

Family Leave Policies

1 Introduction

- 1.1 This suite of policies outlines North Halifax Partnership's (NHP) policies and procedures for employees who want to request, and take leave, relating to becoming a parent or their parental responsibilities.
- 1.2 The policy details the procedures and arrangements for employees who wish to request the following leave:
 - Maternity Leave –section 2
 - Adoption Leave – section 3
 - Birth (Paternity) Leave – section 4
 - Shared Parental Leave- section 5
 - Parental Leave 6
- 1.3 For information on leave for emergency family situations please refer to the Authorised Absence Policy.
- 1.4 These policies will:
 - comply with statutory entitlements, and in some circumstances go beyond the organisation's statutory duties.
 - ensure that all employees are aware of their rights regarding requesting leave to support their family life.
 - clarify the conditions under which requests can be made and agreed
 - establish systems that are fair to all employees
- 1.5 NHP will keep in touch with employees on family leave for more than 2 months and notify them of all significant information which is communicated to staff who are in work. Before the staff member takes parental/family leave, their manager will agree with them the method and regularity of such communication.
- 1.6 NHP recognises that one of the most harrowing experiences of anyone's life is the death of a child or a stillbirth. In these sad circumstances NHP is committed to providing support. The Parental Bereavement Leave sections of the Authorised Absence Policy explains an employee's rights to time off, pay during time off and other support offered.

2 Maternity Leave

- 2.1 All pregnant employees, regardless of their length of service, are entitled to a range of support during and after their pregnancy. This includes:
 - Paid time off for ante-natal care (See 2.8)
 - Time off for doctor / medical appointments (see Authorised Absence policy)
 - Reasonable adjustments to workload and working arrangements

- Information on maternity entitlements and responsibilities
- Right to return to the same or similar job
- Keep in Touch Days

- 2.2 Pregnant employees have legal rights - including paid time off for antenatal care, maternity leave and maternity pay, and protection against unfair treatment, discrimination or dismissal.
- 2.3 All pregnant employees are entitled to **52 weeks'** maternity leave, or as much of that period as they wish to take, regardless of their length of service. It is up to each employee to decide how much maternity leave she would like to take, up to the 52 weeks maximum, however, the law requires that a minimum of two weeks' leave must be taken, this is known as Compulsory Maternity Leave.
- 2.4 Maternity leave is a single continuous period, made up of 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML). Additional Maternity Leave follows Ordinary Maternity Leave and there must be no gap between the two. Ordinary Maternity Leave (OML) lasts for 26 weeks and may begin no earlier than **11** weeks before the expected week of childbirth (EWC) with the latest start date being the date of birth.
- 2.5 An employee's contract of employment continues throughout the 26 weeks of OML. During this time, the employee will continue to benefit from the terms and conditions of employment which would have applied had the employee been at work. The only element of the employee's contractual rights that changes is the salary. Additional Maternity Leave (AML) lasts for 26 weeks and, if taken, must follow immediately after OML.
- 2.6 There is the option of both parents or adoptees being able to choose parental leave options in the first year of the child's birth or adoption. Please refer to Section 5 for information on this provision.

2.7 **Notifying the employer of your pregnancy**

- 2.7.1 The employee must inform the employer, in writing of her pregnancy as soon as possible, and no later than the end of the 15th week before the expected week of childbirth (EWC).
- 2.7.2 If this isn't possible, e.g. because they didn't know they were pregnant, the employer must be told as soon as possible. Employees must also tell the employer when they want to start their Statutory Maternity Leave and Pay. Employees can't take time off for antenatal appointments until they've told the employer about the pregnancy. If employees have taken some time off for appointments before they have told the employer, they are not entitled to this time back.
- 2.7.3 Early notification of pregnancy is appreciated to enable planning of resources during her maternity leave. In addition, the employer has a duty of care to all employees, and early notice will enable a risk assessment to take place and the line manager will be aware that time off is allowed for antenatal care.
- 2.7.4 The letter should advise of the birth date, the date she intends to commence maternity leave and if she intends to return to work. The letter should also outline the annual leave she wishes take before the start of her maternity leave. The employee

does not need to advise her return to work date, or intention to request a change of hours, however, it is appreciated if employees can try and provide as much information as possible.

2.7.5 The employer will acknowledge her maternity leave, in writing, within 28 days of receiving her notification, confirming maternity pay and allowances. As soon as possible the employee should provide the original MATB1 form to HR.

2.7.6 Once the baby is born, the employee should advise the employer of the birth date.

2.8 Antenatal appointments

2.8.1 All pregnant employees are entitled to time off, with pay, to keep appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. No qualifying service is required.

2.8.2 'Antenatal care' includes medical appointments, and it can also include antenatal or parenting classes if they've been specifically recommended by a doctor or midwife. Where possible pregnant employees should make appointments for the start or end of the day to reduce the amount of time away from the workplace.

2.8.3 Fathers and partners of pregnant employees are also legally entitled to two occasions of unpaid leave for antenatal appointments. The time off for an appointment is capped at six and a half hours.

2.8.4 It is illegal for employers to refuse to give pregnant employees time off for antenatal care or refuse to pay their normal rate for this time off.

2.8.5 Except for the first appointment, the employer may request to see evidence of antenatal appointments, or advice on appointments. An employee must show either an appointment card or certificate confirming pregnancy; this can be provided by a registered medical practitioner, a registered midwife or a registered health visitor.

2.9 Sickness absence and maternity leave

2.9.1 If the employee is off work for a pregnancy-related illness in the four weeks before the baby is due, maternity leave and Statutory Maternity Pay will start automatically - it doesn't matter what has been previously agreed.

2.9.2 Any pregnancy related illness will be discounted when sickness triggers are recorded.

2.9.3 If, due to illness, an employee is unable to return to work following maternity leave, normal sickness absence procedures apply from the date the employee intended to resume duty. Paid sickness absence immediately following maternity leave terminates the maternity arrangements. Once the period of certificated sick absence has ended, the employee must return to work.

2.10 Pay and allowances

2.10.1 See the table in **Appendix 1** for maternity pay and allowances.

2.10.2 See www.gov.uk for information about Statutory Maternity Pay amounts and maternity pay calculator.

2.10.3 All terms and conditions of employment, and related benefits, except for those relating to pay will apply during maternity leave. As annual leave will accrue during maternity leave you should discuss with your manager using current leave entitlement before leave starts.

2.10.4 In order to receive contractual maternity pay the employee must return to work after maternity leave has ended for a period of at least three months. The working pattern for the three months must be equivalent to her working pattern prior to maternity leave. i.e. if she returns to a part-time role (when she previously worked full time) she needs to complete the equivalent of three months full time.

2.10.5 The employer is entitled to reclaim part of the maternity pay that was paid. Only monies over and above SMP are subject to being reclaimed.

2.10.6 In the very sad situation where the baby dies employees still qualify for leave or pay if the baby is either:

- stillborn from 24 weeks of pregnancy
- born alive at any point during the pregnancy

2.11 Keep in Touch days

2.11.1 Employees are encouraged to carry out up to 10 days work – known as Keeping in Touch (KIT) days. These days do not end maternity leave and do not result in losing maternity pay.

2.11.2 KIT days are intended to help you keep in touch with your workplace and allow you to do some work during your maternity leave without affecting your SMP. They do help ease your eventual return to work and provide an opportunity to refresh your knowledge or training, before maternity leave ends. The type of work you do could be attending work for a training course, team meeting, refresher training or for an appraisal interview. Whether you take advantage of these days is your choice. Both you and NHP should agree that you can work on those days.

2.11.3 When a KIT day is worked the employee will be paid a minimum of three hours (based on their usual rate of pay). This is irrespective of how many hours are worked in the session. It is important that managers are clear with employees how many hours they intend each session to run, and a broad outline of activities planned for the session. There is no requirement to 'fill a day', and managers should encourage employees to use their KIT day entitlement to support a successful return to work.

2.12 Returning to work

2.12.1 It is assumed that employees will take the full 52 weeks' maternity leave. If an employee wishes to return to work earlier, they are required to give the employer 8 weeks' notice in writing, however, more notice will be appreciated (particularly by the person who may be covering your absence and who may then have a shorter period of work than they had anticipated).

- 2.12.2 If this notice period is not given then the employer has the right to postpone the employee's return for up to 8 weeks or the end of the period of maximum maternity leave, whichever is earlier.
- 2.12.3 After maternity leave the employee has the right to return to the same job they were contracted for, prior to maternity leave. The 'same job' means the same hours, job description and pay conditions. The exception to this is if the employee is unable to return to their job, because it is not practical due to redundancy.
- 2.12.4 If the employee does not intend to return to work following maternity leave, they should write and resign from their post – NHP will write to you and confirm your last day of service (which you may choose as the last day on which you will receive maternity pay). Usual notice periods will apply and you need to be aware that if you do not return to work you may have been overpaid contractual maternity pay and may owe some back.
- 2.12.5 Staff taking maternity leave may wish to consider returning to work on different hours. This is something NHP would always be willing to consider. However, the needs of the business are paramount. Although informal discussions can take place before leave starts; any request to return to work on different hours should be formally made in writing at least 8 weeks before your intended return date. Please refer to the Flexible Working Policy for further details.
- 2.12.6 On the employee's return to work the line manager should welcome the employee back to the organisation and through a 1-2-1 meeting explore what training may have been missed, any support during her re-introduction to the workplace and any health issues that may need support.

2.13 Redundancy during maternity leave

- 2.13.1 NHP recognises the statutory rights of those employees who are on maternity, adoption, shared parental or other statutory parental leave during redundancy processes.
- 2.13.2 These redundancy protections will cover from when you notify us of your pregnancy until 18 months after the expected week of childbirth (or the actual birth date, if this is notified to us, before the end of your maternity leave). This is called the 'protected period'.
- 2.13.3 If, whilst during this protected period, the workplace is involved in any reorganisation, you will be informed and given the opportunity to become involved in the process.
- 2.13.4 In cases of redundancy, where an employee is within the protected period cannot return to her former job, she is entitled to be offered (before that contract ends) a suitable alternative vacancy, where one is available.
- 2.13.5 During the protected period there is a statutory responsibility to offer those at risk of redundancy a suitable alternative post. Where a group of employees are facing redundancy, an employee with these protections will be offered any suitable vacancy in priority to other employees.

- 2.13.6 If an employee is offered a suitable alternative vacancy, a four-week trial period will apply, in which she may decide whether the employment is suitable. This period may be extended beyond four weeks by written agreement.
- 2.13.7 Where, due to redundancy, the maternity leaver cannot return to work there is no requirement to repay contractual maternity pay.
- 2.13.8 In the sad event of a miscarriage when baby loss is under 24 weeks the protected period ends two weeks after the pregnancy ends. (Employees who experience a baby loss after 24 weeks are entitled to maternity leave).

2.14 Pension benefits and Annual Leave

- 2.14.1 Annual Leave - staff will continue to accrue annual leave during the whole of their maternity leave, this includes Bank Holidays. Time off in lieu will accrue in respect of Bank Holidays during the whole of the maternity leave. Any time taken as maternity leave will count towards qualifying service for the purpose of additional annual leave based on length of continuous service. Periods of maternity leave will also count towards length of continuous service.
- 2.14.2 Employees should discuss their annual leave entitlement fully with their Line Manager to ensure that they have the opportunity to take their annual leave either before commencing maternity leave or immediately prior to their return to work. An employee should be encouraged to plan to take any annual leave either before maternity leave starts or when it is over, before a full return to work. Employees should be aware that normal provisions regarding the carryover of annual leave will apply. Annual leave cannot be carried over without prior agreement and could be lost if there has been an opportunity to take her annual leave entitlement at either side of maternity leave. Where an employee is planning not to return to work, the employee should be encouraged to plan to take any annual leave entitlement that she may be due, before commencing maternity leave.
- 2.14.3 Pension - any period when receiving pay during maternity leave is regarded as pensionable service. When pay stops, the employer is not required to pay employer contributions. It may be possible for the employee to pay for additional pension and employees should contact the pension provider for further information.

2.15 Health and Safety

- 2.15.1 As soon as the employer has received notification in writing of pregnancy, a risk assessment will be arranged at a mutually convenient time.
- 2.15.2 When the employee tells their employer they're pregnant, the employer should assess the risks to the pregnant employee and her baby.

Risks could be caused by:

- heavy lifting or carrying
- standing or sitting for long periods without adequate breaks
- exposure to toxic substances
- long working hours

Where there are risks, the employer should take reasonable steps to remove them, e.g. by offering the employee different work or changing their hours.

- 2.15.3 If the employer can't remove any risks (e.g. by offering suitable alternative work) they should suspend the employee on full pay. [For full details about the regulations see the Health & Safety Executive website]. Pregnant employees who think they're at risk, but their employer disagrees should talk to their doctor or contact the Health and Safety Executive. NHP has a standard risk assessment <T:\Surestart\Shared\Group Information\Health and Safety Directory\R\Business Support\RA 1.3 New and Expectant Mothers.doc> which should be used by all staff.
- 2.15.4 The risk assessment will review the specific risks with pregnancy and note appropriate steps and actions to reduce them. The assessment will be reviewed, during the pregnancy. If a particular risk cannot be eliminated, then suitable alternative work will be discussed with the employee.
- 2.15.5 The employer reserves the right to request an expectant mother to be referred to the Occupational Health service for further, specific advice on ensuring that reasonable steps have been taken to minimise any risks to mother and baby.
- 2.16 Other**
- 2.16.1 If your DBS is due for renewal during the period that you are on maternity leave we will contact you to undertake a renewal if we know you are planning to return to work.

3 Adoption Leave

- 3.1 The purpose of adoption leave is to allow employees time off to spend time with, and support, their adopted children. Adoptive parents have the same rights to parental leave as other parents and there is now a legal right for parents of either sex, to take time off around the time of adoption. Statutory adoption leave is paid at the same rate and same period as Statutory Maternity Pay (SMP).
- 3.2 The maximum period an employee is entitled to statutory adoption leave is 52 weeks. This is Ordinary Adoption Leave (OAL) for 26 weeks and Additional Adoption Leave (AAL) for a further 26 weeks. The leave must be continuous; there cannot be a gap between the two types of adoption leave.
- 3.3 Statutory Adoption Pay (SAP) is paid to the adopter for 39 weeks. Only one of the adoptive parents can take time off and receive SAP. In total the adopter can receive 39 weeks paid leave and 13 weeks unpaid leave. The other adoptive parent is entitled to Paternity (Birth) Leave – see Section 4.
- 3.4 An employee's contract of employment continues throughout the 26 weeks of OAL. During this time, the employee will continue to benefit from the terms and conditions of employment which would have applied had the employee been at work.
- 3.5 There is the option of both parents or adoptees being able to choose parental leave options in the first year of the child's birth or adoption. Please refer to Section 5 for information on this provision (Shared Parental Leave).

3.6 Notifying the employer of your leave

- 3.6.1 The chosen parent for adoption leave must have been continuously employed by the employer for at least 26 weeks ending with the week in which they receive formal notification (by an approved adoption agency), that they have been matched with a child.
- 3.6.2 Regardless of the number of children placed at one time, there is only an entitlement to one period of adoption leave.
- 3.6.3 Adoption leave can start:
- up to 14 days before the date the child starts living with you (UK adoptions)
 - when the child arrives in the UK or within 28 days of this date (overseas adoptions)
 - the day the child's born or the day after (if you've used a surrogate to have a child)
- 3.6.4 The employee must inform the employer, in writing of when they wish for their adoption leave to start, no later than 7 days after notification of placement has been received.
- 3.6.5 The employee should provide their manager with a copy of the letter that advises of the date the leave might start along with the matching certificate from the adoption agency to support their entitlement to leave.
- 3.6.6 Within 28 days of receiving written notification the employer will acknowledge your request for adoption leave.

3.6.7 Once the placement has begun, you must advise the employer of the start date.

3.7 Pay and allowances

3.7.1 See the table in Appendix 1 for adoption pay and allowances.

3.7.2 All terms and conditions of employment, and related benefits, except for those relating to pay will apply during adoption leave. As annual leave will accrue during adoption leave you should discuss with your manager using current leave entitlement before leave starts.

3.7.3 In order to receive contractual adoption pay the employee must return to work after the leave has ended for a period of at least three months. The working pattern for the three months must be equivalent to their working pattern prior to adoption leave. i.e. if s/he returns to a part-time role (when they previously worked full time) s/he needs to complete the equivalent of three months full time.

3.7.4 The employer is entitled to reclaim part of the adoption pay that was paid. Only monies over and above SAP are subject to being reclaimed.

3.8 Keep in Touch days

3.8.1 Employees are encouraged to carry out up to 10 days work – known as Keeping in Touch (KIT) days. These days do not end adoption leave and do not result in losing adoption pay.

3.8.2 KIT days are intended to help you keep in touch with your workplace and allow you to do some work during your adoption leave without affecting your SAP. They do help ease your eventual return to work and provide an opportunity to refresh your knowledge or training, before maternity leave ends. The type of work you do could be attending work for a training course, team meeting, refresher training or for an appraisal interview. Whether you take advantage of these days is your choice. Both you and NHP should agree that you can work on those days. You are paid your rate of pay for actual time worked.

3.8.3 When a KIT day is worked the employee will be paid a minimum of three hours (based on their usual rate of pay). This is irrespective of how many hours are worked in the session. It is important that managers are clear with employees how many hours they intend each session to run, and a broad outline of activities planned for the session. There is no requirement to 'fill a day', and managers should encourage employees to use their KIT day entitlement to support a successful return to work.

3.9 Returning to work

3.9.1 It is assumed that employees will take the full 52 weeks' adoption leave. If an employee wishes to return to work return earlier, they are required to give the employer 8 weeks' notice in writing, however, more notice will be appreciated (particularly by the person who may be covering the absence and who may then have a shorter period of work than they had anticipated).

3.9.2 If this notice period is not given then the employer has the right to postpone their return for up to 8 weeks or the end of the maximum adoption leave, whichever is earlier.

- 3.9.3 After adoption leave the employee has the right to return to the same job they were contracted for, prior to their leave. The 'same job' means the same hours, job description and pay conditions. The exception to this is if the employee is unable to return to their job, because it is not practical due to redundancy.
- 3.9.4 If the employee does not intend to return to work following adoption leave, they should write and resign from their post – NHP will write to you and confirm your last day of service (which you may choose as the last day on which you will receive adoption pay). Usual notice periods will apply, and you need to be aware that if you do not return to work you may have been overpaid contractual adoption pay and may owe some back.
- 3.9.5 Staff taking adoption leave may wish to consider returning to work on different hours. This is something NHP would always be willing to consider. However, the needs of the business are paramount. Although informal discussions can take place before leave starts; any request to return to work on different hours should be formally made in writing at least 8 weeks before your intended return date. Please refer to the Flexible Working Policy for further details.
- 3.9.6 On the employee's return to work the line manager should welcome the employee back to the organisation and through a 121 meeting explore what training may have been missed, any support during their re-introduction to the workplace and any health issues that may need support.

3.10 Redundancy during adoption leave

- 3.10.1 If, whilst an employee is on adoption leave, the workplace is involved in any reorganisation, the employee will be informed and given the opportunity to become involved in the process.
- 3.10.2 Redundancy protections for those on adoption leave start the date that the child is placed and will cover a period of 18 months after this date. This is called the 'protected period'.
- 3.10.3 If, whilst during this protected period, the workplace is involved in any reorganisation, you will be informed and given the opportunity to become involved in the process.
- 3.10.4 In cases of redundancy, where an employee within the protected period cannot return to their former job, they are entitled to be offered (before that contract ends) a suitable alternative vacancy, where one is available. This is provided that the work to be done in that post is suitable to the employee and appropriate to the circumstances, and that the capacity and place in which the employee is to be employed and terms and conditions of employment are not substantially less favourable than the employee's original job.
- 3.10.5 During the protected period there is a statutory responsibility to offer those at risk of redundancy a suitable alternative post. Where a group of employees are facing redundancy, an employee with these protections will be offered any suitable vacancy in priority to other employees.

- 3.10.6 If an employee is offered a suitable alternative vacancy, a four-week trial period will apply, in which she may decide whether the employment is suitable. This period may be extended beyond four weeks by written agreement.
- 3.10.7 Where, due to redundancy, the adoption leaver cannot return to work there is no requirement to repay contractual adoption pay.

3.11 Pension benefits and Annual Leave

- 3.11.1 Annual Leave - staff will continue to accrue annual leave during the whole of their adoption leave, including Bank Holidays. Any time taken as adoption leave will count towards qualifying service for the purpose of additional annual leave based on length of continuous service. Periods of adoption leave will also count towards length of continuous service.
- 3.11.2 Employees should discuss their annual leave entitlement fully with their Line Manager to ensure that they have the opportunity to take their annual leave either before commencing adoption leave or immediately prior to their return to work. An employee should be encouraged to plan to take any annual leave either before they start adoption leave or when they come back. Employees should be aware that normal provisions regarding the carryover of annual leave will apply. Annual leave cannot be carried over without prior agreement and could be lost if there has been an opportunity to take annual leave entitlement at either side of adoption leave. Where an employee is planning not to return to work, she should be encouraged to plan to take any annual leave entitlement that she may be due, before commencing adoption leave.
- 3.11.3 Pension - any period when receiving pay during adoption leave is regarded as pensionable service. When pay stops, the employer is not required to pay employer contributions. It may be possible for the employee to pay for additional pension and employees should contact the pension provider for further information.

3.12 Other

- 3.12.1 If your DBS is due for renewal during the period that you are on adoption leave, we will contact you to undertake a renewal if we know you are planning to return to work.

4 Paternity/Birth Leave

- 4.1 Paternity (or birth) leave is available to employees who have responsibility for a child, to have time off to spend with, and care for, the child, or to support the mother.
- 4.2 Paternity leave is not restricted to the biological father. Any employee who has parental responsibility for bringing up the child is eligible. This may be the biological father, or partner of the mother. This right extends to same sex couples.
- 4.3 Paternity Leave is a maximum of two weeks. An employee is able to choose to take either two non-consecutive weeks' paternity leave, or a single period of either one week or two weeks.
- 4.4 Paternity leave must be taken within 52 weeks of the child's birth. In respect of paternity leave (adoption) this is up to 52 weeks after the date of placement.

4.5 Eligibility for Birth Leave

- 4.5.1 To be eligible for statutory paternity leave the employee must have 26 weeks' continuous service as at the 15th week before the expected week of confinement (EWC) (pregnancy) or within 7 days of a match (adoption).

4.6 Notifying the employer

- 4.6.1 The employee should notify the employer, in writing, of their intention to take birth leave. They should advise the employer of the expected birth date, the length of leave requested and the expected date that leave will start.
- 4.6.2 The employee should give at least 28 days' notice of when they wish to take leave, making a statement to confirm their eligibility. If the employee wants to vary the date(s) on which they want to take their paternity leave, they are required to provide at least 28 days' notice. The notice must be given 28 days before the original date of their paternity leave, or the new date of leave – whichever is earlier. The employer will acknowledge requests for paternity leave within 28 days' notice of receiving written notification.
- 4.6.3 It is recognised that the date provided is likely to be the estimated birth date, and the employer will be as flexible as possible with the start date of paternity leave.
- 4.6.4 The employer can request from the employee confirmation of the EWC, or if the birth has occurred, the date of the child's birth, or the adoption certificate. The employer reserves the right to request proof of the above.
- 4.6.5 Only one period of leave is provided per pregnancy. Therefore, if the employee's partner gives birth to twins, the entitlement remains a maximum of two weeks Paternity Leave.

4.7 Birth Leave pay

- 4.7.1 Employees taking Birth leave will be paid at current Statutory Paternity Pay rates.

- 4.7.2 Employees are reminded that they are able to use annual leave or TOIL arrangements to support their partner. Please refer to the Authorised Absence policy for further information.

4.8 Paternity Leave (Adoption) Notifying the employer

- 4.8.1 In the cases of adoption the employee must give notice of their entitlement to take paternity leave no more than seven days after the date on which they were notified of having been matched with a child. This must specify:
- the date the employee was notified of having been matched with the child
 - the date on which the child is expected to be placed with the employee or, where the child has already been placed for adoption, the date of placement.
- 4.8.2 Once the employee has chosen the dates of each occasion of paternity leave, they are required to give further notice, in writing, no more than seven days after the date on which they were notified of having been matched with a child of:
- when they want their leave to start
 - the length of leave they want to take.
- 4.8.3 If the employee wants to vary the date(s) on which they want to take their paternity leave, they are required to provide at least 28 days' notice, or as much notice as possible.
- 4.8.4 Employees taking paternity leave (adoption) will be paid at current Statutory Paternity Pay rates.

5 Shared Parental Leave

- 5.1 The purpose of Shared Parental Leave (ShPL) is to allow eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. ShPL allows the mother or adopter to share some of the leave with her/his partner.
- 5.1.1 If, whilst an employee is on adoption leave, the workplace is involved in any reorganisation, the employee will be informed and given the opportunity to become involved in the process.
- 5.1.2 Redundancy protections for those on adoption leave start the date that the child is placed and will cover a period of 18 months after this date. This is called the 'protected period'.
- 5.1.3 If, whilst during this protected period, the workplace is involved in any reorganisation, you will be informed and given the opportunity to become involved in the process.
- 5.1.4 In cases of redundancy, where an employee within the protected period cannot return to their former job, they are entitled to be offered (before that contract ends) a suitable alternative vacancy, where one is available. This is provided that the work to be done in that post is suitable to the employee and appropriate to the circumstances, and that the capacity and place in which the employee is to be employed and terms and conditions of employment are not substantially less favourable than the employee's original job.
- 5.1.5 During the protected period there is a statutory responsibility to offer those at risk of redundancy a suitable alternative post. Where a group of employees are facing redundancy, an employee with these protections will be offered any suitable vacancy in priority to other employees.
- 5.1.6 If an employee is offered a suitable alternative vacancy, a four-week trial period will apply, in which she may decide whether the employment is suitable. This period may be extended beyond four weeks by written agreement.
- 5.1.7 Where, due to redundancy, the adoption leaver cannot return to work there is no requirement to repay contractual maternity pay.

5.2 Length and eligibility for Shared Parental Leave

- 5.2.1 To be eligible for ShPL the employee needs to meet any of the following conditions:
- they are the father of the child;
 - their wife, partner or civil partner has given birth to the child.
 - they, or their partner has received notification that they are matched with a child for adoption; or
 - their spouse or civil partner is adopting a child from overseas and the child has entered Great Britain.
- 5.2.2 To qualify for leave the employee must have at least 26 weeks continuous service by the qualifying week, which is either:
- the end of the 15th week before the start of the week when the baby is due.
 - at the week you are notified you are matched with your child (adopting within the UK); or

- the date your child enters Great Britain for the purposes of adoption (adopting from overseas).

5.2.3 In order to opt into ShPL and to claim ShPP, the employee must provide the employer with a declaration, signed by the other parent, to confirm that you meet the qualifying criteria. The employee must also still be employed by NHP the week before they wish to start ShPL.

5.2.4 The woman who has given birth cannot take ShPL until after her period of compulsory maternity leave ends (2 weeks after the birth). This also applies to an employee taking adoption leave.

5.2.5 The employee is able to take ShPL in three separate blocks and is entitled to take ShPL between the baby's birth and first birthday (or within 1 year of adoption).

5.3 **Notifying the employer**

5.3.1 You should notify the employer, in writing, of your intention to take ShPL. This should advise the expected birth date, how much leave is available, how much leave you are entitled to, how much leave you are intending to take and how you expect to take your leave.

5.3.2 The employee should give eight weeks' notice, in writing, of their intention to take ShPL before the leave is due to start. The employer will acknowledge and confirm eligibility to ShPL and pay within 28 days.

5.3.3 Each eligible employee is entitled to give up to three separate notices. Each notice can be for a block of leave, or the notice may be for a pattern of 'discontinuous' leave involving different periods of leave. The employer is entitled to decline an employee's request for 'discontinuous' leave if there is an impact on the business.

5.3.4 Employees have a six-week notice period to inform the employer of a change to their start and finish dates for ShPL. The employer can request from the employee, confirmation of the birth, or adoption. The employer reserves the right to request proof of the above.

5.4 **Shared Parental Leave pay**

5.4.1 To qualify for Shared Parental Leave Pay (ShPP) the employee must earn at least the lower earnings limit (LEL) for National Insurance contributions for the 8 weeks prior to the 15th week before the EWC. In addition, the mother, or adopter, must have:

- i) returned to work and
- ii) stopped claiming any relevant pay, with at least two weeks of unexpired Statutory Pay period remaining.

5.4.2 ShPP will be payable at the same rate as SMP, or 90% of the employee's average earnings (if this is less than the standard rate).

5.4.3 Employees are reminded that they are able to use annual leave or TOIL arrangements to support their family responsibilities. Please refer to the relevant policy for further information.

5.5 During ShPL and Keep in Touch days (KIT)

- 5.5.1 All terms and conditions of employment, and related benefits, except for those relating to pay will apply during ShPL.
- 5.5.2 Employees are encouraged to carry out up to 20 days work – known as Shared Parental Leave In Touch (SPLIT) days. These days do not end ShPL and do not result in losing ShPP. The days can be taken at a mutually agreed time during shared parental leave.
- 5.5.3 KIT days are intended to help you keep in touch with your workplace and allow you to do some work during your shared parental leave without affecting your ShPP. They do help ease your eventual return to work. The type of work you do could be attending work for a training course, refresher training or for an appraisal interview. Whether you take advantage of these days is your choice. Both you and NHP should agree that you can work on those days. You are paid your rate of pay for actual time worked.
- 5.5.4 When a KIT day is worked the employee will be paid a minimum of three hours (based on their usual rate of pay). This is irrespective of how many hours are worked in the session. It is important that managers are clear with employees how many hours they intend each session to run, and a broad outline of activities planned for the session. There is no requirement to 'fill a day', and managers should encourage employees to use their KIT day entitlement to support a successful return to work.

5.6 Returning to work

- 5.6.1 After ShPL leave the employee has the right to return to the same job they were contracted for, prior to leave. The 'same job' means the same hours, job description and pay conditions. The exception to this is if the employee is unable to return to their job, because it is not practical due to redundancy.

5.7 Redundancy and Shared Parental Leave

- 5.7.1 If, whilst an employee is on Shared Parental Leave, the workplace is involved in any reorganisation, the employee will be informed and given the opportunity to become involved in the process.
- 5.7.2 Redundancy protections for those on shared parental leave start the date their shared parental leave starts, providing at least 6 weeks shared parental leave has been taken. The protection will cover a period of 18 months after this date. This is called the 'protected period'. If less than 6 weeks shared parental leave has been taken the protection ends when the shared parental leave ends.
- 5.7.3 If, whilst during this protected period, the workplace is involved in any reorganisation, you will be informed and given the opportunity to become involved in the process.
- 5.7.4 In cases of redundancy, where an employee within the protected period cannot return to their former job, they are entitled to be offered (before that contract ends) a suitable alternative vacancy, where one is available. This is provided that the work to be done in that post is suitable to the employee and appropriate to the circumstances, and that the capacity and place in which the employee is to be

employed and terms and conditions of employment are not substantially less favourable than the employee's original job.

- 5.7.5 During the protected period there is a statutory responsibility to offer those at risk of redundancy a suitable alternative post. Where a group of employees are facing redundancy, an employee with these protections will be offered any suitable vacancy in priority to other employees.
- 5.7.6 If an employee is offered a suitable alternative vacancy, a four-week trial period will apply, in which she may decide whether the employment is suitable. This period may be extended beyond four weeks by written agreement.

6 Parental Leave

- 6.1 Parental Leave is available to employees who have completed at least one year's continuous service with NHP (at the time of the request). A maximum of 18 weeks of unpaid leave can be taken up for children under 18 years.
- 6.2 The employee is required to give at least 21 days' notice, from their intended start date of the leave, of their request for leave.
- 6.3 The employer can, at their discretion, agree up to four weeks unpaid leave to an employee in any calendar year for reasons concerning the parental care of a child and/or to deal with incidents involving a dependant.
- 6.4 For this purpose, a week's leave should be regarded as equivalent to the time an employee would normally work in a week.
- 6.5 Employees are reminded that they are able to use annual leave or TOIL arrangements to support their family responsibilities. Please refer to the relevant policy for further information.
- 6.6 Annual leave will continue to accrue during a period of parental leave. Employees should discuss with their Line Manager when they intend to take this annual leave.

6.7 Other

- 6.7.1 Any parental leave must be taken in blocks of full weeks, with the minimum of one week taken on each occasion. Unless, for business reasons, alternative arrangements are agreed.
- 6.7.2 Unless the employee wants to take parental leave immediately after the birth or adoption, the employer can postpone parental leave for up to six months, if leave might disrupt business operations.
- 6.7.3 The employer will discuss postponement with the individual, and confirm in writing, within seven days of the employee applying for leave, outlining the reason for postponement, and provide alternative dates for leave.
- 6.7.4 In the unlikely event of any perceived abuse of the scheme, the employer has the discretion to limit the parental leave taken by an employee to not less than the equivalent of thirteen weeks during the period of:
 - the first five years of the child's life
 - up to five years after a child is placed for adoption or until the child is eighteen years of age, whichever is earliest
 - up until the child's eighteenth birthday in the case of a disabled child. (NB. A disabled child is a child for whom disability living allowance is awarded).

7 Foster carer leave

- 7.1 There is no statutory right to foster care leave (paid or unpaid). NHP recognises that foster care arrangements can offer the best care for children in local authority care, therefore this area of the policy provides support for employees who are undertaking a foster care arrangement.
- 7.2 It is recognised that, in such cases, employees have specific obligations towards the child/children in accordance with their arrangement with the local authority and that, in some cases, the child/children may require a high level of care.
- 7.3 Foster-care leave applies to all employees with at least 26 weeks' continuous employment and who have entered into a new formal fostering arrangement for one or more children for 6 months or more with a relevant local authority or other recognised agency ("Foster Carer").
- 7.4 Employees are able to take up to two days leave, with pay, when they apply to become an approved foster carer. For part-time employees, the leave will be pro-rata. The employee can only take this in the year they are applying to foster to enable them to attend:
- meetings
 - home visits
 - mandatory training
- Employees can take the leave as half days when appropriate.
- 7.5 Employees are able to take up to a further three days leave, with pay, when an arrangement is agreed. For part-time employees, the additional days will be pro-rata. This leave is for attending meetings, training or to meet the needs of a child. Employees can take the leave as half days where appropriate.
- 7.6 The maximum amount of paid leave any foster carer could receive in any 12 month period is five days. Line managers have the discretion to agree further periods of unpaid leave. However employees are reminded they are able to use annual leave and TOIL arrangements to support their fostering career.
- 7.7 Employees will be expected to produce written evidence to support their requests for foster care leave. All leave requests will be reviewed in line with business needs, and employees should be aware that NHP has the right to refuse leave requests. When this is the case, the line manager will discuss the reasons with the employee, with a view to providing alternative dates for leave.

Appendix 1 – Maternity and Adoption Leave Benefits

Please refer to www.gov.uk/maternity-pay-leave or www.gov.uk/adoption-pay-leave for current eligibility criteria and payment amounts.

Criteria	Maternity Leave pay
<p>Staff with at least 26 weeks' continuous employment with NHP but less than 12 months' continuous employment at qualifying date:</p> <p>Maternity qualifying date: the beginning of the 15th week before the Expected due date.</p> <p>Adoption qualifying date: the week in which adoptive parents are matched with a child or receive official notification where adopting a child from overseas.</p>	<p>Weeks 1 to 6 - Eligible employees may receive 90% of their average weekly earnings (from relevant period)</p> <p>Weeks 7 to 39 - either 90% of average weekly earnings (from relevant period) or the maximum weekly provision for SMP/SAP (whichever ever is lower) in that tax year will be paid.</p>
<p>Staff with at least 26 weeks' continuous employment with NHP and over 12 months' continuous employment at qualifying date:</p> <p>Maternity qualifying date: the beginning of the 15th week before the Expected due date.</p> <p>Adoption qualifying date: the week in which adoptive parents are matched with a child or receive official notification where adopting a child from overseas.</p>	<p>Weeks 1 to 6 inclusive - as per statutory provisions i.e. 90% of their average weekly earnings (from relevant period)</p> <p>Weeks 7 to 18 inclusive - Top up to 50% pay (including SMP/SAP) e.g. where half pay is less than SMP/SAP (for 12 weeks)</p> <p><i>NB: employee must return to work for the equivalent of 3 months' pre-leave work pattern (hours) in order to retain half pay.</i></p> <p>Weeks 19 to 39 inclusive - as per statutory provisions i.e. SMP/SAP or 90% of average earnings (whichever is lower)</p>
<p>Staff with less than 26 weeks' continuous employment with NHP at qualifying date:</p>	<p>The current statutory provisions will apply. – please see www.gov.uk for SMP</p>