#### Leave

#### Public holidays

Staff are entitled to paid time off at all bank and other public holidays declared for England and Wales. (There are normally eight Public Holidays or ‘Bank Holidays’. They are: New Year’s Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday, August Bank Holiday, Christmas Day and Boxing Day.) Staff working part-time will be entitled to these holidays on a pro-rate basis.

#### Annual leave

All full-time staff are entitled to 25 days paid leave per leave year (running from 1st April to 31st March), plus 3 days between Christmas and New Year (when Christmas falls on a week day, exact days offered to be determined at the beginning of the financial year by the CEO). The entitlement of staff starting part way through the leave year will be pro-rata to the number of month’s service anticipated by the end of the leave year. Part-time staff are entitled to a pro-rate figures.

For full-time staff, up to five days leave entitlement (part-time pro-rata) may be carried over into the next leave year to be taken by no later than the end of June.

Staff leaving THE ORGANISATION will have their proportionate entitlement calculated. If there is leave outstanding, the employee will normally be expected to take this before the last day of service but if, this is not possible, a payment in lieu may, at the discretion of the Chief Executive, be made instead. If excessive paid leave has been taken, an equivalent deduction will be made from the final salary payment. In the event of dismissal for gross misconduct, where the contract is deemed breached, no payment in lieu will be made.

Requests to take leave will not be unreasonably turned down, but the Chief Executive has the right, in the interests of service delivery, to refuse an application. To this end, as much notice as possible should be given: for one day, normally 1 week; for two to four days, 2 weeks; for one week or more, 1 month.

A maximum number of staff on leave at any one time will be fixed by the Chief Executive. Where there is an unacceptable number of applications for the same period, the Chief Executive will decide who will have priority depending on the needs of THE ORGANISATION and the merits of the applications, including the period of notice given. A staff member planning leave should check with the Office Administrator to ensure adequate cover of the office before submitting their leave application to their line manager.

Discretionary unpaid leave is available to all THE ORGANISATION staff but its allocation is at the discretion of the Chief executive and considered on a case by case basis. Any employee wishing to take unpaid leave must let their line manager know by giving notice in writing at least one month in advance. During unpaid leave, no salary payments will be made to the employee and other contractual benefits will be suspended (e.g. sick pay, allowances, etc).

#### Compassionate leave and Special leave

In circumstances of death in the immediate family e.g. of a parent, partner or child, compassionate paid leave may be granted at the Chief Executive’s discretion and will not normally exceed 5 days.

Employees must, as soon as is reasonably practicable, and if possible by 10 am, inform their line manager (by telephone or email) of the reason for the absence and how long he or she expects to be absent from work. If an employee does not comply with the notification requirements, THE ORGANISATION may treat the absence as unauthorized leave.

In circumstances of urgent domestic distress, e.g. burglary or a fire or extreme personal circumstances, where the employee has insufficient annual leave entitlement remaining (excluding any already booked), the Chief Executive may agree a small amount of additional paid leave. This will not normally exceed 5 days. Additional unpaid leave may also be granted in exceptional circumstances by the Chief Executive in consultation with the Board.

Requests for unpaid special leave in other circumstances (for example to participate in political activity) will be determined by the Chief Executive and will normally require a minimum of four weeks’ notice. A minimum of four months' notice is required for periods of unpaid leave lasting longer than four weeks.

#### Maternity leave

All women employees are entitled to 26 weeks **Ordinary Maternity Leave** and either Maternity Allowance or Statutory Maternity Pay, irrespective of their length of service, in accordance with their statutory rights. They are also entitled to a further 26 weeks’ **Additional Maternity Leave** starting immediately after ordinary maternity leave, regardless of how long they have worked for THE ORGANISATION.

**Statutory Maternity Pay (SMP)**

A Woman who has a minimum of 26 weeks continuous service at 15 weeks before the expected date of childbirth will be entitled to Statutory Maternity Pay (SMP). SMP is paid for **39 weeks**. For the first six weeks, THE ORGANISATION pays 90% of the employee’s average weekly earnings. For the remaining 33 weeks, THE ORGANISATION pays either the standard rate of £ 138.18 from April 2014 (normally increasing each April) or 90% of the employee’s average weekly earnings, whichever amount is lower.

**Eligibility and notice**

All women who are pregnant or who have just given birth are entitled to claim a maximum of 39 weeks’ Maternity Allowance from the social security/Jobcentre Plus office. More information [here](http://www.dwp.gov.uk/advisers/claimforms/smp1_print.pdf).

The employee is required to provide evidence of pregnancy and notice of intention to take maternity leave by the 15th week before the Expected Week of Childbirth (EWC). (See [template letter](#_Appendix_6b:_Maternity) for managers.)

Maternity leave can start no earlier than 11 weeks prior to the expected date of childbirth, but the employee may work right up to the day of the birth if she wishes and is medically capable of doing so. The employee is entitled to change her mind as to when she would like to start maternity leave providing she gives at least 28 days advance notice. Pregnancy related absence that occurs during the four weeks before the start of Expected Week of Childbirth triggers maternity leave. All pregnant employees must take 2 weeks leave following the birth.

**Return and Keeping in Touch Days**

The employee does not need to notify the employer that they intend to return at the end of the 52 weeks maternity leave; it is assumed they will do so. An employee wishing to return to work before the end of her Maternity Leave will be required to give 8 weeks’ written notice of the date on which she wishes to return to work. (see [return to work form](#_Appendix_6c:_Return))

If the employee is returning during or at the end of the ordinary maternity leave, she is entitled to return to the same job on the terms and conditions as if she hadn’t been away. If the employee is returning during or at the end of the additional maternity leave, she is entitled to return to the same job on the same terms and conditions, or a suitable job with as good terms and conditions. Employees on maternity leave will be allowed to work for a limited number of days or attend events or training (Keeping in Touch Days) without losing their entitlement to SMP for that week, and without their leave ending as a result. No more than 10 Keeping in Touch Days can be worked. Keeping in Touch days will be by mutual agreement. An employer cannot insist that an employee come into work for a Keeping in Touch Day. Nor is an employee entitled to a Keeping in Touch Day.

All pregnant employees are entitled to time off for antenatal care.

Miscarriage prior to 11 weeks before the expected date of childbirth will be treated as sickness absence; still-birth or miscarriage supported by a medical certificate after this date will entitle the woman to the maternity leave entitlements described above. If no certificate is available, the Chief Executive will decide whether to grant paid or unpaid special leave.

#### Shared parental leave and adoption leave

#### Shared parental leave (SPL)

For children due on/after 5 April 2015 (or due to be adopted after that date), Shared parental leave (SPL) allows a mother/ main adopter to commit to ending his/her maternity/adoption pay a future date to share the untaken balance of leave and pay with his/her partner.

It replaces Additional Statutory Paternity Leave and operates alongside (but not instead of) Ordinary Paternity Leave, Maternity Leave, Adoption Leave and ordinary (unpaid) Parental Leave.

**Eligibility**

An employee who is about to be a father or co-parent (husband, civil partner or significant other), will be entitled to up to a maximum of 52 weeks to be shared with the mother.

The SPL is available only if the mother returns to work or ends her maternity leave and if notice has been given 8 weeks before the beginning of the leave and is available only if the employee has at least 26 weeks’ continuous employment at the 15th week before the Expected Week of Childbirth (EWC) or at the week in which the main adopter was notified of having been matched for adoption with the child, in accordance with the statutory rights.

The SPL requires signed declaration from both parties, the NI number of the partner and proof that the partners meet the earnings test.

**Amount and timing of SPL**

SPL must be taken in blocks of at least one week and within one year of the baby’s birth or placement for adoption. Parents can take leave separately or the same time, and each can request to take a continuous block of SPL (in which case the Organisation is required to accept the request) or as a number of discontinuous blocks (in which case the employee will need the Organisation’s agreement). A maximum of three blocks can normally be taken by each parent, enabling them to work or take periods of annual leave between blocks.

The maximum 52 weeks’ SPL will be reduced by the number of weeks’ maternity or adoption leave already taken by the mother or main adopter. After the birth of a child, it is compulsory to take two weeks’ maternity leave (four weeks if the new mother works in a factory) so in most cases, working parents will be able to split 50 weeks of SPL.

Decision on how to share SPL can vary providing an 8 weeks’ notice of the change is given and approval is received.

SPL is in addition to the statutory right to two weeks’ Paternity Leave, but Paternity Leave must be taken before SPL.

**Eligibility for Shared Parental Pay (ShPP)**

In addition to the eligibility conditions above, an employee who wishes to claim ShPP must have average weekly earnings of at least the Lower Earnings Limit over the eight week period ending with the relevant week.

ShPP is payable for up to 39 weeks, reduced by the number of weeks’ Statutory Maternity/Adoption Pay or Maternity Allowance already taken by the mother or main adopter. It is paid at a standard weekly rate of £139.58 from 5 April 2015 (set by the Government and increased each April) or 90% normal weekly earnings if this is lower.

THE ORGANISATION can request a copy of the child’s birth certificate or adoption papers and the name and address of the other parent’s employer. If the birth certificate has not yet been issued, the employee must provide a signed declaration stating that fact, along with the date and location of the child’s birth.

THE ORGANISATION has 14 days from the date of receiving the employee’s notice of entitlement and intention to take SPL/ShPP to request this information, and the employee has a further 14 days to provide it.

THE ORGANISATION has to consider all requests of parental leave and change of date given within the notice period.

**Notice of curtailment of Statutory Maternity/Adoption Leave and Pay**

At the same time as a notice of entitlement and intention to take SPL is submitted (as set out above) the mother/main adopter must give his/her employer a leave and pay curtailment notice, giving eight weeks’ notice of the date on which SMP/SAP is to end. If the mother is only entitled to Maternity Allowance, her notice of curtailment must be submitted to Jobcentre Plus. Her maternity allowance cannot be reinstated, so she is in effect giving consent for her partner to take the whole of any ShPP entitlement.

Notice of curtailment is usually binding, but may be revoked if:

• it becomes apparent that neither parent is entitled to SPL or ShPP

• the curtailment notice was given before the birth and is revoked within six weeks of the birth (in this case, another curtailment notice can be submitted)

• the other parent dies.

**Confirmation of SPL and ShPP**

If the employee requests one continuous period of SPL, he/she is entitled to take this and the employer should confirm the details in writing.

If the employee requests more than one period of leave, the employer should try to accommodate the request but is not obliged to do so. If it cannot be accommodated, an alternative pattern of leave might be agreed or the request may be refused. In any event, the employer must respond in writing within 14 days of the request.

If no agreement is reached, the employee can:

• take the discontinuous periods of leave requested in one continuous block, beginning on the original start date

• take a continuous block starting on a new date that is later than the original start date, provided that the employee notifies the employer of the new date within five days of the 14 day period referred to above

• withdraw the request at any time up to the 15th day after it was originally made. If it is withdrawn, it will not count as one of the employee’s permitted three requests.

**Returning to work and keeping in touch days**

The employee does not need to notify the employer that they intend to return at the end of the 50 weeks Shared Parental Leave; it is assumed they will do so. An employee wishing to return to work before the end of her SPL Leave will be required to give 8 weeks’ written notice of the date on which he/she wishes to return to work.

Up to a maximum of 20 ‘Keeping in Touch’ days can be worked within the additional paternity leave period. Keeping in Touch days do not extend the paternity leave period.

When the employee returns to work at the end of the shared parental leave, he/she is entitled to return to the same job on the terms and conditions as if he/she hadn’t been away.

In addition the father or co-parent has the right to unpaid time off to attend up to 2 ante-natal appointments.

##### Adoption leave

Adoption leave and pay allows one member of an adoptive couple to take time off work when their new child starts to live with them. Shared parental leave and pay is available for the other member of the couple.

An employee who is about to be a father or co-parent will be entitled to adoption leave, providing a notice is given within 7 days of being notified of match.

Employees who are adopting a child are entitled to 26 weeks’ **ordinary adoption leave** from the date of the child’s placement or from a fixed date which can be up to 14 days before the expected date of placement, within 56 days of the actual date of the placement of the child, no matter how long they have worked for THE ORGANISATION.

**Additional adoption leave** can last between 2 and 26 weeks. Employees must inform THE ORGANISATION of their intention to take additional adoption leave in writing, at least eight weeks before the start of the leave.

The rate of Statutory Adoption Pay is paid for up to 39 weeks and will be the same as the standard rate of SMP, i.e.90% of the employee’s normal weekly earning, for the first 6 weeks. For the remaining 33 weeks, THE ORGANISATION pays either the standard rate of £ 138.18 from April 2014 (normally increasing each April) or 90% of the employee’s average weekly earnings, whichever amount is lower.

Up to a maximum of 10 ‘Keeping in Touch’ days can be worked within the additional paternity leave period. Keeping in Touch days do not extend the paternity leave period.

When the employee returns to work at the end of the ordinary adoption leave or during or at the end of 26 weeks of additional paternity leave, he/she is entitled to return to the same job on the terms and conditions as if he/she hadn’t been away.

#### Parental leave and time off for dependants

#### Parental leave

All employees have the right to reasonable time off work to help people such as family members or friends who depend on them for assistance in an emergency.

All employees with at least 12 months continuous service are entitled to 18 weeks unpaid parental leave for each child, to be taken by the child’s 18th birthday. The same right applies for adopted children.

To establish whether an employee qualified for leave THE ORGANISATION may ask to see the child’s birth certificate or other evidence of parental responsibility, such as papers confirming adoption, or in the case of a disabled child, the award of disability living allowance.

On recruitment, where it is known that there is a child or children (or adopted) an employee must declare how much parental leave has been taken with any previous employer in respect of each child. This will be checked with them.

Employees make take this leave at any time in the year, up to a maximum of four weeks in any one year. Leave must be taken in weekly blocks, with the exception of parents of a child with a disability, who may be able to take leave in blocks of one day.

Full-time staff are entitled to up to five working days in a twelve-month period, though in exceptional circumstances this can be increased. Part-time staff are entitled to a pro-rata of the full time provision, based on their weekly hours. Requests should be made to your line manager and with as much notice as possible. Requests may be refused where work commitments make it impractical to grant a request.

This entitlement is in addition to any maternity, paternity, adoption, parental leave and compassionate leave provided by the organisation.

#### Time Off For Dependants

All employees have the right to reasonable time off work to help people such as family members or friends who depend on them for assistance in an emergency.

Full-time staff are entitled to 70 hours a year paid childcare and 35 hours a year paid dependant’s leave. Part-time staff are entitled to a pro-rata of the full time provision, based on their weekly hours.

#### Public service and sabbatical leave

##### Public service leave

Subject to the interests of the service being paramount, THE ORGANISATION will grant up to 5 days’ leave with pay each year to any employee to undertake public duties, including those of magistrate, member of a tribunal, a local authority or school governing body. Staff working on a part-time basis will have leave for public duties expressed in hours. Time off without pay may also be granted in addition to this limit, or to undertake duties in connection with a political candidature.

The amount of paid time off granted will be subject to the discretion of the Chief Executive and will be dependent upon the actual time needed, the needs of THE ORGANISATION and the effect of the employee’s absence.

Staff on jury service will be granted time off with full pay for the first 10 days of their service. They may receive additional paid leave at the CEO’s discretion. If the trial extends beyond 10 days, following a discussion with the CEO staff may be required to apply for Jury allowance and this will be deducted from their salary for the remainder of the jury service. During jury service staff will be expected to remain in contact with THE ORGANISATION from time to time and to come into work on days when jury service is not required.

##### Sabbatical leave

THE ORGANISATION recognises that staff may, for a variety of reasons, need to take periods of absence from work longer than their annual leave entitlements. THE ORGANISATION considers sabbatical leave - unpaid period of absence from employment-as a discretionary means of giving staff opportunities to take time of work to pursue personal interests. Sabbaticals can also contribute to personal development, improved staff recruitment and retention and levels of staff motivation and performance.

Sabbatical leave is a variation of an employee's contract of employment. Employees taking sabbatical leave will be protected with full continuity of services for all purposes. Employees will return to their substantive post, employment location and grade and salary scale including any salary increases which may have been agreed in the meantime. Salary increments will be awarded according to normal procedures. The employee and THE ORGANISATION will enter into a written agreement stating the terms on which sabbatical leave is taken and return to work is arranged.

Staff who have three or more year’s continuous employment can apply for sabbatical leave. An employee considering taking sabbatical leave should first discuss the matter with their line manager.

Sabbatical leave will be unpaid. Annual leave will not be accrued during the sabbatical period. Membership of, and payments under, THE ORGANISATION's pension scheme will be maintained for the duration of the sabbatical provided the employee wishes to continue to contribute.

Sabbatical leave will be for a maximum of 12 months. There will be no right to extend the sabbatical beyond 12 months unless there are exceptional circumstances agreed by the board of trustees.

The board of trustees decide on applications for sabbatical leave. The effects the absence will have on the running and operations of THE ORGANISATION and practical issues around cover will be taken into account when considering applications. There is no automatic right to sabbatical leave but permission will not be unreasonably withheld.

Employees must give two months’ notice in writing of their intention to return to work following a career break. Employees who wish to resign whilst on a career break should do so in writing.

### Appendix 6b: Maternity Template Letter

Date:

Dear [name of employee],

Congratulations and thank you for telling me about your pregnancy and the date that your baby is due. I am writing to you about your maternity leave and pay.

As we have discussed, you are eligible for 52 weeks’ maternity leave (26 weeks’ ordinary maternity leave plus 26 weeks’ additional maternity leave). Given your chosen start date of [insert date], your maternity leave will end on [insert date].

If you want to change the date your leave starts you must, if at all possible, tell me at least 28 days before your proposed new start date or 28 days before [insert date leave starts] (your original start date), whichever is sooner.

If you decide to return to work before [insert date leave ends], you must give me at least 8 weeks’ notice.

As we discussed, you are eligible for 39 weeks’ Statutory Maternity Pay / not eligible for Statutory Maternity Pay [delete as appropriate].

Your maternity pay will be £[insert amount] from [insert date] to [insert date] and £[insert amount] from [insert date] to [insert date].or

The form SMP1 (enclosed) explains why you do not qualify for Statutory Maternity Pay. You may however be entitled to Maternity Allowance. If you take this form to the Jobcentre Plus at [insert local details], they will be able to tell you more.

As your employer I want to make sure that your health and safety as a pregnant mother are protected while you are working, and that you are not exposed to risk. I have already carried out an assessment to identify hazards in our workplace that could be a risk to any new, expectant, or breastfeeding mothers. Now you have told me you are pregnant I will arrange for a specific risk assessment of your job and we will discuss what actions to take if any problems are identified. If you have any further concerns, following this assessment and specifically in relation to your pregnancy, please let me know immediately.

If you decide not to return to work you must still give me proper notice. Your decision will not affect your entitlement to SMP.

If you have any questions about any aspect of your maternity entitlement, please do not hesitate to get in touch with me.

With best wishes

### Appendix 6c: Return to Work Form

**Part 1: Self-Certification** (*to be completed by employee)*

|  |  |
| --- | --- |
| Name: | Job Title: |
| 1st Day of Absence: | Date Returned to Work: |
| Number of working days absent: | Are you: full time / part time \*\*Delete as appropriate |
| State briefly why you were unfit for work (specify nature of illness or injury. Words like “illness” or “unwell” are not enough)  |
| I reported my absence to: on (date): |

Signed (employee): ………………………………… Date: …………………….

**Part 2: Return To Work Discussion (*to be completed by manager)***

|  |  |
| --- | --- |
| Manager’s Name: | Date of RTW Discussion: |
| Has the necessary medical certification been presented? (e.g., where required, a fit note/s) |  |
| Yes/No |
| Summary of discussion: |  |  |
|  |  |
| Any other comments or issues raised, and any further action agreed: |

Signed (employee): ………………………………… Date: …………………….

Signed (manager): ………………………………… Date: …………………….