



## Family Friendly Working Policy

### **Contents:**

Background	1
Maternity Leave	2
Paternity Leave	8
Shared Parental Leave	10
Adoption Leave, including surrogacy	11
Overseas Adoption	15
Parental Leave	16
Dependents Leave	18
Flexible Working	19
Appendix 1: Useful Numbers	21
Appendix 2: Checklists	22
Appendix 3: Flexible Working Request Form	24
Appendix 4: Model Maternity Leave Letter	26

### **Background**

VLC believes in the importance of families, and is committed to facilitating family friendly working where possible. VLC acknowledges that there are legal requirements with regard to entitlements for leave. This policy sets out employee's entitlements with regard to family related leave, and sets out the procedures to be followed for the operational management of such leave.

This policy and its procedures apply to all employees of VLC.

## **Maternity**

The Estimate Week of Childbirth (EWC) is the week, starting Sunday, in which it is expected that the baby will be born, it is also sometimes called the Date of Delivery or EDD.

### **Health and Safety**

VLC has a legal responsibility to look after the health and safety of pregnant women and therefore it is important that the Principal is made aware of the pregnancy as soon as possible. The Principal, in conjunction with the Business Manager, will then carry out a risk assessment to see if there is any part of a woman's job that she can no longer do or that should be changed during her pregnancy or soon after her baby is born. The assessment will be reviewed regularly to account for changes with the progression of pregnancy.

### **Time off for ante-natal classes**

Pregnant women have the right to paid time off to keep appointments made on the advice of a doctor, midwife or health visitor. They should give the Principal reasonable notice and provide evidence, such as an appointment card. Appointments outside of normal working hours should be sought where possible.

Employees may wish to accompany their partners to ante-natal care appointments. From 1 October 2014 fathers-to-be, partners or nominated carers are entitled to unpaid time off to attend two antenatal appointments. See Paternity Leave below.

### **Fertility treatment**

Under normal circumstances employees will be allowed reasonable time off for fertility treatment. However if possible, appointments should be arranged outside of normal working hours.

If such treatment has side effects that lead to sickness, an employee will be considered to be on Sick Leave. More information can be found in VLC's Staff Sickness and Absence Policy.

## **Maternity Leave**

### **Notification**

For health and safety reasons employees should notify the Principal as soon as they know they are pregnant. However, employees must inform VLC at least 28 days before they wish to begin Maternity Leave. Notification should include:

- the expected week of childbirth;
- the intended date for the start of Maternity Leave.

At this stage, the employee should also provide a copy of the MAT B1 form, which can be obtained from a registered doctor or midwife. The MAT B1 will be issued by a woman's doctor or midwife between 24-26 weeks of pregnancy.

Within 28 days of providing notification of Maternity Leave, VLC will confirm the expected date of return. This will be 52 weeks from the start of Maternity Leave.

### **Maternity Leave entitlement**

Provided that an employee complies with the notification procedures they are entitled to 52 weeks Maternity Leave regardless of service or hours worked.

There are two types of Maternity Leave:

- Ordinary Maternity Leave (OML) – 26 weeks
- Additional Maternity Leave (AML) – 26 weeks

All women are required to take a minimum of two weeks' Maternity Leave immediately after the baby's birth.

### **Starting Maternity Leave**

OML will usually start on the day a woman have given written notification of. This cannot be more than 11 weeks before the EWC. Providing she is fit to work she could continue to work up until the day she gives birth.

If she voluntarily wants to change the start date she must give as much notice as possible, and no less than 21 days notice.

OML will begin earlier if a woman gives birth prematurely, or before the start of Maternity Leave or if she is absent for any reason wholly or partly related to her pregnancy after the beginning of the fourth week before the EWC. If this happens she will need to notify the Principal as soon as possible in writing.

AML will follow on directly after OML has finished.

### **Suspending Maternity Leave**

Outside of the two weeks immediately after the birth, if a situation arises when it would make sense to suspend all or part of an employee's Maternity Leave, for example where a baby must remain in hospital, VLC will seek to support any request made.

### **Continuous service**

Both OML and AML count as continuous service for statutory purposes and for the purposes of calculating Annual Leave and sick pay entitlements.

### **Annual Leave Entitlements**

The Working Time Regulations ensure that all employees are entitled to a minimum of 5.3 weeks (28 days) leave per annum, although this does include any entitlement to paid bank holidays.

VLC's leave year runs from 1st September - 31st August.

It is essential, by law, that all employees have their right to statutory (28) days paid holiday in each holiday year. Accordingly, VLC must ensure that an employee has benefited from this either before or after they go on Maternity Leave. The timing of an employee's Maternity Leave and school holidays usually means this will be the case. Many women choose to return from Maternity Leave to ensure they obtain the benefit of the paid holiday periods rather than unpaid Maternity Leave; VLC cannot prevent this due to the statutory leave requirements.

In the unlikely event that a woman returning from Maternity Leave has not received, or is not be able to receive, her statutory leave entitlement during the allocated leave years, then exceptions to normal leave policies will be made. A woman must be allowed to take any outstanding leave during term time during that leave year only if there are insufficient school closures to accommodate her leave in the following leave year.

ie. An employee taking Maternity Leave from 1st September 2017 - 31st August 2018 would carry across 5.3 weeks Annual Leave to the 2018-19 year. This would then form part of the normal school holidays, as VLC is closed for 13 weeks/year. However, she could choose to return on 24th July, and would therefore benefit from 6 weeks paid holiday at the start of her return.

If an employee decide not to come back to work her Annual Leave only accumulates up to her last day at work. If she has exceeded her Annual Leave entitlement, she will be required to pay back the extra.

Employees are advised to consult with the Principal and Business Manager early on in her pregnancy to plan and agree how she will best use her Annual and Maternity Leave entitlements.

### **Maternity Pay**

#### **Maternity Pay entitlement**

Depending upon on an employee's length of service with VLC and whether she earns enough to pay NI contributions, she will be entitled to Statutory Maternity Pay (SMP), please refer to <https://www.gov.uk/maternity-pay-leave/pay> for the rates.

In addition, subject to her length of service and intention to return to work after Maternity Leave she will be entitled to Occupational Maternity Pay (OMP).

However, a right to entitlement can be lost if an employee does not provide VLC with sufficient notice of intention to start Maternity Leave or if she do not provide medical evidence of her pregnancy eg. MAT B1.

A woman will also benefit from any pay increases or improvements to the terms and conditions of her employment which occur whilst she has been on Maternity Leave.

### **Statutory Maternity Pay**

If an employee has less than 26 weeks' continuous service with VLC at the 15th week before the EWC then she will not be entitled to SMP.

However, if she earns over the NI Lower Earnings Limit she may be entitled to Maternity Allowance. The NI Lower Earnings Limit changes annually and the current rate can be obtained from JobCentre plus. To claim the Maternity Allowance employees should obtain an SMP1 form from the Business Manager (who will obtain it from VLC's Payroll Contractor), which should then be presented at JobCentre plus.

If an employee has more than 26 weeks but less than one year's continuous service with VLC at the 15th week before the EWC she will be entitled to SMP of:

Week 1-6: Pay at 90% of normal salary;

Week 7-39: SMP;

Week 40:52: Unpaid.

### **Occupational Maternity Pay**

If an employee has more than one year's continuous service at the 11th week before the EWC, and she is intending to return to work at the end of her Maternity Leave for at least three months, she will be entitled to OMP. This is paid in addition to SMP.

This means:

Week 1-6: Pay at 90% of salary, offset by any SMP or Maternity Allowance payable

Week 7-18 Pay at 50% of salary plus SMP, without deductions except to the extent to which combined pay and SMP exceeds full pay.

Week 19-39: SMP

Week 40-52: Unpaid.

Alternatively, a sum equivalent to 12 weeks at half pay (weeks 7-18) may be paid as a lump sum upon return to work. However, to qualify an employee must return to work in VLC's employment for at least 3 months after her Maternity Leave has ended.

If an employee decides not to return to work, she will be asked to pay back any OMP she has received on top of her SMP.

### **Pensions**

Pension deductions (if applicable) will be made from maternity pay (including SMP).

If an employee is taking unpaid Maternity Leave then she can still make pension contributions when she returns to work. To do this she will need to contact the Business Manager.

If an employee does not return to work the last day of pensionable service will be when paid Maternity Leave ends.

## **During Maternity Leave**

### **Reasonable Contact**

It is expected that there will be reasonable contact between an employee and VLC (via the Principal) whilst she is on Maternity Leave. This may include asking her to provide proposed return dates and/or whether she is intending to request an alteration in her hours.

The National Conditions of Service allow for women on Maternity Leave to be kept informed of vacancies, training opportunities and any major workforce developments as they occur.

### **Keeping in Touch Days**

Whilst on Maternity Leave an employee may, by agreement with the Principal, work up to ten days work without bringing Maternity Leave to an end. Keeping in touch days are different to the reasonable contact described above as employees will actually work for VLC and be paid their normal contractual rate of pay accordingly.

The type of work undertaken on these days is a matter for agreement between the employee and the Principal but could include training days, meetings or any other event to which it would be beneficial to attend. The days may, or may not, be taken as a block. They must be work related and not simply calling into work to bring the baby to show colleagues.

There is no requirement whatsoever for employees to work all or any of the Keeping in Touch days if they do not wish to, nor does a woman have the right to insist that work is provided. The number and date of days worked are to be agreed with the Principal.

Working for part of a day will count as one of the ten days and an employee will receive their normal contractual rate of pay for the hours worked. However, where an employee has already received any pay related to their maternity entitlement for a Keeping in Touch day the difference will be paid to a maximum of their normal contractual rate of pay.

The Principal will need to notify the Payroll contractor of the dates and hours worked of any Keeping in Touch days to ensure that the payment received is correct.

Employees will not lose any SMP through the undertaking of Keeping in Touch days.

If an employee does undertake the ten Keeping in Touch days this does not mean that her Maternity Leave is extended by ten days; it remains 52 weeks from the beginning of her leave.

### **Returning to Work**

Once the two weeks immediately after the birth have passed, a woman may return to work at any time.

The assumption is that she will return to work at the end of her leave. However if she wishes to return earlier than her 52 weeks entitlement (or period otherwise notified) then she must give 21 days notice.

### **Returning to the same job**

At the end of an employee's Ordinary Maternity Leave (the first 26 weeks) she has the right to go back to the same job on conditions no less favourable than would have applied if she had not been absent. At the end of Additional Maternity Leave (weeks 27-52) an employee will normally return to the same job, but VLC is entitled, if that is not practical, to offer an alternative job that is suitable and appropriate, ie. on terms and conditions not less favourable to those previously enjoyed.

If an employee's post is made redundant whilst she is on Maternity Leave, VLC will seek to offer redeployment. Whenever possible an employee will be offered a suitable alternative vacancy on no less favourable terms. This would also be the case if any other exceptional circumstances, such as

reorganisation, occur whilst an employee is on Maternity Leave and which require a change in the job to which she was previously employed.

In these situations alternative jobs will be sought that are suitable to the employee and the circumstances.

### **Choosing not to return to work**

If an employee does not return to work and if she has received Occupational Maternity Pay, she will be required to repay the extra money received.

### **Unable to return to work**

If a woman is unwell when her Maternity Leave is due to end, she will need to contact the Principal in order to make them aware of the situation and provide them a copy of the Doctor's note stating that she is not able to return to work. The employee will then be on Sick Leave and VLC's Sickness and Absence Policy will apply.

### **Returning to work part-time**

Whenever possible VLC will try to accommodate any request to return to work part time. Please see the section on Flexible Working.

### **Fixed term contracts**

If an employee's contract is to be renewed whilst she is on Maternity Leave or will continue after she would be due to return from Maternity Leave then she maintains her right to return. However if the contract is not due to be renewed (eg. she was covering a period of sickness absence) then she may not have the right to return after Maternity Leave.

VLC notes that it is unfair not to renew a fixed term contract or dismiss an employee purely for reasons relating to pregnancy.

### **Breastfeeding facilities**

VLC will, wherever possible, allow appropriate flexibility in working hours including regular breaks for mothers who wish to express milk. Women returning to work and wishing to breastfeed/express should give the Principal 28 days notice to allow sufficient time to find a suitable location. Such a location will include a private and secure room, ideally lockable and with blinds. The room should have a chair and be located close to somewhere milk can safely be stored (eg. a fridge).

Upon returning to work the Principal will establish any arrangements that should be made. A further risk assessment will be carried out and any risks removed.

### **Miscarriage or Stillbirth**

If a woman miscarries before the 25th week of pregnancy she will be entitled to Sick Leave (see VLC's Sickness and Absence Policy). If a woman suffers a still birth from the 25th week of pregnancy onwards she will be eligible to Maternity Entitlements.

If a baby dies after it has been born, or following a premature birth then entitlement to Maternity Leave and SMP also remains the same.

### **Multiple Babies**

An employee will be entitled to the same benefits regardless of how many babies she is expecting.

### **Becoming Pregnant Again**

If an employee becomes pregnant again whilst on Maternity Leave then she will again become entitled to OML and AML as appropriate, even if there is no interval between one period of Maternity Leave and the next. However, at the end of a second period of OML, which followed on immediately from AML, the right to return is only to the same job or an alternative that is suitable and appropriate.

## **Paternity Leave**

Paternity Leave is available to employees to assist in the care of a child and to provide support to the mother at or around the time of birth.

### **Ordinary Paternity Leave entitlement**

To be eligible for Ordinary Paternity Leave a man must have (or expect to have) responsibility for the upbringing of the child, and be the biological father, or husband/partner (including same sex or civil partner) of the child's mother.

### **Notification**

If an employee is seeking to take Paternity Leave he will be asked to provide a copy of the mother's MAT B1 form and a self certification form (SC3) to support his request to take Paternity Leave which can be downloaded from the government website.

This form gives information about the terms and conditions that apply to Statutory Paternity Pay and includes a declaration which must be signed to confirm the entitlement to Paternity Leave and Pay. The completed SC3 Form should be returned to VLC.

An employee will need to let the Principal know whether he intends to take Paternity Leave by the 15th week before the baby is due to be born. He will need to confirm in writing:

- the week the baby is due;
- if he intends to take one or two weeks leave; and
- the intended date for the start of leave.

### **Time off for antenatal classes**

In addition to Paternity Leave, if he is the baby's father, mother's husband/partner, including civil partner, he can take time off to accompany the mother to antenatal or 'preparation for parenthood' classes.

From 1 October 2014 men are entitled to unpaid time off to attend up to two antenatal appointments. It is expected that no more than half a day will be needed for an antenatal appointment. Therefore the maximum time, under this entitlement is 6 hours and 30 minutes per appointment.

### **Ordinary Paternity Leave**

Employees are entitled to one weeks leave without additional conditions or requirements. If he has 26 weeks service with VLC at the 15th week before the date the baby is expected to be born, an employee will also be entitled to a second week of OPL.

An employee may take one week, or two consecutive weeks leave (subject to conditions above) but he may not take odd days.

Paternity Leave must be taken within 56 days (8 weeks) after the date the baby is born.

If an employee wishes to change the dates of his OPL, he must give 28 days notice unless it is not reasonably practical to do so (eg. if the baby arrives prematurely or is kept in hospital).

### **Statutory Paternity Pay**

An employee will be paid his full salary for the first week and Statutory Paternity Pay for the second week of Paternity Leave (please refer to <https://www.gov.uk/maternity-pay-leave/pay> for the rates). Pension deductions and payments (if applicable) will not be affected by Paternity Leave.

In order to claim SPP, an employee must make the following declarations to VLC:

- that he is either married to or the partner, including civil partner, of the child's adopter;
- that he is taking leave to care for the child or to support the adopter;
- that his partner or spouse has received official notification of their suitability for adoption;

- that he has or expects to have main responsibility (other than the adopter) for the upbringing of the child;
- that he has chosen to claim SPP and not SAP.

### **Stillbirth and Complications**

Paternity Leave is still available if the baby is still born after 24 weeks of pregnancy or it dies during the possible Paternity Leave period (56 days after the birth).

The Principal may use his discretion to grant Compassionate Leave if complications occur for either the mother or child immediately following the birth.

### **Multiple Babies**

An employee will receive the same entitlement regardless of the number of babies born.



## **Shared Parental Leave**

The Shared Parental Leave Regulations 2014 enables eligible employees who have babies due on or after 5 April 2015 to share up to one year's leave with their partner during the first year after birth or following adoption.

The aim of Shared Parental Leave (SPL) is to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. The Regulations allow mothers to "curtail" their Maternity Leave and pay, (after the initial two week recovery period) and share the remaining Parental Leave with their partner. This means couples can either spend time off as a family, the mother can return to work before the year's leave has finished, or parents can take leave in blocks.

There is a new statutory payment for parents on Shared Parental Leave with the same qualifying requirements that currently apply to statutory maternity and paternity pay.

Those who have adopted a child will be entitled to the same pay and leave as birth parents.

SPL can be taken in continuous or discontinuous (depending on the needs of the service) periods of time. SPL can be taken in up to 3 separate blocks.

SPL can only be taken during the 12 months following the birth/placement of the child, up to the eve of the child's first birthday/anniversary of placement. SPL not taken by this point will be lost.

The online calculator available on the [Government's website](#), allows prospective parents to calculate their entitlement to SPL.

## **Adoption Leave**

Adoption Leave provides a similar entitlement to Maternity Leave and is available to the 'adopter' of a child under the age of 18. Where a couple jointly adopts a child, only one of the couple (the 'primary adopter') is entitled to Adoption Leave, but the other may be entitled to Paternity Leave (Adoption).

There are two types of leave available:

- Adoption Leave provides 26 weeks Ordinary Adoption Leave followed by 26 weeks Additional Adoption Leave; and
- Paternity Leave (Adoption) allows two weeks leave, to be taken as two consecutive weeks or two separate weeks. The leave must be taken within 56 days of the child being placed.

Couples will, therefore, need to decide who will take Adoption Leave. The primary adopter will be entitled to a period of leave which can total 52 weeks. The 'secondary adopter' can take Paternity Leave (Adoption) which mirrors the entitlement to Paternity Leave.

## **Time off for adoption appointments**

Employees and agency workers with 12 weeks service who are matched with the child for adoption on or after 5th April 2015 are entitled to time off work to attend up to 5 adoption appointments (of up to six and a half hours for each appointment). Where a couple are both adopters of the child, only one of them can take paid time off for these appointments. If only one of the couple is officially adoption the child, only the adopter is entitled to time off to attend adoption meetings.

## **Surrogacy and fostering for adoption**

The parent of a child who is born through surrogacy arrangements and to whom a Parental Order applies, or parents who are fostering for adoption are eligible to take the same leave and pay as a parent eligible to claim Adoption Leave, Pay and statutory Paternity Leave and Pay.

## **Adoption Leave**

### **Adoption Leave entitlement**

Adoption Leave is only where a child is newly matched for adoption by an approved adoption agency. It would not, therefore, cover the adoption of a step-child. In these circumstances an employee be eligible for Unpaid Parental Leave.

Adoption Leave applies only to couples adopting children within the UK. For overseas adoption please see the next section of this Policy.

An employee will be eligible to take Adoption Leave from the day they begin employment with VLC.

The same qualifications exist in respect of Paternity Leave (Adoption).

## **Notification**

If an employee is taking either Adoption Leave or Paternity Leave (Adoption) they must let the Principal know in writing:

- the date the child will be placed for adoption;
- the date they intend leave to start.

Employees will need to supply a copy of the 'Matching Certificate' which should be given by the adoption agency. This should include the name and address of the agency, the date they were notified of the match and the date the placement is expected to start. VLC will also require written confirmation as to whether the employee is the primary or secondary adopter.

This notification must be given to VLC within 7 days of being told that they have been matched with a child, or as soon as is otherwise possible. In any case, employees must give at least 28 days notice of the date they wish to begin Adoption Leave or Paternity Leave (Adoption).

### **Starting Adoption Leave**

Adoption Leave starts from the date of the child's placement (or if due to work that day, the day following the placement) or an agreed date up to 14 days before the date the child is due to be placed.

Paternity Leave (Adoption) must start either on the date of the child's placement or within the following 56 days.

If taking either Adoption Leave or Paternity Leave (Adoption) an employee can change the date upon which their leave starts. However, if at all possible 28 days notice of changes should be given.

### **Annual Leave entitlement**

Annual Leave continues to accrue as usual during Adoption Leave and employees may be able to use it to reduce the amount of unpaid Adoption Leave.

If an employee decides not to come back to work their Annual Leave only accumulates up to their last day at work. If their leave taken exceeds their entitlement they will be required to pay back the extra.

If an employee would be due to take additional Adoption Leave but would rather use up any holiday entitlement left they may do this, but they should inform the Principal of their intentions in writing and give the correct notice that they intend to end their Adoption Leave. If an employee does not take their Annual Leave during the current leave year they may lose it.

### **Statutory Adoption Pay**

If an employee is taking Adoption Leave, they will be entitled to Statutory Adoption Pay (SAP) for up to 39 weeks. However, VLC has enhanced this to 90% of normal weekly pay for the first six weeks of Adoption Leave, plus half pay for the following 12 weeks subject to the employee having one year's service by the notification week and provided they return to VLC's employment for 3 months.

If an employee has more than one year's continuous service at the 11th week before the EWC, and she is intending to return to work at the end of her Maternity Leave for at least three months, she will be entitled to OMP. This is paid in addition to SMP.

The remainder of the 26 week Ordinary Adoption Leave Period and first 13 weeks of Additional Adoption Leave will be paid at the Statutory Level (please refer to <https://www.gov.uk/adoption-pay-leave/pay> for the current rates) in either of the above circumstances.

The remaining 13 weeks of Additional Adoption Leave is unpaid.

If an employee has earnings below the Lower Earnings Limit for NI Contributions they will not qualify for SAP but may be entitled to benefits which will assist. Further information on these are available from local JobCentre plus offices.

If an employee is taking Paternity Leave (Adoption), they will be paid their full salary for the first week and Statutory Paternity Pay for the second week. Please refer to <https://www.gov.uk/paternity-pay-leave/pay> for the rates.

### **Pension**

Pension deductions (if applicable) will be made from Statutory Adoption Pay. If an employee takes all their Additional Adoption Leave then they may still make contributions when they return to work. To do this employees must contact the Business Manager.

If an employee does not return to work the last day of pensionable service will be when Ordinary Adoption Leave ends.

### **During Adoption Leave**

#### **Reasonable contact**

During the Adoption Leave period there may be reasonable reciprocal contact between the employee and the Principal. The frequency and nature of the contact may be agreed between the employee and the Principal before Adoption Leave commences.

#### **“Keeping in Touch Days”**

Whilst on Adoption Leave employees may, by agreement with the Principal, work up to ten days work without bringing Adoption Leave to an end. Keeping in Touch days are different to the reasonable contact described above as employees will actually work for VLC and be paid accordingly.

The type of work undertaken on these days is a matter for agreement between the employee and the Principal but could include training days, meetings or any other event to which it would be beneficial to attend. The days may, or may not, be taken as a block.

There is no requirement whatsoever for employees to work these days if they do not want to, nor do employees have the right to insist that the work is provided. The days worked are to be agreed with the Principal.

Working for part of a day will count as one of the ten days and the employee will receive their normal contractual rate of pay for the hours worked. However, where they have already received any pay related to their adoption entitlement for a Keeping in Touch day the difference will be paid to a maximum of their normal contractual rate of pay.

The Principal/Business Manager will need to notify the Payroll Contractor of the dates and hours worked of any Keeping in Touch days to ensure that the payment received is correct. Employees will not lose any SAP.

If employees do undertake the ten Keeping in Touch days this does not mean that the employee's Adoption Leave is extended; it remains 52 weeks.

#### **Returning to Work**

If an employee is on Adoption Leave and wants to return to work before it finishes then they will need to give the Principal 28 days notice in writing of the date they want to return.

Unless the employee informs VLC otherwise, it is presumed that they will return on the date their Adoption Leave finishes. VLC will write to the employee within 28 days of their notification to confirm the expected date of return.

At the end of an employee's Ordinary Adoption Leave they have the right to go back to the same job on conditions no less favourable than would have applied if they had not been absent. At the end of Additional Adoption Leave they will normally return to the same job, but VLC is entitled, if that is not practical, to offer an alternative job that is suitable and appropriate, ie. on terms and conditions not less favourable to those previously enjoyed.

If returning from Paternity Leave (Adoption) employees will be entitled to return to their same job.

It is unfair to dismiss an employee purely for reasons relating to their taking Adoption Leave.

If the employee would like to return to work part time, they may have the right to apply for Flexible Working if they have 26 weeks continuous service with VLC. The Flexible Working section of this Policy gives more details on how to apply for this.

### **Adopting Multiple Children**

If an employee adopts more than one child at the same time their entitlement to leave and pay remains unchanged.

### **Unsuccessful Adoptions**

If the adoption fails to go ahead, employees should notify the Principal as soon as possible. In this situation there is no entitlement to Adoption Leave.

If an adoption placement ends early, whilst the employee is on Adoption Leave, or if the child dies, then employees are entitled to remain on leave for up to 8 weeks after the end of the placement.

## **Overseas Adoption**

Most of the Regulations covering adoption within the UK also applies to adoption from overseas, for example, where employees are adopting jointly, as a couple, they must choose who wishes to take Adoption Leave and Pay.

Details of the standard adoption entitlements can be found on the previous pages; however there are some key differences and these are detailed below.

### **Leave** **Notification**

In order to be eligible, employees must have 26 weeks' continuous service with VLC and they must notify VLC of their intention to take Adoption Leave or Paternity Leave (Adoption) within 28 days of receiving official notification.

"Official notification" refers to a written notification, issued by or on behalf of the relevant domestic authority (usually the Department of Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. Employees must provide the Principal with a copy of this documentation.

### **Starting Overseas Adoption Leave**

Adoption Leave cannot begin before the child enters Great Britain. The latest Adoption Leave can begin is 28 days after the date of entry.

The earliest Paternity Leave can begin is the date on which the child enters Great Britain. Paternity Leave may only be taken during the period of 56 days beginning with the date on which the child enters Great Britain.

Statutory Adoption Leave cannot be used to cover the period spent travelling overseas to arrange the adoption or visiting the child.

### **Pay**

As well as the official notification, employees should provide a declaration that they are not also claiming Statutory Paternity Pay and, within 28 days of the child entering Great Britain, they must give further evidence of the date of entry, such as a plane ticket or copy of entry clearance documents.

For further details on pay entitlements for the primary adopter see previous section on Adoption Leave.

In order to claim SPP, they employee must make the following declarations to VLC:

- That they are either married to or the partner, including civil partner, of the child's adopter;
- That they are taking leave to care for the child or to support the adopter;
- That their partner or spouse has received official notification of their suitability for adoption;
- That they have or expect to have main responsibility (other than the adopter) for the upbringing of the child;
- That they have chosen to claim SPP and not SAP.

### **Unsuccessful Adoptions**

If the placement ends during the Adoption Leave period, employees are entitled to remain on Adoption Leave for a further 8 weeks after the end of the placement.

## **Parental Leave**

Parental Leave is a statutory entitlement to unpaid leave and is available to employees who are parents.

A child's parents have the right to take up to 18 weeks' Parental Leave until their child is 18. They can take up to 18 weeks' leave for each child.

The parents of a disabled child may take up to 18 weeks' Parental Leave up until the child's 18th birthday.

Parental Leave enables either parent to take significant time off to care for or spend more time with their child. It should be taken in weekly blocks, unless the child is disabled in which case they will be able to take leave in days as well as weeks. However employees are only able to take a maximum of 4 weeks Parental Leave in one year for each child.

A week counts as the employees normal working week. ie. if the employee works Monday to Friday this would be 5 days. However if the employee is part time and work for example Tuesday and Wednesday a week's leave would be equal to 2 days.

However, if employees require a short time off work to attend to an emergency or crisis they should use Dependants Leave, or VLC's arrangements for special or compassionate leave, whichever is more appropriate (details are given in the section on Dependants Leave).

## **Leave**

### **Parental Leave entitlement**

To qualify for Parental Leave in all cases the employee must have completed at least one year's continuous service with VLC, at either:

- The date of birth of the baby
- The date the employee receives the child from an Adoption Agency

Both parents either natural, adoptive, or the person with legal responsibility for the child are entitled to take Parental Leave.

If the employee is new to VLC they must declare any previous Parental Leave taken with another employer. The Business Manager will record all Parental Leave taken.

### **Notification**

Employees must give the Principal 21 days notice in writing of their intention to take Parental Leave.

### **Pay**

Employees will not be paid whilst they are on Parental Leave although they may be eligible for other benefits.

### **Postponing Applications for Parental Leave**

VLC can postpone an employee's request for Parental Leave for up to 6 months if it would be particularly disruptive to VLC's activities for the employee to take time off at the time they have initially requested.

Leave cannot be postponed if a father wants to take it directly after the birth of his child or an adopter immediately following the placement of a child.

### **Taking Parental Leave directly after Maternity Leave**

Employees may request Parental Leave as soon as their Maternity Leave (either OML or AML) finishes but they will need to make sure that the correct notice period is given.

### **Entitlements upon Return**

Employees will still accrue Annual Leave whilst on Parental Leave. It will also count as continuous employment.

For the first 30 days an employee is on unpaid leave at any one time, their pension (if applicable) will continue as normal and deductions will be made when they return to work.

Employees have a right to return to the same job if they have taken 4 weeks or less Parental Leave.

### **Returning to Work**

If an employee decides that they do not wish to return to work after the period of Parental Leave, they are required to hand in notice in the usual way.



## **Dependants Leave**

Dependants Leave is designed to help employees cope with unplanned or unexpected emergencies. It allows employees reasonable time off to deal with the immediate situation and to make longer term arrangements if necessary.

For example, if an employee's child(ren) is ill, the employee could taken Dependents Leave in order to take them to the Doctor and make longer term care arrangements. However, Dependents Leave would not enable employees to take time off to care for their child(ren) until they are better.

Employees should use Dependents Leave to sort out an emergency situation, such as:

- unexpected illness of a dependant;
- if a dependant is injured or assaulted;
- to arrange for longer term care;
- to sort out problems when there is a disruption to or breakdown of care arrangements;
- to deal with an unexpected incident with a child whilst they are at school;
- in cases of domestic violence to ensure a child's safety.

It does not cover other domestic problems such as burst water pipes or car breakdowns.

It is not normal for usually necessary for both parents to take time off together but in extreme circumstances it is possible.

## **Defining Dependants**

A dependant is a husband, wife, civil partner, child or parent. It can also be someone who is living in the same house, such as an elderly relative who the employee cares for, but not a tenant, lodger or employee eg. nanny.

Dependants Leave can also be used if the employee is the primary carer for someone or the only person who could help out in an emergency situation eg. helping an elderly neighbour in a crisis.

## **Leave**

There is no specified time limit set out but employees should take what is considered a reasonable time in the circumstances, usually no more than one or two days.

## **Notification**

Although employees cannot plan their need to take Dependants Leave they must contact the Principal as soon as possible to notify of an emergency.

## **Entitlement**

Employees will be able to take Dependants Leave from the day they start working for VLC.

## **Pay**

Generally Dependents Leave is unpaid, as the statutory provision does not include the right to paid time-off. However, discretion may be exercised by the Principal to allow paid time-off or to allow the time lost to be made up at a later date without loss of pay. Consideration may also be given as to whether compassionate or special leave could reasonably be granted under the circumstances.

## **Flexible Working**

Both the Government and VLC are supportive of flexible working where it can be accommodated within service needs. The Government has given this support statutory backing through the right for any employee who has been employed for 26 weeks to request flexible working. This means that if an employee puts forward a case VLC will seriously consider whether their needs can be met.

Flexible working can cover:

- a change in the hours worked;
- a change to the times worked; and/or
- a change to the place of work.

This could be, for example, job sharing or working from home.

## **Entitlement to request flexible working**

Any employee who has 26 weeks continuous service with VLC has the right to request flexible working.

The right to request flexible working was extended to all employees with 26 weeks service on 30 June 2014. Before that date the right only applied to parents of children under 17, or 18 if disabled, and certain carers.

## **Applying for flexible working**

A Flexible Working Request Form is included at the end of this document that should be used to make the request to the Principal. The form asks for the following information that under the regulations must be provided in writing:

- the desired change to working conditions;
- the desired date for changes to take effect;
- what effect, if any, the desired changes change will have on VLC, and how that might be dealt with; and
- the date of the request, the fact that it is a statutory request, and if and when the employee has made any previous request(s).

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt. It is possible for the manager and the employee to agree an extension to this timescale. All correspondence from both parties should be dated.

- The Principal will consider written requests and arrange to discuss with the employee as soon as possible and within 28 days, what changes they are seeking, how they might benefit themselves and VLC, and any alternative options available if there is any problem meeting their request. Employees may bring a work colleague with them to this meeting for support if they wish. If the request can be easily met it may not be necessary to meet.
- Following the meeting the Principal will consider the request carefully, examining the benefits of the desired changes for both the employee and VLC, and weighing these against any adverse impacts of implementing the changes. Once a decision has been made the Principal will inform the employee of the outcome in writing within 14 days, giving the reasons for the decision. If the request is agreed the Principal will outline a start date will for the new arrangements. They may also put forward alternative suggestions if it is not possible to meet with the employee's exact request.
- If the employee is not happy with the decision they may appeal. An appeal should be launched within 14 days of receiving notice that the request has been rejected or not fully met. The employee should give the reasons why they are appealing in writing.
- The Principal will consider the appeal as soon as possible and arrange a meeting to discuss it if necessary, or agree that it can be held, for example, by phone. The results of the appeal will be given within three months of the receipt of the employee's original request for flexible working. The outcome of the appeal will be given in writing and will outline the reasons why the request is refused or, if agreed, the start date will be given.

An employee can withdraw their request at any point before the changes have been agreed and implemented. A request that is made and accepted under the statutory right will be a permanent change to the employee's contractual terms and conditions. The employee has no right to revert to previous working arrangements.

However, agreement can be made for the flexible working arrangement to be for a specified period of time, or a trial period may be agreed. If a trial period is agreed a review date should be set to discuss how the new arrangements are working and confirm what permanent arrangements will apply at the end of the trial period.

### **Rejected requests**

If an employee's request is rejected, and no appeal made, employees cannot make another request for 12 months. The same process will need to be followed and the employee will need to state that they have made a request before.

There are a variety of business reasons why a request can be rejected, these include:

- burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to reorganise work amongst existing staff;
- inability to recruit additional staff;
- a detrimental impact on quality or performance;
- not enough work during the periods requested to work; and/or
- a planned structural change to the business.

If a meeting is arranged to discuss the employee's request or appeal, and they do not attend both this and a rearranged meeting without a good reason, their request can be considered as withdrawn.

## **Appendix 1: Useful Numbers**

For all general queries, in the first instance contact the HR Advisory Team.

For queries on forms or process please contact Customer Service Team at HR Service Centre on 01926 738444.

### **Social Security/Jobcentre plus** [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)

Contact your local office for advice on benefits available and also the following leaflets

NI17A A Guide to Maternity Benefits

BC2 Expecting a Baby

CH1 Child Benefit

BC1 Babies and Children

PL514 Paternity Leave and Pay

PL515 Adoption Parents – Rights to leave and pay

For details on any of the above click onto [www.direct.gov.uk](http://www.direct.gov.uk)

### **Maternity and Parenting Advice**

Childcare Link - information on children's services

Tel 0800 096 0296 [www.childcarelink.gov.uk](http://www.childcarelink.gov.uk)

Daycare Trust - information on childcare

Tel: 020 7512 2866 [www.daycaretrust.org.uk](http://www.daycaretrust.org.uk)

Maternity Alliance - promotes wellbeing of pregnant women, new parents and families, also information on parental benefits

Tel: 020 7588 8582 [www.maternityalliance.org.uk](http://www.maternityalliance.org.uk)

National Council for One Parent Families - information for lone parents

Tel: 0800 018 5026 [www.oneparentfamilies.org.uk](http://www.oneparentfamilies.org.uk)

The Miscarriage Association - information and support on miscarriage and entopic pregnancy

Tel: 01924 2000799 [www.miscarriageassociation.org.uk](http://www.miscarriageassociation.org.uk)

Tommy's - information aimed at understanding and preventing premature birth, miscarriage and stillbirth

Tel: 08707 707070 [www.tommys.org](http://www.tommys.org)

Adoption UK - support before, during and after adoption. Tel 0870 7700 450

[www.adoptionuk.com](http://www.adoptionuk.com)

BAAF - is an independent organisation and charity promoting the highest standards of child centred policies.

Tel: 020 7593 2023 [www.baaf.org.uk](http://www.baaf.org.uk)

Age Concern - is the largest charitable movement in the UK concerned with the needs of older people.

Tel: 0800 009966 [www.ace.org.uk](http://www.ace.org.uk)

## Appendix 2: Quick Checklists

<b>Maternity</b>	
Notify that you will be taking Maternity Leave <ul style="list-style-type: none"> <li>- 15th week before the EWC</li> <li>- At least 28 days notice needed to receive SMP</li> </ul>	
WCC will respond to this request within 28 days giving a date of return from Maternity Leave	
If you need to change the start date give 21 days notice	
You can not start your leave before 11 weeks before the EWC	
Leave will automatically start if on sick leave for reason relating to pregnancy at the beginning of the 4th week before EWC	
Entitlement to 52 weeks Maternity Leave regardless of length of service	
Compulsory Maternity Leave of 2 weeks following birth	
Notification of early return to work <ul style="list-style-type: none"> <li>- During OML 7 days</li> <li>- During AML 21 days</li> </ul>	
No entitlement to SMP if less than 26 weeks continuous service	
Pay if more than 26 weeks continuous service but less than one year: <ul style="list-style-type: none"> <li>- 6 weeks at 90% full salary</li> <li>- 33 weeks at SMP</li> </ul>	
Pay if 1 year plus service: <ul style="list-style-type: none"> <li>- 6 weeks at 90% full salary (offset by any SMP or Maternity Allowance payable)</li> <li>- then, 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds the amount your full pay would be)</li> <li>- then, 21 weeks SMP.</li> </ul>	
Return to work on notified date assumed at the end of OML or AML unless you give notice to the contrary.	
Miscarriage from 25th week of pregnancy still entitled to maternity rights	
<b>Paternity</b>	
Notify that you will be taking Paternity Leave 15th week before the week the baby is due	
Complete self certification form to benefit from entitlements	
28 days notice is required to change this date	
Entitled to one week or two weeks consecutive leave as you wish	
Leave must be taken within 56 days or 8 weeks of the baby being born	
If the child is still born after 24 weeks or dies during the possible period of Paternity Leave still entitled to Paternity Leave	
Same entitlement if the mother has more than one child	

Statutory paternity pay of full pay for the first week only then (please refer to <a href="https://www.gov.uk/paternity-pay-leave/pay">https://www.gov.uk/paternity-pay-leave/pay</a> for the rates), or 90% weekly salary if less for the second week	
<b>Adoption</b>	
You are eligible if the child is newly matched for adoption by an approved agency within the UK for children under 18.	
Evidence required is a matching certificate plus details of the placement date and child's date of birth.	
Entitled to <ul style="list-style-type: none"> <li>- OAL of 26 weeks</li> <li>- AAL of 26 weeks</li> </ul>	
Leave can begin from start date of placement or up to 14 days prior to when they arrive to live permanently with the family	
Need to notify within 7 days of being told of the match and within 28 days prior to the start date of the placement	
To change this date you need to give 28 days notice	
WCC will respond to the request within 28 days	
Adoption Pay during OAL is SAP of (For Adoption pay please visit: <a href="https://www.gov.uk/employers-adoption-pay-leave/entitlement">https://www.gov.uk/employers-adoption-pay-leave/entitlement</a> ) <ul style="list-style-type: none"> <li>- 6 weeks at 90% full salary (offset by any SMP or Maternity Allowance payable)</li> <li>- then, 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds the amount your full pay would be)</li> <li>- then, 21 weeks SMP</li> </ul> Remaining AAL is unpaid	
Employee return assumed at the end of OAL or AAL unless they give notice to the contrary.	
To return early from either OAL or AAL 28 days notice is required	
<b>Paternity Leave (Adoption)</b>	
Notify that you will be taking Paternity Leave 15th week before the week the child is placed	
28 days notice is required to change this date	
Entitled to two weeks consecutive leave if you have 26 weeks continuous service at the start of the 15th week before the child is placed	
Leave must be taken within 56 days or 8 weeks of the child being placed	

**Appendix 3: Flexible Working Request Form**

<b>Name</b>		<b>Job Title</b>	
<b>Date of this request</b>		<b>Date of previous request</b>	
<b>Reason for statutory request</b>			
<b>Describe your current working pattern</b> (days/hours/times worked)			
<b>Describe the working pattern you would like to work in the future</b> (days/hours/times worked)			
<b>Impact of the new working pattern</b> Describe how the new pattern will affect the service, the team and colleagues			
<b>Accommodating the new working pattern</b> Describe how the issues you have highlighted above can be dealt with by your manager			
<b>Date you would like new working pattern to start:</b>			
<i>I confirm that I have worked continuously as an employee of Warwickshire County Council for 26 weeks, and that I have not made any other request to work flexibly in the previous 12 months</i>			
<b>Signed:</b>		<b>Date:</b>	

---

**Employer's confirmation of request**  
(to be returned to the employee)

To

I confirm that I have received your request to change your work pattern on date and that I will now consider your proposals

Signed:

Dated:



## **Appendix 4: Model Maternity Leave Letter**

### **PRIVATE & CONFIDENTIAL**

<ADDRESS>

<DATE>

Dear <NAME>,

### **RE: MATERNITY LEAVE**

#### **Notification requirements**

Thank you for informing me of your pregnancy. I am aware that you have informed your Manager and a risk assessment will be carried out to ensure that your work place is safe for you to carry out your duties.

If the dates you have given me do not change, then the earliest you may start your Maternity Leave is the <DATE>, which is 11 weeks before your EWC and <[EITHER]> the date you have informed me you want to start your Maternity Leave <[OR]> however the date you have given me for your Maternity Leave to commence is <DATE>.

You may continue to work right up to the birth of your child if you are able and wish to do so, without any loss of maternity pay.

You must confirm to your manager or Human Resources in writing at the latest during the 15th week before the Estimated Week of Childbirth (EWC) of the date you intend to start your Maternity Leave. (The EWC is the week in which it is expected that the baby will be born.)

#### **Maternity Leave**

There are two types of Maternity Leave which give a total period of 52 weeks from the date your Maternity Leave starts:

- Ordinary Maternity Leave (OML)
- Additional Maternity Leave (AML).
- You will be entitled to take up to 26 weeks OML, based on the date shown above this would cease on date. Your AML would cease on <DATE>. Unless you say otherwise, it will be assumed that you will return at the end of your AML. However, you must give 21 days notice in writing if you want to return before that date or if you wish to change the return date you have already given.

#### **Maternity Pay**

Your pay entitlement will vary depending on how long you have worked for us.

You are entitled to Statutory Maternity Pay (SMP) as follows:

Weeks 1-6: 90% of your full salary followed by (offset by any SMP):

Weeks 7-18: If you have more than one year's continuous service at the 11th week before the EWC you are entitled to 12 weeks at half pay plus SMP without deductions (unless this exceeds the amount your full pay would be) is payable. To be eligible you will also need to earn above the Lower Earnings Limit threshold.

*This payment is conditional on a return to work for a local authority for at least 3 months after your Maternity Leave has ended. If you did not come back then you would have to repay the 12 weeks half pay. If you would like this payment suspended until your return to work please contact Human Resources, otherwise it will be assumed that payment should automatically be made.*

Weeks 19:39: You will be paid SMP, (please refer to <https://www.gov.uk/maternity-pay-leave/pay> for the rates).

<[In addition, providing you return to work for at least 3 months after your Maternity Leave, you are entitled to Occupational Maternity Pay (OMP) as follows:

Week 1-4: Pay at 100% of salary, offset by any SMP or Maternity Allowance payable  
Week 5-6: Pay at 90% of salary, offset by any SMP or Maternity Allowance payable  
Week 7-18 Pay at 50% of salary plus SMP, without deductions except to the extent to which combined pay and SMP exceeds full pay.  
Week 19-39: SMP  
Week 40-52: Unpaid.]>

Maternity pay is subject to normal deductions such as NI and tax.

**Other issues relating to your maternity**

If you are absent for any reason either wholly or partly related to your pregnancy after the beginning of the fourth week before the EWC then your Maternity Leave will automatically start. If this happens you will need to notify your manager as soon as possible in writing.

You are able to attend work for up to 10 'keeping in touch' days during your Maternity Leave without losing SMP or bringing your Maternity Leave to an end. There is more information on this and other maternity related topic in the Family Friendly guide on Managing People.

Your entitlement to Annual Leave will continue to accrue during your Maternity Leave. If you wish to extend your paid leave period by taking Annual Leave you have accrued, please discuss this with your line manager before starting your Maternity Leave.

I would like to take this opportunity to wish you health and happiness over the coming months and if you have any further queries on your maternity entitlements please contact me on telephone number.

Yours sincerely,

<Signed>  
<NAME>

Business Manager

Copy: Principal and Line Manager