uk) ).
- The remaining 13 weeks of leave are unpaid.

6.4.3 If an employee decides to return to work before the 39<sup>th</sup> week of Adoption Leave, the entitlement to any remaining statutory adoption pay will be lost.

## 6.5 **During Adoption Leave**

### 6.5.1 Keeping in Touch Days

It may be in the interest of both the employee and the department to keep in touch during the adoption leave period. Therefore, employees have the option to work up to 10 'Keeping in Touch' (KIT) days (to attend relevant training sessions and meetings, etc.) during their adoption leave without affecting their Adoption Leave or Pay. Payment and days are to be agreed in advance.

The days can be taken at any time during their Adoption Leave. The working days will depend on the needs of the business, and must be agreed by both the employee and their Manager. There is no obligation to attend work should an employee not wish to do so.

#### 6.5.2 Communication

During the adoption leave period, the Company encourages Managers and employees to keep in regular contact with each other. The amount and type of communication should be agreed prior to the employee going on adoption leave.

#### 6.5.3 Annual Leave

Employees will retain their contractual annual leave entitlement throughout Ordinary and Additional Adoption Leave.

An employee must plan to use their leave entitlement for that year during their adoption leave, before the adoption leave start date or at the end of their adoption leave. It is Company policy that accrued annual leave should not be carried over from one leave year to the next unless in exceptional circumstances and at the discretion of the Company.

### **6.6 Return to Work**

#### 6.6.1 Date of Return

A preliminary return to work date should be agreed before the adoption leave period commences. Should an employee wish to return before the 52 weeks have expired, he or she must give at least 8 weeks' notice in writing to their Manager. Failure to give 8 weeks' notice may result in the return date being postponed in order to provide 8 weeks' notice. However, a Manager can consent to less notice being given for business needs.

Employees returning from OAL have the right to return to the same job, unless a redundancy situation arises. Following a period of AAL, an employee is entitled to return to the same job unless it is not reasonably practicable for an employee's position to be held open. An employee may not be able to return to his or her previous role, but has the right to be offered a suitable alternative position.

#### 6.6.2 Non Return to Work

If an employee does not wish to return after their adoption leave, they must give notice of termination as outlined in their contract of employment.

If the employee knows before they go on Adoption Leave that he or she does not wish to return they should inform the Company of this fact. The last day of employment with the Company will then be recorded as the last day on which SAP was received.

## **6.7 Additional Information**

### **6.7.1 Pension Contributions**

Contributions will be deducted from an employee's SAP unless the Company are instructed otherwise. Employees will have their deductions stopped while they are on Additional Adoption Leave, but will have the option to contribute for any lost months upon return to work if they so wish.

### **6.7.2 Employee Obligations**

Whilst receiving Adoption Pay, an employee must inform the Company if they:

- Intend to return to work before the 52 Statutory Adoption weeks leave
- Leave the European Economic Area
- Are taken into legal custody
- Undertake work for another employer

## **7 SHARED PARENTAL LEAVE AND PAY**

### **7.1 Introduction**

7.1.1 This section of the Family Leave Policy should be read in conjunction with Section 4.0 Maternity Leave and Pay; Section 5.0 Paternity Leave and Pay and Section 6.0 Adoption Leave and Pay.

7.1.2 Shared Parental Leave enables eligible parents to share the care of their child during the first year of birth or adoption.

7.1.3 From 5<sup>th</sup> April 2015, employees who meet the eligibility criteria have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

7.1.4 Shared Parental Leave is intended to replace Additional Paternity Leave from 5<sup>th</sup> April 2015 however there is a transitional period whilst Additional Paternity Leave remains in force. Please speak to your manager for further details.

### **7.2 Shared Parental Leave (SPL)**

#### **7.2.1 Eligibility for SPL**

7.2.1.1 SPL can only be used by two people who must be in a qualifying relationship:

- The mother/primary adopter of the child (Parent 1) and
- One of the following (Parent 2):
  - the father of the child (in the case of birth) or
  - the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

SPL will be created where an eligible mother or primary adopter brings their maternity or adoption leave to an end early. This is called “curtailing” maternity or adoption leave. The untaken weeks of maternity or adoption leave can be taken as SPL.

7.2.1.2 To be eligible for SPL the following criteria must apply:

- the mother/primary adopter of the child (Parent 1) must be entitled to statutory maternity/adoption leave and/or pay (or maternity allowance) and must have ended or given notice to end any maternity/adoption entitlements;
- the employee requesting the leave must correctly notify the organisation of their entitlement **using the forms provided at the end of this policy** (see section 7.3 on notification).
- the employee requesting the leave must still be working for the organisation at the start of each period of SPL;
- the mother/adopter of the child (Parent 1) must pass the 'continuity of employment test' requiring them to have a minimum of 26 weeks' continuous service up to and including the 15th week before the child's expected due date/matching date;
- The second parent (Parent 2) must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of the minimum amount per week as defined by the government (see [www.gov.uk](http://www.gov.uk)) in any 13 of those weeks;

## 7.2.2 SPL Entitlement and Rules

7.2.2.1 Eligible employees may be entitled to take up to 50 weeks SPL. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave, the first two weeks of which must be taken by the mother/primary adopter of the child (see below):

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child (or four weeks for manual workers in a factory environment);
- The primary adopter can take SPL after taking at least two weeks of adoption leave;
- The father/partner/spouse (Parent 2) can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

7.2.2.2 Parents can choose to opt into Shared Parental Leave at any time, so long as there is some untaken maternity leave to share. This means that it is possible for both parents to take SPL at the same time.

7.2.2.3 SPL may be taken in a single continuous block or in smaller blocks of leave at a minimum of one week at a time (see section 7.6 on booking Shared Parental Leave).

7.2.2.4 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

7.2.2.5 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

7.2.2.6 Once the mother/adopter has given notice to end maternity/adoption leave and either parent has informed their employer of their entitlement to take SPL then the notice to end maternity leave is binding and cannot be withdrawn unless:

- within eight weeks of the mother submitting notice to end their maternity/adoption leave it transpires that neither parent qualifies for SPL or ShPP;
- when notice was given before birth, it may be withdrawn without a reason up to six weeks following the birth; or
- the mother/adopter's partner dies.

7.2.2.7 Up to three separate notices to book SPL can be issued (see section 7.6).

### 7.3 Notifying the Company of an entitlement to SPL

An employee who is entitled to SPL must notify their Manager of their entitlement and provide at least eight weeks' notice before they can take any period of SPL. Notification must be in writing, **using the forms provided at the end of this policy**.

### 7.4 Requesting further evidence of eligibility for SPL

The Company may, within 14 days of the SPL entitlement notification being given, request the following:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead);
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth);
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

### 7.5 Discussions regarding Shared Parental Leave

7.5.1 An employee considering taking SPL is encouraged to contact their Manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Company to support the individual.

Where a meeting is arranged it should take place in private and be arranged in advance. At the meeting the employee may, if they wish, be accompanied by a workplace colleague or trade union representative.

Any trade union representative invited to attend a meeting (who is not an employee of the Company) must produce evidence that he/she is employed by an independent trade union, or a written document from his/her trade union certifying their competence to act as a companion.

- 7.5.2 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work.

Parents who qualify for the right will need to decide if Shared Parental Leave is the best option for them. Ultimately it is for the mother or primary adopter to decide whether to end their maternity or adoption leave early and opt into Shared Parental Leave. They will need to consider their personal circumstances and should take into account such things as:

- When do they wish to return to work?
- The financial implications for the family e.g. pay and pensions
- How they will share the upbringing of the child

Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Company, and what the outcome may be if no agreement is reached.

## 7.6 Booking Shared Parental Leave

- 7.6.1 The employee has the right to submit **three notifications** specifying leave periods they are intending to take.

- 7.6.2 SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday.

- 7.6.3 The employee must book SPL by giving at least eight weeks' notice before the date on which they wish to start the leave and (if applicable) receive ShPP.

- 7.6.4 A notification can be for a period of **continuous leave**, which means a number of weeks taken in a single unbroken period of leave. An employee has the statutory right to take a continuous block of leave, so long as it does not exceed the total number of weeks of SPL available to them and the employer has been given at least eight weeks' notice.

- 7.6.5 A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work.

Where there is concern over accommodating the notification, the Company may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation (see section 7.5 "Discussions regarding Shared Parental Leave").

The Company will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

## 7.7 Responding to a SPL Notification

7.7.1 Once an employee's Manager receives a SPL booking notice, it will be dealt with as soon as possible, however a decision will be provided in writing no later than the 14th day after the leave request was made.

7.7.2 All decisions for continuous and discontinuous leave will be confirmed in writing. In cases of discontinuous leave, the decision will confirm whether the request may be granted in full or in part: for example, the organisation may propose a modified version of the request.

7.7.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the business.

Each request for discontinuous leave 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 pattern of SPL.

If a discontinuous leave pattern is refused then the employee may withdraw the request on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.

If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

## 7.8 Variations to arranged Shared Parental Leave

7.8.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Company in writing at least eight weeks before the date of any variation (signed by both parents). Any new start date cannot be sooner than eight weeks from the date of the variation request.

7.8.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one, from the total of three requests permitted (see section 7.6) However, a change as a result of a child being born early, or as a result of the Company requesting it be changed, and the employee being agreeable to the change, will not count as a further notification. Any variation will be confirmed in writing by the Company.

## 7.9 **Statutory Shared Parental Pay (ShPP)**

Shared Parental Pay (ShPP) will be triggered where an eligible mother or primary adopter chooses to bring their maternity/adoption pay or Maternity Allowance to an early end. The untaken maternity or adoption pay will become available as ShPP.

Eligible employees may be entitled to convert up to 37 weeks of the full (39 week) statutory maternity or adoption pay into ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

#### 7.9.1 Eligibility Criteria for ShPP

Not all employees who qualify for SPL will also be entitled to ShPP.

In order to qualify for ShPP, employees must:

- Meet the qualifying criteria for Shared Parental Leave (See section 7.2.1);
- Intend to care for the child during the week in which ShPP is payable;
- Remain in continuous employment until the week before the first week of ShPP has begun;
- The mother/adopter (Parent 1) must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- Parent 1 must also meet the normal weekly earnings test requiring them to have an average weekly earnings for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date/matching date no less than the lower earnings limit in force for national insurance contributions;

#### 7.9.2 Notifying the Company of an entitlement to ShPP

7.9.2.1 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP, **using the form provided at the end of this policy.**

7.9.2.2 Any ShPP due will be paid at a flat rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings, whichever is lower (see [www.gov.uk](http://www.gov.uk)).

### 7.10 **Terms and conditions during Shared Parental Leave and Pay**

#### 7.10.1 Contractual Benefits

During the period of SPL, employees are entitled to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

#### 7.10.2 Pension

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the Company's contributions will be based on the salary that the employee would have received had they not been taking SPL.

### 7.10.3 Annual Leave

Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where a SPL period overlaps two leave years, the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the holiday year.

### 7.10.4 Contact during Shared Parental Leave

The Company reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### 7.10.5 Shared Parental Leave in Touch days

An employee can agree to attend work for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. This is to enable the employee to attend relevant training sessions and meetings etc.

The Company has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work during the employee's SPL. Any work undertaken is a matter for agreement between the Company and the employee, as is any additional payment for such days.

## 7.11 **Returning to work after Shared Parental Leave**

### 7.11.1 Early Return

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Company at least eight weeks' written notice of their date of early return. This will count as one of the employee's notifications.

Where an employee has already used their three notifications to book and/or vary leave, the Company does not have to accept the notice to return early but may do so if it is considered to be reasonably practicable.

### 7.11.2 Right to Return

On returning to work after SPL, the employee is entitled to return to the same job if their aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

## 8.0 **PARENTAL LEAVE (UNPAID)**

### 8.1 **Introduction**

As part of its family leave provisions, the Company aims to support all employees who have parental responsibilities for young children, by complying with the provisions of the Maternity

and Parental Leave etc Regulations 1999, and providing information and advice on entitlements and procedures.

Parental Leave is a statutory entitlement for employees who meet the criteria detailed below.

The aim of Parental Leave is to enable employees to take unpaid time off to care for a child for reasons such as:

- Spending more time with young children
- Settling a child into new childcare arrangements
- Accompanying a child during a stay in hospital

## **8.2 Eligibility**

To be eligible for Parental Leave, the following conditions apply:

The employee must have at least 1 year's continuous service with the Company before applying.

The employee must have responsibility for a child who is under 18 years of age. This means must:

- Be the parent (named on the birth certificate) of a child who is under 18 years of age
- Have acquired formal parental responsibility under the Children Act 1989 for a child under 18
- Have adopted a child under the age of 18

Either parent may use the 18 week entitlement for each child, assuming they meet the required criteria above.

## **8.3 Leave Entitlement**

The following rules apply to all cases of Parental Leave:

- Periods of leave do not need to be consecutive, and can be taken any time up to the eligibility date
- An employee may not take more than 4 of the 18 weeks' leave per year, per child.
- Leave must be taken in blocks of 1 week (or 1 day in the case of disabled children). If less than 1 week is taken, a week of entitlement will still have been used.

### **8.3.1 Standard Leave**

Employees who meet the criteria are entitled to up to 18 weeks unpaid leave (or a pro-rata amount for part-time employees) for each child. The 18 weeks can be taken any time up to the child's 18<sup>th</sup> birthday or 18<sup>th</sup> year of placement for adoption.

### **8.3.4 Taking Parental Leave**

#### **8.3.4.1 Notification of Intention to take Parental Leave**

- Employees must apply for Parental Leave in writing to their Manager, at least 21 days before the date they wish the leave to commence. The employee must also specify the date they will be returning to work
- Employees may be required to provide evidence of their responsibility for the child, and the child's age
- Leave can be taken immediately after the birth of a child or adoption placement, providing that 21 days' notice is given before the Expected Week of Childbirth, or the expected adoption placement date
- The Company reserves the right to postpone the leave for up to 6 months, for operational business reasons
- Parental Leave taken with another employer counts towards the 18 week limit for each child.

#### 8.3.4.2 During Parental Leave

Employees will continue to accrue annual leave during periods of Parental Leave. Employees will also retain continuous service during Parental Leave.

#### 8.3.4.3 Return to Work

Employees returning from Parental Leave of 4 weeks or less will return to their previous job. If a longer period of leave has been taken the employee is entitled to return to the same job, or if this is not practicable, a similar job.

## 9 COMPASSIONATE LEAVE

Compassionate Leave may be granted to enable employees to attend personal domestic emergencies.

It may be granted in the following circumstances:

- On the imminent death or very serious illness of an immediate family member (spouse/civil partner, mother/father (including parents in law), son/daughter, sibling, grandparents)
- For urgent reasons, of an exceptional or personal nature, when the presence of the employee is considered essential to lessen domestic hardship

Each application will need to be considered on its individual merits. It is anticipated that Managers will be supportive during periods of domestic difficulty and consider, wherever possible, requests for flexibility in work arrangements and the ordering of work priorities.

The amount of time off and whether that time is paid or unpaid is at the discretion of the Company and will be considered on a case by case basis.

## 10 BEREAVEMENT LEAVE

All employees will be entitled to **up to three days** paid bereavement leave, on basic pay, in the event of the death of:

- Spouse/civil partner
- Mother/Father (including parents in law)
- Son/Daughter

- Siblings
- Grandparents

Any further time off whether this be paid or unpaid will be at the Company's absolute discretion.

## **11 TIME OFF FOR DEPENDANTS**

### **11.1 Introduction**

In cases of other unforeseen domestic incidents affecting a dependant, employees have a statutory right to take time off to provide assistance, or take action to deal with the emergency. A dependant is a spouse, partner, parent, child or any other person within the same household (who is not a lodger or employee).

### **11.2 Permitted Time Off**

Any time off that is requested must be necessary to enable the employee to deal with one of the following:

- To help when a dependant falls ill or is injured
- To make longer term care arrangements for a dependant who is ill or injured
- To take action required in consequence of the death of a dependant
- To cope when the arrangements for caring for a dependant unexpectedly break down
- To deal with an unexpected incident involving a dependant child during school hours or on a school trip

The amount of time off needed should be mutually agreed by the employee and their Manager in the first instance.

The period of leave must be reasonable enough for the employee to deal with the emergency, but this leave should not be used to provide long-term care. As a guide, leave should be for one or two days. Such leave will normally be unpaid.

Managers may request evidence to support the application for leave.

## Glossary of Terms

Term	What does this mean?
Expected Week of Childbirth (EWC)	This date is the Sunday prior to the estimated due date given on your Maternity Certificate.
MATB1 form	This is a certificate given by a doctor or midwife, usually after 20 weeks of pregnancy, which confirms the pregnancy, and the likely due date.
Statutory Maternity Leave (SML)	This is a period of leave (maximum 52 weeks) which every pregnant employee is entitled to, assuming she meets the criteria. This benefit is separate from Statutory Maternity Pay Provisions.
Statutory Adoption Leave (SAL)	This is a period of leave (maximum 52 weeks) which eligible employees in adoption situations are entitled to. This benefit is separate from Statutory Adoption Pay provisions.
Ordinary Maternity/Adoption Leave (OML/OAL)	This is the first 26 weeks of Maternity or Adoption Leave. All contractual benefits except for salary will be maintained and continuity of service is preserved. An employee also has the right to return to the same job.
Additional Maternity/Adoption Leave (AML/AAL)	This is a period of 26 weeks immediately following OML or OAL. All contractual benefits except for salary will be maintained and continuity of service is preserved. An employee has the right to return to the same job unless it is not reasonably practicable otherwise an employee has the right to return to a suitable alternative position.
Compulsory Maternity Leave	This is a two week period following the birth of a child. A woman is required to refrain from work by law. Compulsory leave can be 4 weeks for certain manual roles.
Statutory Maternity/Adoption Pay (SMP)	This is the pay during the first 39 weeks of Maternity or Adoption Leave. The first 6 weeks are paid at the Higher Rate, and 33 weeks are paid at the Lower Rate.
Qualifying Week (QW)	This is the beginning of the 15 <sup>th</sup> week before the EWC. An employee must have informed their immediate Manager of their pregnancy by this date.
Shared Parental Leave (SPL)	SPL is created where an eligible mother or adopter brings their maternity or adoption leave to an end early. The untaken weeks of maternity or adoption leave can be taken as SPL if the mother/adopter or their partner is eligible for this – up to a maximum of 50 weeks.
Shared Parental Pay (ShPP)	ShPP is created where an eligible mother or adopter chooses to bring their maternity or adoption pay or maternity allowance to an end early. The untaken maternity or adoption pay or maternity allowance will become available as statutory shared parental pay – up to a maximum of 37 weeks.

**SHARED PARENTAL LEAVE APPENDIX PART 1:  
Notification of Entitlement Form for Shared Parental Leave and Pay**

This document forms part of the Shared Parental Leave and Pay policy. Applications will not be accepted if this form is incomplete.

**Section A**

**To be completed by the Mother/Primary Adopter of the child (Parent 1):**

Name:	
Home Address:	
National Insurance Number:	
Child's expected/actual date of birth or adoption placement date:	
<b>Maternity/Adoption Leave</b>	
Date maternity/adoption leave started:	
Date Maternity/adoption leave ended or I intend to end my maternity/adoption leave on:	
<b>Balance of maternity/adoption leave remaining (weeks):</b>	
<b>Maternity/Adoption Pay</b>	
Date statutory maternity/adoption pay started:	
Date Maternity/adoption pay ended or I intend to end my maternity/adoption pay on:	
<b>Balance of maternity/adoption pay remaining (weeks):</b>	
Signed:	

**Section B**

**To be completed by the Father of the child/Spouse/Civil Partner or Partner of the child's mother/primary adopter (Parent 2):**

Name:	
Relationship to Child:	
Home Address:	
National Insurance Number:	
Signed:	

**Section C**

To be completed by **both** parents wishing to access shared parental leave/pay.

Please indicate below how you intend to divide the total remaining balance of Maternity/Adoption Leave (and pay if applicable):

	<b>Parent 1</b> (Mother/Primary Adopter)	<b>Parent 2</b> (Father/Spouse/Partner)
Shared Parental Leave (weeks)		
Shared Parental Pay (weeks)		

**Declaration**

- I declare I have met the qualifying conditions for shared parental leave / shared parental pay (*delete as appropriate*) and I agree to this division of leave and pay.
- I confirm that, together with the parent named below, we will be sharing responsibility for the care of the child.
- I agree that personal data I have provided in this form can be processed by the employer of my partner/spouse/civil partner for the purpose of handling any request by them to exercise their right to shared parental leave.
- I confirm that the information I have provided on this form is accurate.
- Should I cease to be eligible for Shared Parental Leave or Pay, I will inform the Company immediately.
  
- **Parent 1:**
  - I confirm that I am entitled to statutory maternity/adoption leave/pay or maternity allowance and have ended or given notice to end that leave and pay/allowance;
  - I confirm that I meet the continuity of employment test (section 7.2.1.2);
  - I confirm that I meet the normal weekly earnings test (ShPP only, see section 7.9.1).
  
- **Parent 2:**
  - I confirm that I meet the employment and earnings test (section 7.2.1.2).

\_\_\_\_\_  
Signed (Parent 1)

\_\_\_\_\_  
Signed (Parent 2)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**PART 2: Request to take a period of Shared Parental Leave and/or Pay**

This document forms part of the Shared Parental Leave and Pay policy. Applications will not be accepted if this form is incomplete.

***To be submitted, together with the Notification of Entitlement form (Appendix 1), 8 weeks before a requested start date and to be agreed by the employee and their Manager:***

Employee Name:		
Department:		
Manager:		
<b>Shared Parental Leave (SPL)</b>	<b>Proposed SPL start date:</b>	<b>Proposed SPL end date:</b>
<b>Shared Parental Pay (ShPP)</b>	<b>Proposed ShPP start date:</b>	<b>Proposed ShPP end date:</b>

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date