



# **FAMILY FRIENDLY POLICY**

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## **Document Approvals**

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<b>Process Owner</b>	<b>HR Manager</b>	<b>01/05/2015</b>

## AMENDMENTS

Issue	Date	Description	Prepared & Checked By	Checked by	Approved By (As applicable)	
					MSM	Operations Director
2.0	01/07/14	1.14 new info re: transfer of maternity leave. 1.18 Reference to redeployment form. 2.2 Additional definition of terms re ASPP. 2.7 onwards - new info on additional paternity leave and changes to how paternity leave can be taken. 3.4 Increase in parental leave entitlement. 4.6 'KIT' days added to adoption section. 4.11 Information on notice required if planning to return from adoption leave earlier than date agreed. 5.2 changes in eligibility for requesting flexible working.	J Dennis	J Cousins		
3.0	01/05/15	Incorporation of legal changes with effect from 05.04.15 – Shared parental leave, adoption leave, paternity leave	J Dennis	J Cousins		
		Clarification of scope of policy – applies to employees but not workers				
		Removal of flexible working policy to become 'stand-alone'				
		Reordering of topics in each section for improved consistency				

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*Please note: This document is up-dated regularly however some elements of its content may be out of date due to recent changes in legislation. In all circumstances minimum legal requirements will apply.*

## **0.2 - SCOPE AND OBJECTIVES**

Exeter and Devon Airport Ltd (EDAL) is an Equal Opportunities employer, committed to Putting People First and providing a great place to work. It recognises its role in supporting employees with families and caring responsibilities in line with its vision and values.

This policy applies to those defined as employees but not to workers who do not have a contract of employment.

## **0.3 – DOCUMENT CHANGE AND CONTROL**

Exeter Airport Limited undertakes all document changes and controls in line with the Document Management Governance Document CIMS/GT/01 which describes how all users prepare, reviews and issues procedural documentation that forms part of Exeter Airports CIMS.

## **0.4 – RESPONSIBILITIES**

The Human Resources Manager is responsible for:

- The development and upkeep of this policy.
- Ensuring this policy and subsequent updates are communicated to relevant departments and personnel.

All managers, and in particular the Human Resources Manager, are responsible for the proper application of this policy.

## **FAMILY FRIENDLY POLICIES AND PROCEDURES**

### **1.0 Maternity**

#### **1.1 Introduction**

This policy takes into account the regulations contained in the following acts: Employment Act 2002; Maternity, Parental Leave (Amendment) Regulations 2002; the Work and Families Act 2006; and the Employment Equality (Age) Regulations 2006. This Policy does not form part of your contract of employment and its provisions are subject to amendment and withdrawal by EDAL at any time.

#### **1.2 Definition of Terms**

- **Statutory Maternity Pay (SMP):** SMP is payable to eligible employees who take maternity leave or leave employment because of pregnancy or childbirth. SMP, less tax and National Insurance Contributions, if applicable, will be paid on a monthly basis through EDAL payroll. SMP is payable only for complete weeks.
- **Expected Week of Childbirth (EWC):** The EWC is the week in which the baby is due to be born (starting on a Sunday) as certified by the employee's doctor or midwife on the maternity certificate (such as a MAT B1 Certificate).
- **Qualifying Week (QW):** the QW is the 15<sup>th</sup> week before the EWC.
- **MAT B1 Certificate:** The MAT B1 Certificate is the maternity benefit certificate given to a pregnant woman by the doctor or midwife. It states the EWC.
- **Maternity Pay Period (MPP):** The MPP is the period during which SMP is payable to an eligible employee. It may start at any time from the 11<sup>th</sup> week before the EWC.
- **Ordinary Maternity Leave (OML):** all pregnant employees are entitled to 26 weeks leave regardless of length of service
- **Additional Maternity Leave (AML)** all pregnant employees are entitled to 26 weeks additional leave regardless of length of service

#### **1.3 Notification**

You should inform your manager and the HR Department of your pregnancy as soon as possible, so that compliance with Health & Safety requirements can be ensured. Your line manager will arrange for a risk assessment to be completed. Once the HR department has been notified of your pregnancy they will write to you to confirm your pay entitlement and other details.

You will need to provide written notification of the date you intend to commence your maternity leave by the QW at the latest.

At about the 26<sup>th</sup> week of your pregnancy, you will be issued with a MAT B1 form which should be passed to the HR Department. Failure to provide this documentation may result in your maternity pay being delayed or withheld.

You should complete a Maternity Notification Form – CIMS/HR/FF/1.1 and discuss the content with your line manager. Once it is signed submit the form to the HR Department who will write to you within 28 days confirming the planned dates of your maternity leave period.

#### **1.4 Antenatal Care**

You will be entitled to reasonable paid time off for antenatal care if this is on the advice of a registered medical practitioner. You may be required to produce an appointment card or some other document confirming all appointments other than the first. You are encouraged to make appointments outside of working hours where possible and it should be noticed that the company reserves the right to refuse unreasonable requests for time off.

Please give your line manager as much notice as possible of appointments and, wherever possible, try to arrange them as near to the start or end of the working day as you are able to.

It is recommended that the line manager maintain a record of the appointments through the normal processes for recording employee absences.

#### **1.5 Sickness**

Periods of pregnancy-related sickness absence shall be paid in accordance with the Company's normal sick pay policy.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness absence and will therefore be disregarded in any future employment-related decisions.

If you are absent for pregnancy-related sickness in the four weeks leading up to your EWC, your maternity leave will automatically begin.

#### **1.6 Commencement of Maternity Leave Periods**

##### **1.6.1 Ordinary Maternity Leave**

The earliest date on which maternity leave may commence is 11 weeks before the EWC, unless your baby is born before that date, in which case it will start earlier.

OML commences on whichever date is the earliest:

- The date you have notified us that the OML is due to start, or

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- The first day after you are absent from work wholly or partly because of pregnancy (on or after the start of the fourth week before the baby is due); or
  - The day after you give birth.

### **1.6.2 Additional Maternity Leave**

The AML period commences the day after the last day of the OML period.

If you give birth before your maternity leave was due to start please notify your line manager and the HR Department in writing of the date of the birth as soon as possible as this may affect your pay.

### **1.6.3 Change of Commencement Date**

You may delay the date of the start of your OML provided that you give the HR Department notice of the new date at least 28 days before the original start date. The notification must be in writing and shall not be earlier than the 11<sup>th</sup> week before the EWC. You can bring forward the intended start date by informing the HR Department at least 28 days before the new start date, or if that is not possible, as soon as is reasonably practicable.

### **1.6.4 Early Departure from Work Owing to Illness**

If you become unable to attend work due to a pregnancy-related illness before the date on which you have told HR that you intend to start maternity leave, OML may start early if there is agreement between the parties. If you are absent for at least a whole day for a pregnancy-related illness within four weeks of EWC, maternity leave will automatically start on the following day.

These rules do not affect medical conditions that are unrelated to pregnancy.

### **1.6.5 Compulsory Maternity Leave**

Compulsory maternity leave is a period of at least two weeks during which you are prohibited from working. This period commences with the day after the day of birth.

## **1.7 Maternity Pay**

### **1.7.1 Statutory Maternity Pay**

To be eligible for SMP, you must:

- Have been continuously employed for 26 full weeks at the end of the Qualifying Week, and still be employed during that week
- Have average weekly earnings in the eight weeks prior to the QW, not less than the National Insurance Contributions Lower Earnings Limit; and
- Still be pregnant at the 11<sup>th</sup> week prior to the EWC or have given birth at that time; and
- Provide a Form MAT B1
- Give the Company at least 28 days' notice of your intention to cease work.



### 1.7.2 Amounts of SMP

When Payable	Amount
0-6 weeks	90% of employee's average weekly earnings. The average is calculated over 8 weeks prior to the 15 <sup>th</sup> week before EWC.
7-39 weeks	Standard SMP rate – whichever is the lower of 90% of the employee's average weekly earnings or the flat rate set by Her Majesty's Revenue and Customs (HMRC)
39-52 weeks	No payment

### 1.7.3 Employees Not Entitled to SMP

You may not qualify for SMP if you:

- Fail to give EDAL at least 28 days' notice of your intention to cease work; or
- Fail to provide evidence of your EWC in good time – normally before the third week of your maternity pay period.

If you are not entitled to SMP you may be eligible for a Maternity Allowance. In this case, the Finance Department will inform you by completing form SMP1 and advising you to obtain a MA1, Maternity Allowance claim pack from your local Jobcentre Plus office or via the website: <http://www.dwp.gov.uk/advisers/claimforms/ma1.pdf>

### 1.7.4 Still Birth

In the unfortunate event that the baby is 'still born' after the 24<sup>th</sup> week of pregnancy you are entitled to claim maternity pay and leave as if the pregnancy had continued successfully. If it happens before the 24<sup>th</sup> week of pregnancy, you will be entitled to claim sick pay. The normal rate of maternity leave and pay would apply should the baby be born alive but subsequently die.

## 1.8 Other terms and conditions

During ordinary maternity leave and additional maternity leave, all terms and conditions of your contract, except normal pay, will continue. Salary will be replaced by statutory maternity pay, if you are eligible for it. This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid. You will remain in the life assurance scheme.

You are encouraged to take any outstanding holiday due to you before the commencement of maternity leave.

On return to work you will be given full continuous service for purposes of redundancy calculations and all other service related benefits. This is provided you return to EDAL on the date previously specified by you.

## **1.9 Contact during leave**

### **1.9.1 Reasonable contact**

We may make reasonable contact with you from time to time during your maternity leave. This may include invitations to social events, work-related circulars, notification of job opportunities or other changes in the workplace, or to discuss your plans for returning to work.

### **1.9.2 Keeping in touch days (KIT)**

You may return to work for up to 10 days without any effect on your statutory payments and without bringing statutory leave to an end. Under the KIT regulations 'work' means any work done under the contract of employment, and may include training or any activity undertaken for the purpose of keeping in touch with the workplace. Any days of work carried out under KIT provisions do not extend the total duration of the statutory maternity leave period and any work carried out in a day shall constitute a day's work for these purposes.

Please note that work can be carried out at any time during the statutory leave period, except during the two-week compulsory leave period immediately following childbirth. Any such work must be in agreement between both parties, and neither party can enforce KIT days. If these days fall during the period when SMP is payable, an employee will receive payment for the hours worked, paid in the usual way, offset against SMP.

## **1.10 Return to Work**

### **1.10.1 Date of Return**

If you plan to return to work on the date your AML expires, you are not required to give notice. However, if you plan to return early, before expiry of AML or before any other pre-arranged date of return, you must give 8 weeks' notice of the date you intend to return. If you attempt to return giving less than 8 weeks' notice then EDAL is entitled to postpone your return to a date which will secure the full period of notice. Where the proposed new return date is later than the original return date, you must notify EDAL at least 8 weeks before the original return date. In either scenario the HR Department will write to you to confirm any amendment in your date of return.

### **1.10.2 Job on Return to Work**

When you return from OML you are entitled to return to the same job, the same place and in the same capacity, on terms and conditions of employment no less favourable than those before your absence.

When returning after AML you are entitled to return to the same job, or, if this is not reasonably practicable, an alternative that is suitable and appropriate on no less favourable terms.

If you choose not to return to work, the last day of maternity leave will be the last day of service, unless you have given written notice that you wish to resign on an earlier date. The amount of maternity leave left to run must be at least equal to the contractual notice period required from you, or we may require you to return to work for the remainder of the notice period.

### **1.10.3 Returning to Work Part-Time**

We will deal with any request you make to change your working patterns (including part time working) after maternity leave on a case-by-case basis. Requests for part time working will be considered favourably and in light of the operational needs of the business. Whilst there is no absolute right to working part-time, you do have a statutory right to request flexible working and we will try to accommodate your wishes. See the Right to Request Flexible Working Policy (CIMS/GT/FW/10.1).

### **1.10.4 Failure to Return to Work**

If you fail to return after the maximum period of absence, and fail to notify EDAL of your absence, then disciplinary action may be taken.

If you are unable to return to work on the expected date due to sickness, then you are required to notify the company and you will commence a period of sickness absence.

### **1.11 Shared Parental Leave and Pay**

If you propose to return to work by giving suitable notification, your spouse, civil partner or partner may be eligible to take Shared Parental Leave and Pay. See section 4.

### **1.12 Health and Safety Requirements**

When you notify your manager that you are pregnant it is important that a risk assessment is completed. A further review should take place when you return to work following maternity leave.

The Company will provide you with information as to any risks identified in the risk assessment and any preventative and protective measures. If it is considered that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work we will take such steps as are necessary (and for as long as necessary) to avoid those risks

### **1.13 Redeployment**

If it is determined that redeployment is required during pregnancy the manager/supervisor of the department in to which the employee is transferring will be required to complete a redeployment checklist (CIMS/HR/FF/1.15) with the employee to ensure they are fully integrated into their new department.

## 2.0 Paternity

### 2.1 Introduction

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave with the aim that employees are aware of the benefits and entitlements available to fathers, adoptive fathers and partners of pregnant women.

This policy takes into account the regulations contained in the following acts: Employment Act 2002; Paternity and Adoption Leave Regulations 2002 (Amended 2008); and Maternity and Parental Leave Regulations 1999 (Amended 2008); Additional Paternity Leave regulations 2010. This Policy does not form part of your contract of employment and its provisions are subject to amendment and withdrawal by EDAL at any time.

Please note that employees cannot take paternity leave if they have already taken shared parental leave in relation to that child. See section 4.

### 2.2 Definition of Terms

- **Partner** - a person (whether of a different or the same sex) who lives with the mother or adopter who has or expects to have responsibility for the upbringing of the child and is the father of the child and/or married to or the partner of the child's mother, or married to or partner of the adopter.
- **Expected week of Childbirth (EWC)** – the week in which the baby is due to be born (starting on a Sunday) as certified by the doctor or midwife on the medical certificate (such as a MAT B1).
- **Ordinary Paternity Leave (OPL)** - eligible employees may take 1 or 2 weeks consecutive leave.
- **Ordinary Statutory Paternity Pay (OSPP)** - payable to eligible employees who take paternity leave. OSPP, less tax and National Insurance Contributions, if applicable, will be paid through the normal EDAL monthly payroll. OSPP is set at a flat weekly rate by HMRC or 90% of average weekly earnings whichever is the lower.
- **Qualifying Week (QW)** - the 15th week before the EWC.
- **Responsibility for a Child** - The Regulations state that an employee has a responsibility for a child if:
  - He/she has parental responsibility for the child under the Children Act 1989 or Scottish equivalent or has acquired such responsibility within the provisions of the Children Act 1989; or
  - Has been registered as the child's father under S.10 of the Births and Deaths Registration Act 1953 or Scottish equivalent.

The Regulations do not normally apply to step-parents or foster parents unless they are able to establish that they have legal parental

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responsibility for the child.

## **2.3 Entitlement to Paternity Leave**

Please note that with effect from 5<sup>th</sup> April 2015 entitlement to additional paternity leave has been superseded by the right to shared parental leave – see section 4.

### **2.3.1 Birth**

To qualify for paternity leave you must:

- Be the father of the child or be married to or partner of the child's mother – see above definitions
- Have been continuously employed with the Company for a period of not less than 26 weeks ending with the QW;
- Have or expect to have responsibility for the child – see above definitions

### **2.3.2 Adoption**

To qualify for paternity leave in respect of an adopted child you must satisfy all of the following:

- Have been continuously employed with the Company for a period of not less than 26 weeks ending with the week in which the child's adopter is notified of being matched with the child for the purposes of adoption;
- Have or expect to have the responsibility for the child;
- Be either married to or the partner of the child's adopter;
- Not be taking adoption leave.

## **2.4 Notification**

### **2.4.1 Birth**

Where you wish to request ordinary paternity leave in respect of a birth child, you must give your line manager 15 weeks' written notice of the date on which your partner's baby is due, the length of ordinary paternity leave you wish to take and the date on which you intend the leave to commence.

You are required to provide a declaration that you satisfy the conditions for paternity leave and that your absence from work will be for the purpose of taking paternity leave. You are required to complete a Paternity Notification Form – CIMS/HR/FF/1.2, which can be found on the HR page of the intranet, along with an SC3 form (which can be found on the hmrc.gov.uk website) and submit it to the HR Department.

You must provide further notice, as soon as is practicable, of the date upon which the child was born.

### **2.4.2 Adoption**

In the case of an adopted child, you must give written notice of your intention to take ordinary paternity leave no later than seven days after the date on

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which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You are required to complete a Paternity Notification Form – CIMS/HR/FF/1.2 as a declaration that you satisfy the conditions for paternity leave and that your absence from work will be for the purpose of taking paternity leave. You are also required to attach a declaration from the adoption agency as evidence of the adoption.

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

You will be entitled to unpaid time off to attend two ante natal appointments, capped at 6.5hrs per appointment. EDAL may request a declaration from employees confirming their relationship with the mother and details about appointments.

## **2.6 Commencement of Ordinary Paternity Leave**

### **2.6.1 Taking Leave**

Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. The leave cannot start before the birth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date. Leave is in respect of each pregnancy or adoption, so no additional leave accrues if more than one child is born or adopted at the same time.

### **2.6.2 Change of Commencement Date**

If you subsequently wish to change the timing of the ordinary paternity leave, you must give 28 days' written notice of the new dates. You must also, if so requested, complete and sign a self-certificate declaring that you are entitled to ordinary paternity leave and ordinary statutory paternity pay. EDAL will confirm the start and end dates of your leave.

## **2.7 Ordinary Statutory Paternity Pay (OSPP)**

Please note that entitlement to additional paternity pay has been superseded by the right to shared parental pay – see section 4.

Pay during ordinary paternity leave will be at a rate set by the Government for the relevant tax year, or at 90% of your average weekly earnings, whichever is lower. However, if your average weekly earnings are below the lower earnings limit for national insurance contributions you will not be eligible for ordinary statutory paternity pay.

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Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date you start your paternity leave.

An employee's entitlement to Ordinary Statutory Paternity Pay (OSPP) is dependent upon the statutory provisions in force, as set out in the definition below:-

The payment is in respect of each pregnancy, so twins or a multiple birth do not generate a right to paternity pay for each child.

To be eligible for OSPP you must satisfy all of the following:

- Have been continuously employed by EDAL for at least 26 weeks up to the QW or by the week in which the child's adopter is notified of being matched with a child; and
- Be employed by EDAL up to the date of birth
- Have average earnings for the period of eight weeks ending prior to the QW of not less than the National Insurance Contributions Lower Earnings Limit in effect at the relevant time; and
- Have or expect to have responsibility for the child and are the father of the child or married to, or the partner of, the child's mother, or married to or partner of the adopter
- Provide the correct notice and documentation

## **2.8 Returning to Work**

On resuming work after paternity leave, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

### 3.0 Adoption

#### 3.1 Introduction

This policy sets out the rights of employees to statutory adoption leave and pay. It does not form part of your contract of employment and is subject to amendment and withdrawal by EDAL at any time.

#### 3.2 Definition of Terms

- **Statutory Adoption Pay (SAP):** SAP is payable to eligible employees, who take adoption leave, for a period of 39 weeks at whichever is lower of 90% of the employee's average weekly earnings or the flat weekly rate set by HMRC, less tax and National Insurance Contributions. This will be paid on a monthly basis through EDAL payroll in the usual way. SAP is payable only for complete weeks.
- **Matching Certificate:** The Matching Certificate is a document issued by the adoption agency (which must be recognised in the UK) which states the:
  - Name and address of the agency;
  - Name and Date of Birth of the child to be adopted;
  - Name and address of the employee;
  - Date on which the employee was first notified of the match; and
  - Date on which the agency expects to place the child (or if the match has already occurred, the date of the placement).

#### 3.3 Notification of Adoption

You will need to inform your line manager and HR Department in writing of the date you intend to commence your adoption leave, within 7 days of being notified that you have been matched with a child. You will also need to inform us of the date you expect your OAL to start, at least 28 days in advance, unless this is not reasonably practicable, in which case you must provide notification as soon as you can. We will notify you within 28 days of the date upon which we expect you to return to work, at the end of your adoption leave.

You must ask your adoption agency for a Matching Certificate as evidence of entitlement to OAL which should be passed to the HR Department. You must also provide written confirmation that you intend to take SAP and not statutory paternity pay by completing an Adoption Notification Form – CIMS/HR/FF/1.3.

#### 3.4 Adoption Appointments

A reasonable amount of paid time off will be granted to attend adoption appointments. You will not be able to take paid paternity leave if you have taken paid time off to attend an adoption appointment in respect of that child.



### **3.5 Adoption Leave**

#### **3.5.1 Ordinary Adoption Leave (OAL)**

Any employee (male or female) has the right to 26 weeks' OAL if he/she meets all of the following requirements:

- Have been matched by an adoption agency with a child for the purposes of adoption (OAL is not available if there is no agency involved, for example, if you are adopting an existing relative or step-child); and
- Be legally adopting the child; and
- Have given proper notice to EDAL of your intention to take the leave; and
- Have provided EDAL with evidence of your entitlement to take adoption leave; and
- Your spouse/partner is not taking adoption leave from their employment (although they may be taking paternity leave).

#### **3.5.2 Additional Adoption Leave (AAL)**

If you are entitled to OAL, you will also automatically be eligible for Additional Adoption Leave (AAL). AAL is a period of up to 26 weeks which commences on the day after the last day of OAL.

#### **3.5.3 Commencement of Leave Periods**

OAL commences with the earlier of:

- The date which you tell us is the date on which you intend the OAL to commence, or
- The placement of the child

AAL commences the day after the last day of OAL period.

Adoption leave or pay cannot commence earlier than 14 days before the expected date of placement. OAL must not commence later than the date on which the child is placed with you.

#### **3.5.4 Change of Commencement Date**

You may change your mind about when you start your leave providing you tell us at least 28 days in advance of the new start date (if you wish to bring it forward) or of the original date (if you wish to postpone commencement) unless it is not reasonably practicable for you to do so. In these circumstances, you should notify us as soon as is practicable

### **3.6 Statutory Adoption Pay**

SAP is payable for up to 39 weeks, although it will stop being payable if you return to work sooner or the placement is disrupted. You are entitled to SAP if you have given the notice requirements set out above.

The rate of SAP is whichever is lower of 90% of the employee's average weekly earnings or the flat weekly rate set by HMRC, less tax and National Insurance Contributions. This will be paid on a monthly basis through EDAL payroll in the usual way. SAP is payable only for complete weeks.

### **3.7 Terms and Conditions**

Whilst on adoption leave you continue to be employed by EDAL and all terms and conditions remain unchanged, with the exception of pay.

### **3.8 Contact**

#### **3.8.1 Reasonable Contact**

We may make reasonable contact with you from time to time during your adoption leave. This may include invitations to social events, work-related circulars, notification of job opportunities or other changes in the workplace, or to discuss your plans for returning to work.

#### **3.8.2 Keeping in Touch Days (KIT)**

You may return to work for up to 10 days without any effect on your statutory payments and without bringing statutory leave to an end. Under the KIT regulations 'work' means any work done under the contract of employment, and may include training or any activity undertaken for the purpose of keeping in touch with the workplace. Any days of work carried out under KIT provisions do not extend the total duration of the statutory maternity leave period and any work carried out in a day shall constitute a day's work for these purposes.

Please note that work can be carried out at any time during the statutory leave period, except during the two-week compulsory leave period immediately following childbirth. Any such work must be in agreement between both parties, and neither party can enforce KIT days. If these days fall during the period when SAP is payable, an employee will receive payment for the hours worked, paid in the usual way offset against SAP.

### **3.9 Return to Work**

When you return from OAL you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

When returning after AAL, you are entitled to return to the same job on the same terms and conditions of employment, or, if this is not reasonably practicable, an alternative that is suitable and appropriate on no less favourable terms than you previously enjoyed.

If you plan to return to work on the date your AAL expires, you are not required to give notice as this is the date stated in the letter that you would have received from HR. However, if you plan to return early, before expiry of AML or before any other pre-arranged date of return, you must give the HR Department 8 weeks' notice of the date you intend to return. If you attempt to

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return giving less than 8 weeks' notice then EDAL is entitled to postpone your return to a date which will secure the full period of notice.

If you request to return on a part-time basis, EDAL will give reasonable consideration to this request in accordance with the 'Right to Request Flexible Working' policy (CIMS/GT/FW/10.1).

If you choose not to return to work, the last day of your adoption leave will be the last day of service, unless you have given written notice that you wish to resign on an earlier date. The amount of adoption leave left to run when you give notice must be at least equal to your contractual notice period otherwise we may require you to return to work for the remainder of the notice period.

### **3.10 Failure to Return**

If you fail to return after the maximum period of absence, and fail to notify EDAL of your absence, then disciplinary action may be taken.

If you are unable to return to work on the expected date due to sickness, then you are required to notify the company and you will commence a period of sickness absence.

## 4.0 Shared Parental Leave

### 4.1 Introduction

This policy sets out the rights of employees to shared parental leave (SPL) and pay. SPL is a legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015.

The amount of leave available is calculated using the mother's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

Parents will remain entitled to take maternity, paternity and adoption leave, however, an eligible mother or adopter may now choose to reduce their maternity/adoption leave early and opt in to SPL instead. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave.

Parents who wish to take SPL must comply with the relevant notice requirements as stated within this policy. The mother's maternity leave must be brought to an end using the maternity leave curtailment notice (CIMS/HR/FF/1.17), if the mother or lead adopter is an EDAL employee. If an employee wishes to take SPL they should then complete a notice of entitlement and intention form. CIMS/HR/FF/1.18 if the employee is the mother or, CIMS/HR/FF/1.19 if the employee is the partner. In addition, at least eight weeks before each period of SPL, the employee must provide a written period of leave notice (CIMS/HR/FF/1.20) setting out the start and end dates of each period of SPL. Similar notice requirements apply to adoptive parents who wish to take SPL.

SPL should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave. See section 5.

### 4.2 Definition of Terms

- **SPL** – Shared Parental Leave. Eligible employees can share this leave with their partner, if they're also eligible for SPL, and choose how much of the leave each will take. SPL also lets employees suggest a flexible pattern of leave to their employer.
- **ShPP** – Shared Parental Pay. ShPP is paid at the current rate set by the HMRC or 90% of average weekly earnings, whichever is lower. This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever you earn.
- **Mother** - the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).

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- **Partner** - the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.
  - **Expected week of childbirth** - the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.
  - **Curtailment**: where an eligible mother brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early.

### 4.3 Entitlement

An employee may be entitled to SPL and ShPP if the baby is due or adopted on or after 5 April 2015.

SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption). Employees can start SPL if they are eligible and you or your partner end maternity or adoption leave or pay (or Maternity Allowance) early. The remaining leave will then be available as SPL. The remaining weeks of pay will be available as ShPP. An employee can share the leave with their partner if they are also eligible for SPL, and choose how much of the leave each partner will take. SPL also lets an employee suggest a flexible pattern of leave to their employer. An employee has the right to take SPL in up to 3 separate blocks.

### 4.4 Eligibility

If both parents meet the qualifying requirements then there will be a joint entitlement. However sometimes only one parent in a couple is eligible to get SPL and ShPP. This means that parents can't share the leave between them. If an employee is eligible then they can use SPL to book leave in separate blocks even if their partner can't share it.

To qualify for SPL, you must share care of the child with either:

- your husband, wife, civil partner or joint adopter
- the child's other parent
- your partner (if they live with you and the child)

You or your partner must be eligible for maternity pay or leave or Maternity Allowance or adoption pay or leave. You must also:

- have been employed continuously for at least 26 weeks by the end of the 15th week before the due date (or by the date you are matched with your adopted child)
- be employed by the same employer while you take SPL

#### 4.4.1 Your Partner's Eligibility

During the 66 weeks before the baby is due your partner must:

- have been working for at least 26 weeks (they don't need to be consecutive)
- have average weekly earnings of at least the maternity allowance threshold (as set by HMRC) for any 13 of those 66 weeks

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They can be employed, self-employed or an agency worker.

We reserve the right to request details of your partner's employer.

#### **4.5 Duration of Shared Parental Leave**

If an employee is eligible and they or their partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as SPL
- take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as ShPP

The amount of SPL to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. The mother must take a minimum of 2 weeks' maternity leave following the birth.

#### **4.6 Notification**

You should give EDAL written notice of your entitlement to SPL and ShPP, by completing a notice of entitlement and intention form - CIMS/HR/FF/1.18 you are the mother or, CIMS/HR/FF/1.19 if you are the partner.

After receiving this notice, the company have 14 days to request a copy of the child's birth certificate. You must provide this information within 14 days of the request being made.

##### **4.6.1 Notice Requirements for Shared Parental Leave**

The notice periods set out below are the minimum required by law. However, the earlier you inform us of your intentions, the more likely it is that we will be able to accommodate your wishes, particularly if you want to take periods of discontinuous leave.

You must give at least 8 weeks' notice of any leave you wish to take however, if the child is born more than 8 weeks early, this notice period can be shorter.

You have the right to book/request a maximum of 3 separate blocks of leave.

##### **4.6.2 Cancelling the decision to end Maternity or Adoption Leave**

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- the planned end date hasn't passed
- they haven't already returned to work

One of the following must also apply:

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- you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
  - the mother or adopter's partner has died
  - the mother tells her employer less than 6 weeks after the birth (and she gave notice before the birth)

#### **4.7 Commencement of Shared Parental Leave**

You or your partner can only start SPL once the child has been born or adopted. The mother or adopter must have either:

- ended any maternity or adoption leave by returning to work
- given 'binding notice' (a decision that can't normally be changed) to their employer of the date when they plan to end any maternity or adoption leave
- ended maternity pay or Maternity Allowance (if they're not entitled to maternity leave, eg they're an agency worker or self-employed)

The mother or adopter must give notice to their employer (at least 8 weeks) to end maternity or adoption pay, or to Jobcentre Plus to end Maternity Allowance.

An employee can start SPL while their partner is still on maternity or adoption leave as long as they've given binding notice to end it.

A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth.

#### **4.8 Blocks of Leave**

If your partner is eligible for SPL, you can take leave at different times - or both at the same time. SPL must be taken in blocks of at least one week. You can request to take SPL in one continuous block (in which case the company is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the company's agreement). A maximum of three requests for leave per pregnancy can be made by each parent.

You must give the company at least 8 weeks' notice before you wish to begin a block of leave.

#### **4.9 Terms and Conditions**

Whilst on SPL you continue to be employed by EDAL and all terms and conditions remain unchanged, with the exception of pay.

#### **4.10 Contact During Leave**

##### **4.10.1 Reasonable Contact**

The company may make reasonable contact with you from time to time during your SPL. This may include invitations to social events, work-related circulars, notification of job opportunities or other changes in the workplace.

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

An employee and their partner can work up to 20 days each during SPL. These are called 'shared parental leave in touch' (or SPLIT) days. These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave. Keeping in touch days are optional - both the employee and the employer must agree to them.

#### **4.11 Return to Work**

You have the right to resume working in the same job when returning to work from SPL if the period of leave, when added to any other period of SPL, statutory adoption leave or statutory paternity leave taken in relation to the same child, is 26 weeks or less.

If you are returning to work from SPL and the period of leave taken is more than 26 weeks, when added to any other period of SPL, statutory adoption or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional adoption leave or additional maternity leave, you have the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the company to permit a return to the same job, you have the right to return to another job that is suitable and appropriate for you.

If you request to return on a part-time basis, EDAL will give reasonable consideration to this request in accordance with the Right to Request Flexible Working policy (CIMS/GT/FW/10.1).

##### **4.11.1 Failure to Return**

If you fail to return after the maximum period of absence, and fail to notify EDAL of your absence, then disciplinary action may be taken.

If you are unable to return to work on the expected date due to sickness, then you are required to notify the company and you will commence a period of sickness absence.



## **5.0 Ordinary Parental Leave**

### **5.1 Introduction**

Ordinary parental leave is a period of 18 weeks' unpaid leave that may be taken by a parent up until the child's 18<sup>th</sup> birthday or anniversary of his or her adoption, whichever occurs sooner). Parental leave may be taken in blocks of one week only, unless the child is disabled, subject to a maximum of four weeks' parental leave in any one year.

This policy does not form part of your contract of employment and is subject to amendment or withdrawal by EDAL at any time.

### **5.2 Eligibility**

The right to leave under this policy applies to birth or adoptive parents, or anyone who has, or expects to have, parental responsibility for a child.

Any employee who is the parent of a child under the age of 18 has the right to take up to 18 weeks' parental leave within the first eighteen years of the child's life. The parents of an adopted child have the right to take up to 18 weeks' parental leave before the eighteenth anniversary of the adoption or the child's 18th birthday, whichever occurs sooner.

To qualify, you must have completed at least one year's continuous service with the employer and have responsibility for the child – see below

### **5.3 Responsibility for a Child**

The Regulations state that you have a responsibility for a child if:

- You have parental responsibility for the child under the Children Act 1989 or Scottish equivalent or have acquired such responsibility within the provisions of the Children Act 1989 (amended 2004); or
- Have been registered as the child's father under S.10 of the Births and Deaths Registration Act 1953 or Scottish equivalent.

If you adopt a child you will be entitled to parental leave as you will be given parental responsibility. The Regulations do not normally apply to step-parents or foster parents unless you are able to establish legal parental responsibility for the child.

### **5.4 Entitlement**

- The limit on how much ordinary parental leave can be, taken in a year is 4 weeks (unless otherwise agreed by the Managing Director).
- A year commences from the time the you become entitled to ordinary parental leave.
- Leave should be taken in blocks of at least one week at a time, or multiples of a week (unless the child is disabled or unless otherwise agreed by the Managing Director).

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- A week is based on an employee's working pattern.

## **5.5 Notification**

If you wish to take parental leave you should complete a Parental Leave Form CIMS/HR/FF/1.6, specifying the date on which the leave is to commence. The form must be submitted to the HR Department at least 21 days prior to the start date of the leave.

If the leave is to be taken immediately following, or within 56 days of the birth or placement of a child, it may be more appropriate to use the Paternity Leave Policy – see section 2.0. If parental leave is being taken in addition to maternity or paternity leave, this policy should be used. The company will respond in writing within 7 days either to confirm or postpone the request.

If you wish to extend maternity leave by four weeks' parental leave, the requirement to give 21 days notice still applies. This notice should form part of your ongoing contact with EDAL during maternity leave.

### **5.5.1 Postponing Leave**

If parental leave puts the business at a substantial disadvantage or operations would be unduly disrupted then the HR Department will respond within 7 days of the request, stating the reason for the postponement and specifying dates on which agreed postponed leave will begin and end. The postponement may be for a maximum of six months. For example, requests for parental leave that fall within the busy summer period from May to September may be postponed to the winter.

EDAL will not postpone parental leave when you give notice to take it immediately after the time the child is born or is placed with the family for adoption or if it meant you would no longer qualify for parental leave.

### **5.5.2 Documents Required**

Proof of parental responsibility must be submitted with your parental leave form. The following may be used as proof:

- Copy of the child's birth certificate identifying the employee as the mother or father and the date of birth of the child; or
- Evidence of parental responsibility under the Children's Act 1989 and evidence of the child's date of birth e.g. birth certificate or passport; or
- Evidence of the date of placement of adoption and adoption right and the child's date of birth e.g. Child's birth certificate or passport; or
- Evidence of the child's entitlement to disability living allowance.

## **5.6 Terms and Conditions**

While on parental leave you continue to be employed by EDAL and all terms and conditions remain unchanged, with the exception of pay. Parental leave is unpaid.

### **5.6.1 Pension and Life Assurance**

As parental leave is not remunerated, pension contributions will not automatically be made during the period of leave. To ensure that there is no break in service and for benefits to accrue as if you were working normally, you may choose to make up the contributions on your return to work.

### **5.6.2 Public Holidays/Annual Leave**

If a Public Holiday occurs on a day normally scheduled to work and during parental leave, time will be offered in lieu or payment will be made as though you were working as normal. Accrual for holiday will continue as normal.

### **5.7 Return to Work**

Employees taking parental leave are automatically entitled to return to work after the leave period. If you take four weeks or less at one time then you are entitled to return to the same job. If, by agreement with the Managing Director, you take more than four weeks parental leave, you are entitled to return to the same job unless it is not reasonably practicable to do so. In those circumstances, a suitable, appropriate alternative will be found and you will enjoy no less favourable terms than you did before taking the parental leave.

### **5.8 Records**

The HR Department will keep records of all parental leave taken and the amount outstanding. This information will be passed on to a new employer, if requested. However, the HR Department must ensure that consent is gained from the employee as set out under the Data Protection Act 1998.

## 6.0 Time off for Emergencies

### 6.1 Introduction

EDAL recognises that emergencies happen from time to time which may involve individuals who are dependents of an employee. Such dependents include husband, wife or partner, child or parent, or someone living with you as part of your family. Others who rely solely on you for help in an emergency may also qualify.

An emergency is when someone who depends on you:

- is ill and needs your help
- is involved in an accident or assaulted
- needs you to arrange their longer term care
- needs you to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up
- goes into labour

The legal right only covers emergencies. If you know beforehand that you are going to need time off, you may be able to arrange this with your employer by taking another form of leave. If it's your child that's involved, you may be entitled to a period of parental leave under the terms of the Company's Shared or Ordinary Parental Leave policies – see section 4 or 5.

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

### 6.2 Time Off

You may be absent from work as long as it takes to deal with the **immediate** emergency. In most circumstances this will be limited to one or two days. For example, if your child falls ill you can take enough time off to deal with their initial needs, such as taking them to the doctor and arranging for their care. You will need to make other arrangements if you need to stay off work longer to care for them yourself.

### 6.3 Pay

EDAL will grant up to one day's paid leave per annum at the discretion of the Managing Director.

### 6.4 Notice

Before leaving your place of work you should consult your line manager to request the unpaid time off verbally. You should provide your reasons for the request and indicate how long you expect to be absent.

As soon as is reasonably practical the time off should be formally requested and documented using a Leave Request Form – CIMS/HR/AL/1.1.

## **7.0 Compassionate Leave**

In the event of the bereavement, or severe illness of an immediate relative, i.e. mother, father, brother, sister, wife, husband, civil partner or child, paid compassionate leave of up to three days will be granted by the Managing Director or his/her nominated representative. This should be discussed verbally then, as soon as is reasonably practical, the time off should be formally requested and documented using a Leave Request Form – CIMS/HR/AL/1.1.