

# Family Leave Policy Handbook

PHX242

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# Policy and Procedure Overview

The Company's policy is to comply with both the letter and spirit of the law on all types of Family Leave. To this end our aim is to inform employees of their entitlement to rights relating to Maternity, Paternity, Adoption and Parental Leave and to ensure that those rights are understood.

The company offers an enhanced provision for Family Leave. Family Leave can be complex when you take into account that there are Absence and Pay details which run alongside one another but may be for different periods of time. We have for this reason covered anything related to Maternity, Paternity or other Family Leave Pay in a separate section of this document.

We will update this document in line with current legislation and review each March and September.

If you have any questions or find anything unclear, please speak to HR or Payroll or e-mail [hr@phoenixs.co.uk](mailto:hr@phoenixs.co.uk) where your question will be answered by one of the team.

## 1. Pregnancy & Maternity Leave

Phoenix offers an enhanced Maternity Policy for employees who have worked at least 26 weeks continuing into the 'qualifying week' – the 15th week before the expected week of childbirth.

### Useful Phrases

Below are some useful phrases and a timeline with notes that will help you to understand the requirements further.

**Enhanced Maternity Leave (EML):** the time you are entitled to during your Maternity totals 52 Weeks, this is made up of Ordinary and Additional Maternity Leave, but you may return sooner with appropriate notice.

**Enhanced Maternity Pay (EMP):** the pay you receive during the first 39 Weeks of Maternity Leave. See Maternity Pay Policy for further details.

**Qualifying Period:** the period of time you have worked for the organisation which will determine if you would be entitled to Enhanced Leave and/or Pay.

**EWC:** the legal terminology for the expected week of childbirth, normally a Sunday in the week the baby is expected to be born and advised by a GP or Midwife.

**Qualifying Week:** The period in which you must notify your employer of your pregnancy. Normally 15 weeks prior to the EWC.

**Compulsory Maternity Leave:** this is a 2-week period immediately after childbirth when the birth mother cannot work.

## Key Dates

Timeline – Maternity Leave		Notes
<b>-15 Weeks</b>	Qualifying Week	Last point to advise Employer of Pregnancy
<b>-11 Weeks</b>	Earliest Maternity Leave Start	Notify Employer 28 Days prior to Leave Starting
<b>0 Weeks</b>	Expected Week of Childbirth	Birth triggers Ordinary Maternity if prior to EWC
<b>+0 – 2 Weeks</b>	Compulsory Maternity Leave	Birth Mother Not Permitted to Work
<b>+2 – 26 Weeks</b>	Ordinary Maternity Leave Period	Period of Initial Maternity Leave <i>8 Weeks' Notice required to Return to work early</i>
<b>+26 – 52 Weeks</b>	Additional Maternity Leave Period	Additional Period of Maternity <i>8 Weeks' Notice required to Return to work early</i>

## Notifications

### **Pregnancy**

We recommend you notify the Company of your pregnancy as soon as possible so that we can help you plan.

Once a Manager has been informed about or becomes aware of an employee's pregnancy, the employee should notify [hr@phoenixs.co.uk](mailto:hr@phoenixs.co.uk) or visit the HR Team, who will update details on the HR System and can confirm to the employee what happens next (see Important Documents).

### **Information Required**

Whilst there is no qualifying period for a pregnant employee to be entitled to the full period of Maternity Leave, there is a time limit on fulfilling the requirements for Maternity Pay. To qualify for Maternity Pay you must:

- Notify your Line Manager by the end of the 15th week before your expected week of childbirth (EWC) OR as soon as is practically possible that:
  - You are pregnant
  - The date your baby is actually due (if this differs from your EWC)
  - The date you wish to start your Maternity Leave this should be agreed with your line manager if not you may notify the Maternity Leave Start date at a later stage.

Failure to follow this procedure may result in non-payment of Statutory Maternity Pay.

### **Important Documents**

You must provide your MATB1 to HR as soon as it is available. This is normally issued at around 21 weeks into the pregnancy by the Midwife or GP and is used by HR & Payroll to start the formal process for Maternity Leave notifications;

- HR will update the HR System. You will be provided with a confirmation letter confirming your earliest Maternity Start Date and the End Date for Maternity Leave, based on the full leave being used.
- Payroll will start to process details in preparation for your Maternity Pay (where applicable).

In the case of a premature birth, where a MATB1 has not been issued, the employee, or a personal contact, must advise HR of the fact as soon as is reasonably practicable. A MATB2 form, which is obtainable from a doctor or midwife should be provided.

### **Intention to take Maternity Leave**

Providing as much notice as possible to your Manager will enable your workload to be covered and for any unused leave to be utilised prior to your Maternity Leave starting. If, at the time of advising your Manager of your pregnancy, you have not agreed a date for your intended Maternity Leave to start, you must observe these timeframes:

- You must give at least **28 days' notice, in writing** (which may be an e-mail), to your Manager and HR of your planned maternity leave start date (*unless you give birth early OR are absent for a pregnancy-related reason during the last six weeks of your pregnancy*)
- The **earliest date** that you may start maternity leave is 11 weeks before the EWC, unless you give birth early or are absent for a pregnancy-related reason during the last 6 weeks of your pregnancy
- You may use any **existing annual leave** immediately prior to your Maternity Leave commencing to extend the period by agreement with your Manager
- If you **change the start date** of your Maternity Leave your Manager, HR & Payroll must be notified immediately.

**NOTE:** *If a pregnant employee is absent from work for a reason connected with pregnancy within 4 weeks of the EWC, the organisation has the right to trigger her maternity leave immediately.*

### **Qualification for Maternity Pay**

In addition to notifying the key personnel that you are pregnant and providing the relevant information you need to meet the qualifying period of:

- A minimum of 26 weeks' continuous service by the end of the 15th week before the Expected Week of Childbirth to receive enhanced maternity leave.

*See Maternity section of Family Leave Pay Policy for further details*

### **Health and Safety**

The Company has on going Health and Safety responsibilities to ensure that women of child-bearing age are not exposed to risks that may affect new, expectant, or breast-feeding mothers and their babies.

Pregnant employees have the right not to be dismissed just because they are pregnant. Where the employee's pregnancy means that she is unable to do her job adequately, where it is unlawful for a pregnant woman to do a particular job, or where a health and safety risk to herself or her baby has been identified but cannot be eliminated, the Company may have to suspend the employee on full pay. Before such action is taken, every effort will be made to find suitable alternative work for the employee.

Pregnant employees may continue working as close to their expected week of childbirth as they wish, provided they continue to be capable of doing their job adequately. The Company however,

reserves the right to require the employee to be examined by a doctor of their choosing where it is felt that her health, or that of the baby, may be suffering as a result of her continuing to work.

Requests to move to different work or shorter hours by pregnant employees will be considered by the Company and wherever possible employees' wishes will be accommodated.

A Desk Assessment may be requested at any point if the employee feels that their pregnancy is affecting their ability to work comfortably at their desk.

### During Pregnancy

#### **Time off for Antenatal Care**

An Employee must tell the Company that they are pregnant if they wish to take time off for antenatal care. Pregnant employees are entitled to paid time off for antenatal care made on the advice of a registered medical practitioner, registered midwife, or registered health visitor.

Except for the first appointment, employees are required to provide evidence that they are pregnant and attending appointments with an appointment card or letter from the registered authority. As with all absence these must be scanned to HR and may be booked on the HR System as a Hospital or GP Appointment.

Antenatal care is not restricted to medical examinations and may include relaxation classes and parent craft classes. Additionally partners have the right to Unpaid Time Off to attend a maximum of 2 antenatal appointments with the pregnant woman in a qualifying relationship (See PATERNITY). The same rules apply in terms of providing evidence and seeking approval from the Manager to ensure sufficient cover.

### Following The Birth Of Your Baby

#### **Maternity Leave**

If an employee is absent from work due to a pregnancy related reason after the beginning of the 4th week before the EWC, Maternity Leave Start will automatically trigger. There is also a Compulsory Maternity Leave period of 2 weeks following the birth of the child and a further 50 Weeks of leave available in total.

#### **Stillbirth / Parental Bereavement**

In the case of a stillbirth after 24 weeks of pregnancy qualifying parents will be entitled to up to 2 weeks Parental Bereavement Leave (see 6. PARENTAL BEREAVEMENT LEAVE)

#### **Communication to/from the Company**

HR will send a letter to the employee at the end of the initial 26 weeks of Maternity Leave, confirming the date Maternity Leave started (as this may have differed from the original intended date if the baby was premature), the expected return to work date based on 52 weeks Maternity Leave, any accrued holiday days, and a reminder that KIT Days may be used prior to returning from Maternity.

Employees may choose to return to work earlier from Maternity Leave with the appropriate 8 weeks' notice and agreement with their Line Manager. Once the return-to-work date is agreed HR should be notified for updates to absence details and so that the process can be started to return the employee to work.

### **Terms and Conditions**

During Maternity Leave employees are entitled to their normal terms and conditions of employment, except for remuneration, which will be replaced by Statutory Maternity Pay where applicable. Other Pay details are covered in the Maternity Pay Policy.

### **Holiday Accrual**

You will continue to accrue both statutory and additional contractual holiday entitlement during Maternity Leave.

- If you were unable to utilise your outstanding Annual Leave before commencing Maternity Leave this may be carried over and may be taken on return to work; **OR**
- With your managers agreement you may use the accrued leave at the end of Maternity to extend your period of absence; **OR**
- With your managers agreement you may use accrued leave to shorten your working week on return
- The company may agree to pay you for all or part of the outstanding Annual Leave

### **Returning To Work**

The expected return date following Maternity Leave is the first normal working day after the 52-week Maternity Leave period expires. It will be assumed that the employee will return on this date unless they have written to notify their manager and/or HR otherwise.

### **Keep In Touch (KIT) Days**

Employees on Maternity Leave may use up to 10 Keep in Touch Days (KIT Days) over their Maternity Leave period. Such days are paid at the employees' normal rate of basic pay and claimed via timesheet which must be signed by the Line Manager.

To ensure KIT days are used effectively and are paid they must be:

- Agreed in advance by the Employee and their Manager in writing; AND
- They may be at the request of the company OR by your Line Manager
- They may be used for Training, Skills updates, or meetings to re-integrate you to the workplace as well as normal work days

Any KIT Days must be confirmed to [hr@phoenixs.co.uk](mailto:hr@phoenixs.co.uk) once agreed so that basic pay can be processed via Payroll and HR can update the system with days the employee will attend work. This also allows us to notify IT if equipment is to be provided or updated.

### **Ending Maternity Leave Early (Curtailment)**

Should you wish to return to work earlier than the end of Maternity Leave, you must provide 8 weeks' notice in writing (which may be e-mail) to your Line Manager and/or HR to provide sufficient time for the business to make any necessary arrangements.

Curtailment of Maternity Leave can be at any point after the Compulsory Maternity Leave (2 weeks after childbirth) has ended. If insufficient notice is given, your return date may be postponed by the company to the expected return date OR until 8 weeks has elapsed, whichever is the sooner.

### **Rights on Return to Work**

On return to work following Maternity Leave after 52 weeks (or less if you have agreed to return early) you are entitled to return to your normal job on the same terms and conditions as if you had not been absent. If there is some reason why it is not reasonably practical for you to return to the same job, you are entitled to be offered other suitable available work on no less favourable terms and conditions when you return.

If a redundancy situation has arisen during Maternity Leave, you will be entitled to be offered a suitable alternative vacancy that is available when you return to work.

### **Sales Personnel – Accounts & Targets**

If you are a target carrying sales person and you are returning from more than 26 weeks of Maternity Leave, you will be allocated a similar set of trading accounts, which may or may not include some of the accounts you had prior to your Maternity Leave.

Such allocations will be discussed with you prior to your return date and will take into consideration any target adjustment for flexible or part time working.

### **Requesting Flexible or Part Time Working**

There is no automatic right for an employee to return to a role on a part time basis where this role was not part time previously or where it is not suitable to do so on business grounds.

The company will consider written requests however, to return on a part time basis under "flexible working". You have the right to request flexible working patterns and the Company will give any request serious consideration.

### **How to Request Flexible or Part Time Working**

- You must apply in writing (this may be by e-mail) to your Line Manager outlining the changes you wish to be considered
- Where necessary a meeting with you will be called within 28 days of the request; OR
- Written notice of the decision will be provided within 14 days of any consideration
- In all cases any agreed flexible work pattern will be on an initial 3-month trial

In whatever capacity you return to work, continuous service will be preserved, and your period of maternity absence will be included.

### **Sickness Absence**

If you are unable to return to work after maternity leave entitlement because you are sick, you must notify the Company as soon as you are able in line with the Company's sickness absence and reporting rules.

### **Ending Employment**

If you do not wish to return to work, you must give notice in writing in the normal way as set out in the contract of employment.



## 2. Paternity Leave

The company offers an enhanced Paternity Leave scheme. Paternity Leave applies to biological and non-biological partners wishing to take a period of leave following the birth or placement of the child. The rules differ slightly for Adoption and therefore we have listed two policy guides;

- A. Birth
- B. Adoption

### Useful Phrases – Applies To Birth And Adoption

Below are some key phrases and dates that will be helpful when reviewing the information and making your decisions.

**Eligible Employee:** An employee who meets the criteria of the qualifying period.

**Enhanced Paternity Leave (EPL):** the time you are entitled to during your Paternity this may be 1 or 2 Weeks but must be taken in a single block and cannot be split.

**Enhanced Paternity Pay (EPP):** the pay you receive during the period of Paternity Leave.

**Qualifying Period:** the period of time you have worked for the organisation to be entitled to Statutory Leave and/or Pay.

**EWC:** the legal terminology for the expected week of childbirth, normally a Sunday in the week the baby is expected to be born and advised by a GP or Midwife.

### Key Dates

Timeline – Paternity Leave		Notes
-15 Weeks	Qualifying Week	Last point to advise Employer of Pregnancy
-11 Weeks	Earliest Maternity Leave Start	Notify Employer 28 Days prior to Leave Starting
0 Weeks	Expected Week of Childbirth / matched for Adoption	Birth triggers Ordinary Maternity if prior to EWC

### Qualification Period – Birth

To qualify for Paternity Leave (and Pay) you must:

- Be an employee of the Company and have worked continuously for the Company for at least 26 weeks leading into the 15th week before the baby is due (EWC)
- Have or expect to have responsibility for the child's upbringing
- Be the biological father of the child **OR** the mother's husband or partner



## Notification – Birth

Eligible Employees must inform their line manager and HR if they intend to take Paternity Leave in writing (including e-mail) as soon as is practical or by the 15th week before EWC.

### **Documents Required - Birth**

You must provide the following information to HR in person or by e-mail to [hr@phoenixs.co.uk](mailto:hr@phoenixs.co.uk) to take Enhanced Paternity Leave (EPL) and qualify for Enhanced Paternity Leave (EPL):

- Confirmation that you are about to be a parent and the estimated due date
- Supporting evidence for Paternity Leave which is;
  - A copy of the relevant MATB1; **OR**
  - Where a MATB1 is not available a signed statement from a GP or Nurse *NB: Paternity Leave is not available if you have already taken Shared Parental Leave in respect of the child*
- Confirmation of your intended Paternity Leave Dates via HMRC Form (SC3)

**NOTE:** If an SC3 is not provided we are not able to provide Enhanced Paternity. See Paternity section of Family Leave Pay Policy for further details

### **Leave Entitlement – Birth & Adoption**

Eligible employees may choose to take up to 2 consecutive weeks' paternity leave which can be:

- From the date of the child's birth or date of adoption (whether this is earlier or later than expected);
  - Where the baby is born after the date you notified the employer you wanted the paternity leave to commence, you must delay the start of the leave until the baby is actually born
  - Where the baby is born prematurely you may take paternity leave at any time from the actual date of birth up to the end of a period of eight weeks after the week the birth was expected
- If you elect to take only One weeks leave, you may not take a further week's leave at a later stage (i.e.: you cannot split Paternity Leave)
- Paternity Leave must be completed within 56 days of the actual date of birth of the child

## Paternity Leave For Adoption

If you are going to be an adoptive parent and you are NOT taking Enhanced Adoption Leave, or you are the partner of an adoptive parent, you may be entitled to take Enhanced Paternity Leave to care for an adopted child.

## Qualification Period – Adoption

To qualify for Paternity Leave for Adoption of a child in the UK you must meet the following criteria:

- Be an employee and have at least 26 weeks' continuous service by the end of the week in which you are formally informed by an approved adoption agency that you (or your partner) have been matched with a child for adoption

- Be the joint adopter of the child or be married to, or the partner of, the adopter and;
- Have, or expect to have, the main responsibility for the child's upbringing, apart from the responsibility of the adopter

### Notification – Adoption

Eligible employees are required to inform their Manager and HR, in writing, of their intention to take Paternity Leave in the same ways as those taking Paternity Leave for Birth.

### **Documents Required - Birth**

You must provide documentary evidence supporting your right to take Statutory Paternity Leave in the form of:

- A signed declaration that you satisfy the conditions of entitlement to paternity leave, and that your absence from work will be for the purpose of caring for the child or supporting the child's mother; OR
- A copy of the MATB1

*NB: Paternity leave will not be available if you have already taken shared parental leave in respect of the child, nor if you have taken paid time off to attend adoption appointments in respect of that child*

### Paternity Leave Entitlement – Adoption

This is as per Leave Entitlement – Birth & Adoption and in the same way as is from the date of the birth, whether early or late or the date of the placement. Paternity Leave must be completed within 56 days of the actual date of birth of the child or within 8 weeks of Adoption.

### During Paternity Leave (Birth And Adoption)

#### **Terms and Conditions**

During Paternity Leave employees are entitled to all of their normal terms and conditions of employment, except for remuneration, which will be replaced by Enhanced Paternity Pay. See Paternity Pay Policy for full details of pay and Sales Commissions.

#### **Contractual Benefits**

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to basic pay throughout their paternity leave.

#### **Time off for Antenatal Care**

Partners have the right to time off to attend antenatal appointments with the pregnant woman in a qualifying relationship (See section 2. PATERNITY LEAVE).

The same rules apply in terms of providing evidence and seeking approval from the Line Manager to ensure sufficient cover. Antenatal care is not restricted to medical examinations and may include relaxation classes and parent craft classes.

**Stillbirth / Parental Bereavement**

In the case of a stillbirth after 24 weeks of pregnancy qualifying parents will be entitled to up to 2 weeks Parental Bereavement Leave (See Parental Bereavement Leave section).

Returning To Work

Unlike Maternity Leave, there is no requirement for written notice to return early from Paternity Leave. If you are receiving Enhanced Paternity Pay and wish to cut your leave short, you must notify payroll. If you do not, you may only receive SPP.

**Rights on Return to Work**

Employees will be entitled to return to the same job following a period of Paternity Leave.

### 3. Adoption Leave

Phoenix offers an Enhanced Adoption Leave Policy for employees who have worked at least 26 weeks continuing into the 'qualifying week' – the 15th week before the expected week of adoption.

Useful Phrases

Below are some key phrases and dates that will be helpful when reviewing the information and making your decisions.

**Eligible Employee:** An employee who meets the criteria of the qualifying period.

**Enhanced Adoption Leave (EAL):** the time you are entitled to during your Paternity this may be 1 or 2 weeks but must be taken in a single block and cannot be split.

**Enhanced Adoption Pay (EAP):** the pay you receive during the period of Paternity Leave.

**Qualifying Period:** the period of time you have worked for the organisation to be entitled to Enhanced Leave and/or Pay.

**Lead Adopter:** only one person in the relationship can be the Lead Adopter and eligible for Enhanced Adoption Leave and Enhanced Adoption Pay.

**Secondary Adopter:** The other person in the relationship will be eligible for EPL and EPP.

## Key Dates

Timeline – Adoption Leave		Notes
	<b>Notification of Placement</b>	<b>This is an official communication confirming a match for adoption</b>
<b>+ 7 Days</b>	Notification of Intention to take Enhanced Adoption Leave	Notify Employer of intention within 7 days of Placement notification to take Adoption Leave
<b>-14 Days</b>	Earliest Date for Commencing Enhanced Adoption Leave	This is maximum period prior to placement that Enhanced Adoption Leave can start. This cannot be restarted if there is a delay
	<b>Date of Placement</b>	
<b>+52 Weeks</b>	Maximum period of Enhanced Adoption Leave	Notification to return early in line with Maternity

## Prior To Adoption Placement

Employees adopting a child up to the age of 18, are entitled to time off for adoption appointments to either have contact with the child, or for another purpose connected to the adoption. These are limited as follows:

- The lead adopter: up to five paid adoption appointments (each of no more than 6.5 hours)
- The secondary adopter: up to two adoption appointments, without pay (each of no more than 6.5 hours).

## Adoption Leave

Qualifying employees must have been matched with a child for adoption by an approved adoption agency or be one of a couple that has been jointly matched with a child to be eligible for adoption leave for a child adopted within the UK.

### **Notification for UK Adoption Placements**

Eligible employees must inform their Manager and HR in writing (including E-Mail) of:

- Their intention to take Enhanced Adoption Leave within 7 days of having been notified by the adoption agency that they have been matched with a child for adoption unless this is not reasonably practicable.
- The date on which the child is expected to be placed with them
- The date they would like their Enhanced Adoption Leave period to commence

### **Documents Required**

Eligible employees must provide documentary evidence of the placement for adoption in the form of a matching certificate to HR within 7 days of being notified of a match for adoption. You can change your mind over when you would like to commence adoption leave, provided you give at least 28 days' notice of the change (unless this is not reasonably practicable).

### **Adoption Leave Entitlement**

Eligible employees are entitled to an overall entitlement of 52 weeks Adoption Leave. You may start leave on any day of the week, from either:

- the actual date of the child's placement; **OR**
- a predetermined date no more than 14 days before the expected date of placement
- Only one person in the couple may take Adoption Leave and only one period of leave is permitted for each placement regardless of how many children are placed at that time as part of the same arrangement.

### **Unsuccessful and Delayed Placement**

If, for some reason, the placement is not successful and ends after the adoption leave period has begun, you will be allowed to continue adoption leave for a maximum of 8 weeks after the end of week the placement ends, or until the end of the maximum leave period if that is sooner.

If you start adoption leave before the child is placed, you need to be sure that the placement is going ahead. If it is delayed once you have started your leave, you cannot stop leave and start it again at a later date.

### During Adoption Leave

#### **Eligibility for Adoption Pay**

Most employees are entitled to receive Enhanced Adoption Pay during their Adoption Leave. In addition to the eligibility requirements for Adoption Leave listed above, to be entitled to Enhanced Adoption Pay you must meet the criteria listed in the Adoption Pay Policy.

Where a couple are adopting jointly, only one may take EAL (and receive Enhanced Adoption Pay). The other may be entitled, subject to meeting certain eligibility criteria, to take one or two weeks' paid paternity leave and/or a period of parental leave. See Paternity and Parental leave sections of this document for further details.

*NB: Parents adopting step-children of a partner do not qualify for Statutory Adoption Leave or Pay but may qualify for Parental Leave.*

#### **Statutory Adoption Pay**

If you want to receive Enhanced Adoption Pay you will need to give the company a declaration, in writing, which confirms you have chosen to receive Enhanced Adoption Pay and not Enhanced Paternity Pay.

See Adoption section of Family Leave Pay Policy for further details

#### **Terms and Conditions**

During Enhanced Adoption Leave your contract of employment continues as normal with the exception of remuneration.

#### **Shared Parental Leave**

Employees entitled to adoption leave may be able to convert a period of Enhanced Adoption Leave into a period of Shared Parental Leave (SPL) and pay, subject to meeting the required eligibility and notifications requirements. See Shared Parental Leave section.

## Returning To Work

If you intend to take the full adoption leave entitlement, there is no need to formally notify HR or your Manager of your return-to-work date.

### **Rights on Return to Work**

You have the right to return to the same job following a period of Adoption Leave. If following the period of Additional Leave you are unable to return to the same job for good reason, the company must offer a similar job on terms and conditions that are no less favourable than your original job.

If there is a redundancy situation you are entitled to be offered a suitable alternative job if one exists. Where an employee is offered an alternative role on return but believes the role to be unsuitable and refuses to return to work, he or she will have effectively resigned.

### **Returning Early**

If you wish to return early from adoption leave you must provide (in writing) eight weeks' notice of your intended date of return, even if the adoption placement is disrupted and you are returning earlier than expected. If you attempt to return early without notification, the organisation may delay the return by up to eight weeks, provided this does not extend beyond the end of the maximum leave entitlement.

### **Ending Employment**

If you decide not to return to work at all at the end of your adoption leave, you must tender your resignation giving the usual period of notice.

### **Keep In Touch (KIT) Days**

An employee can, by agreement with their Manager, work during their adoption leave for up to 10 "keeping in touch" (KIT) days without bringing their adoption leave to an end or losing Enhanced Adoption Pay. (See Keep In Touch (KIT) Days)

### **Flexible Working**

Employees who have taken adoption leave will, where eligible, may make a request to work flexibly (See How to Request Flexible or Part Time Working)

## 4. Shared Parental Leave

The Company encourages employees to have a balance between their work and family commitments, believing that it ensures a more effective and efficient workforce. This Shared Parental Leave Policy has been developed to provide employees with guidance as to their entitlements and the procedure to follow for Shared Parental Leave.

## Eligibility

Eligible employees can opt to take Shared Parental Leave (SPL) when they (or their partner) has ended, or given notice to end, Enhanced Maternity or Adoption Leave. EPL allows the mother/adopter and her partner to share the Maternity/Adoption Leave.

The leave can be taken in one of two ways:

- A. Continuous; This means that one partner takes a period of leave, and then the other partner takes the remainder of the leave.
- B. Discontinuous; This means that one partner takes some leave, then the other, and then the first partner takes some more leave, etc. **OR;** two partners take some leave at the same time.

The leave taken by the two partners when added together, including any periods of Statutory Maternity or Adoption Leave must not total more than 52 weeks and leave must be taken in minimum units of one week.

## Requirements

To be eligible to take SPL the employee must:

- Be eligible to take EAL or EML, or be entitled to Enhanced Maternity Pay (EMP), Enhanced Adoption Pay (EAP) or Maternity Allowance (MA) AND;
- The mother or adopter must share responsibility for raising the child with the child's father or her partner
- As well as these requirements there is a "continuity test" which is applied to determine eligibility:
- One parent of the two who are applying to take EPL must have worked for the same employer for at least 26 weeks by the end of the 15th week before the week in which the child is due to be born (EWC) OR;
- The week in which the Adopter is notified of having been matched with a child in the case of Adoption
- The parent must still be employed in the first week that EPL is to be taken
- The other parent must have worked for 26 weeks in the 66 weeks leading up to the date that the baby is due/placed and must have earned above the Maternity Allowance threshold in 13 of those 66 weeks.

See Shared Parental Leave section of Family Leave Pay Policy for further details

## Notification To Take Leave

The employee must give at least 8 weeks' notice, in writing (including e-mail), to their Manager and HR that they intend to take EPL. As long as there is some outstanding EML or EAL the employee can opt to take EPL at any time.

- If the request is to take a Continuous period of EPL the employer cannot refuse.



- The employer can refuse a request to take a Discontinuous period of EPL and ask for the leave to be taken as a continuous period of absence.
- An employee cannot make more than three requests for a block of leave.
- Each parent intending to take EPL must give the following information to HR when giving notice of their intention:
  - how much leave is available
  - how much leave they are entitled to take
  - how much leave their partner is taking
  - how they expect to take the leave
  - their partner's name, and confirmation that they are sharing childcare responsibility with this child
  - a signed declaration from the partner stating their name, address, and National Insurance No, that they satisfy the requirements for EPL and ShPP and that they agree to the employee taking EPL and ShPP.

Once this information has been provided you may also be asked for the following additional information by HR (within 14 days of receiving your notice to take leave):

- a copy of the child's birth certificate
- the name and address of the partner's employer

If this information is requested the employee must supply it within 14 days.

### Withdrawing From Shared Parental Leave

The Mother/Adopter can withdraw from the decision to take EPL if both:

- the planned end date of EML/EAL has not yet arrived
- they have not returned to work.
- In addition, one of the following must apply:
  - the employee has discovered during the eight week notice period that neither of the couple is eligible for EPL or ShPP
  - the mother/adopter's partner has died
  - the mother tells her employer that she is withdrawing from EPL less than six weeks after the birth (this presumes that she gave notice of her intention to take EPL prior to the birth)

### Changing Intentions

Each variation notice submitted counts towards the maximum three period of leave notices permitted by an employee. If a request for discontinuous leave is refused:

- The employee can withdraw the notification of their intention to take EPL on or before the 15th day after the notification was originally made. In this case this it will not count as one of their three notifications.
- If not they must take the total amount of leave that they notified in one continuous block. The employee can choose when to start this leave period, as long as:

- they do so within 19 days of the date and;
- as long as the leave does not start within 19 days of the notification given to the employer **and**;
- as long as it does not start earlier than the date that the employee initially gave as the intended start date.
- If the employee does not give a new start date then it will begin on the starting date given in the original notification.

### Shared Parental Leave In Touch (Split) Days

Those taking EML or EAL are entitled to take up to ten 'Keeping in Touch' days (referred to as KIT days). These days can be worked during EML or EAL with no effect on entitlement to SMP or SAP.

It is not compulsory to work a KIT day, and an employee cannot insist that the employer allows her to work a KIT day. The law does not state that a KIT day must be paid, but an employer can opt to make a payment. These KIT days will remain.

In addition, each partner taking EPL will be entitled to take up to 20 'Shared parental leave in touch' (SPLIT) days. The same rules apply as for KIT days (see Keep In Touch (KIT) Days)

### Returning To Work

An employee returning from a total of 26 weeks or less of EPL has the right to return to their old job. An employee returning from a total of more than 26 weeks of EPL has the right to return to their old job or, if this is not possible, to a job of the same status and with the same terms and conditions of employment as their old job.

## 5. Parental Leave (Unpaid)

Parental Leave is Unpaid Time Off which is intended to enable employees to take time off work to care for a child they have responsibility for, such as:

- spending more time with young children
- settling a child into new childcare arrangements
- accompanying a child during a stay in hospital

The Company works on the basis of trust but would be entitled to take disciplinary action should you be found to have dishonestly taken the leave for purposes other than childcare.

### **Eligibility for Parental Leave**

For employees to be eligible for Parental Leave, they must:

- Generally have at least one year of continuous service with the company
- Have, or expect to have, responsibility for a child

### **Parental Leave Entitlement**

An eligible employee who is the parent of children under the age of 18 can take up to 18 weeks' unpaid parental leave for each eligible child and may apply for up to 4 weeks Parental Leave in any one year in relation to each child under the age of 18.

- Parental leave can only be taken in blocks of a week unless you have a disabled child. Employees with disabled children can take leave in blocks of one day.
- Employees have no automatic right to take more than four weeks' leave in respect of any individual child during a year.

### **Requesting Parental Leave**

- Employees must give 21 days' notice in writing, of their intention to take parental leave
- They must specify when they intend the leave to start and end

The Company may postpone an employee's period of parental leave for up to six months if your absence from work would cause substantial disruption or harm to the employer's organisation unless Parental Leave occurs immediately after the birth/adoption of the child

## **6. Parental Bereavement Leave**

This policy sets out the organisation's stance on employee entitlements to Parental Bereavement Leave which is effective from 6 April 2020. The death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life and we are committed to providing support to employees who find themselves in this situation.

### Eligibility

Parental Bereavement Leave is available from day one of employment and is available to employees on the death of a child under the age of 18.

Employees may take Parental Bereavement Leave if they fall into any one of the following categories:

- a "natural" parent
- an adoptive parent, and those with whom a child has been placed under the "foster to adopt" scheme, provided the placement is ongoing
- a "natural" parent where the child has been adopted but a Court Order exists to allow the "natural" parent to have contact with the child
- an employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt
- an intended parent under a surrogacy arrangement where it was expected that a parental order would be made
- a "parent in fact" which is someone in whose
- a "parent in fact" which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject

to exceptions; this category includes guardians and foster parents but does not include paid carers

- the partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent

In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

See Parental Bereavement section of Family Leave Pay Policy for pay details

### Length Of Leave And How It May Be Taken

A total of two weeks may be taken as parental bereavement leave and the employee may choose to take leave as:

- a single block of two weeks
- two separate blocks of one week

Leave may start on any day of the week and must be taken in whole weeks. It may be taken at any time in the 56-week period following the death.

If the employee has suffered a stillbirth after 24 weeks of pregnancy, they are still entitled to take the full entitlement to maternity and paternity leave, provided they were eligible to take maternity or paternity leave in the first place, in addition to parental bereavement leave. Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

Where more than one child dies or is stillborn, the employee is entitled to two weeks of parental bereavement leave in relation to each child.

### Notification Requirements

#### **Leave to be taken within the first 56 days of the death**

The employee does not need to give any advance notice of taking Parental Bereavement Leave if it is taken within the first 56 days of the death.

The employee (or a representative) must contact their Line Manager or HR by telephone, email, or text message prior to their normal start time for work on the day they wish leave to begin, or if this is not possible, as soon as is reasonably practical. They must confirm;

- the date of the death
- the date on which leave will start
- whether one or two weeks is to be taken

#### **Leave to be taken later than the first 56 days since the death**

One week's advance notice of taking Parental Bereavement Leave is required where the leave will be after the first 56 days since death. The employee (or a representative) must provide;

- the date of the death

- the date on which leave will start
- whether one or two weeks is to be taken

### Cancelling Or Changing Leave Dates

The employee can cancel or change a period of leave that has been notified, as long as the period of leave has not already started. If the employee wishes to cancel a period of leave which was to begin within the first 56 days of the death, contact their Line Manager or HR by telephone, email, or text message prior to their normal start time for work on the day they wish leave to begin. To cancel or change leave which was to begin later than 56 days after the death, one week's notice of the intended start date is required.

### Terms And Conditions During Leave

During Parental Bereavement Leave, the contract of employment continues as normal, except for any terms relating to remuneration. (See Family Leave Pay Policies for more information)

### Right To Return

An employee returning to work after Parental Bereavement Leave has the right to return to the same job as the one they had before they commenced leave unless the period of leave taken is more than 26 weeks when added to any other period of statutory leave including maternity, paternity, adoption leave etc. in relation to the same child, and it is not reasonably practicable for them to return to the same job. In this case the organisation is obliged to offer them a suitable alternative job on terms and conditions that are just as, or more, favourable to them as those of the previous job.

On their first day back to work the Line Manager and HR will set time aside to hold an informal meeting with the employee to discuss any arrangements regarding their return to work and any additional support the organisation may be able to offer them.

## Version Control

<u>Author</u>	<u>Version</u>	<u>Date</u>	<u>Description</u>
Jane Singleton	1.0	24/08/2022	Original Document
Trevor Hutchinson	1.0	01/11/2022	Annual review – no changes

## Document Approval

<u>Name</u>	<u>Version</u>	<u>Date</u>	<u>Position</u>
Sam Mudd	1.0	24/08/2022	Managing Director
Clare Metcalfe	1.0	01/11/2022	Operations Director

Signed: *Clare Metcalfe* Clare Metcalfe, Operations Director

Dated: 01/11/2022