

**FAMILY FRIENDLY POLICY FRAMEWORK**

1. **INTRODUCTION**

This Policy Framework sets out the rights of employees in relation to:

* Maternity
* Adoption
* Shared Parental Leave
* Paternity
* Parental Leave
  1. **MATERNITY**

The Foundation implements maternity rights set out in legislation.

The following abbreviations are used in this policy:

* EWC - Expected week of childbirth - the week, starting on a Sunday, in which your doctor or midwife expects you to give birth.
* SMP - Statutory maternity pay.
* QW - The qualifying week for SMP - the 15th week before the EWC.

**i) Rights and benefits**

In summary, employees have the following key maternity rights:

* time off for antenatal care
* maternity pay - linked to your level of earnings
* maternity leave.

As the maternity provisions are complex, if an employee becomes pregnant, please contact HR to clarify the relevant procedures and ensure that they are followed correctly.

**ii) Time off for antenatal care**

Once you have advised the organisation that you are pregnant, you will be entitled to reasonable paid time off work to attend antenatal appointments as advised by their doctor, registered midwife, or registered health visitor.

You are required to produce a certificate from their doctor, registered midwife, or registered health visitor, confirming the pregnancy. Except in the case of the first appointment, you should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that your doctor, midwife, or health visitor advises, in addition to medical examinations.

You should endeavour to give your line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

An individual who has a qualifying relationship with the employee, which includes the employee's husband or civil partner and the father of the expected child, is eligible to take unpaid time off to accompany the employee at up to two antenatal appointments. The individual with the qualifying relationship should ask their employer for more details of the right. Your spouse’s or partner’s employer can request them to sign a declaration in this regard which states that they have a qualifying relationship with you or your expected baby, they are taking the time off to accompany you to an antenatal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse and the date and time of the appointment.

If you are a surrogate mother, this right also applies to the intended parent if they are the potential applicant for a parental order

**iii) Maternity pay**

Employees who have been continuously employed by the organisation for at least 26 weeks at the end of their QW and are still employed during that week, will also qualify for SMP, providing that:

* they are still pregnant 11 weeks before the start of the EWC (or have already given birth)
* they have provided a MAT B1 form stating their EWC; and
* their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

SMP is payable for up to 39 weeks, with the first six weeks payable at 90% of the employee's average weekly earnings. For the purpose of calculating average weekly earnings, sleep-in payments, over-time payments and bonuses are all included.

The remaining 33 weeks are payable at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. All payments are treated as earnings and are therefore subject to PAYE and national insurance deductions.

Payment of SMP cannot start prior to the 11th week before the employee's EWC. It can start from any day of the week in accordance with the date the employee starts their maternity leave. SMP is payable whether or not the employee intends to return to work after their maternity leave.

Employees who are not entitled to SMP may be entitled to maternity allowance, which is payable directly by the Government and the organisation will provide the employee with an SMP1 form to allow them to pursue a claim for maternity allowance.

This is paid at a rate set by the government for the relevant tax year, or 90% of your average weekly earnings calculated over the period of eight weeks up to and including the QW if this is lower than the government’s set weekly rate. SMP is paid into your bank account in the same way as salary is normally paid. SMP is treated as earnings and is therefore subject to income tax and National Insurance deductions.

If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether ordinary or additional maternity leave), the higher or standard rate of SMP will be re-calculated to take account of your pay rise, regardless of whether SMP has already been paid. This means your SMP will be re-calculated and increased retrospectively, or that you may qualify for SMP if you did not previously. You will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

**iv) Maternity Leave**

All pregnant employees are entitled to take up to 26 weeks’ ordinary maternity leave and up to 26 weeks’ additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours worked or length of service.

During the period of ordinary maternity leave, the contract of employment remains in force, and employees are entitled to receive all contractual benefits, except for salary. Any benefits in kind will continue, annual leave entitlement will continue to accrue and pension contributions will continue to be made.

All pregnant employees are entitled to take up to 26 weeks’ ordinary maternity leave. Additional maternity leave begins on the day after ordinary maternity leave ends. Ordinary maternity leave can start at any time after the beginning of the eleventh week before your EWC (unless your child is born prematurely before that date).

Maternity leave will start on whichever date is the earlier of:

• your chosen start date.

• the day after you give birth.

• the day after any day on which you are absent for a pregnancy-related reason in the four weeks before the EWC.

If you give birth before your maternity leave was due to start, you must notify the Foundation in writing of the date of the birth as soon as reasonably practicable.

The law requires all employees to take a minimum of two weeks of compulsory maternity leave immediately after the birth of their child. During this period, you must not undertake any work for the Foundation which includes doing any work from home.

On resuming work after maternity leave, you will be entitled to benefit from any general pay increases that may have been awarded in your absence. You should endeavour to take any outstanding annual leave that may be due to you before the commencement of your ordinary maternity leave.

During ordinary maternity leave and additional maternity leave, the terms and conditions of your employment 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 wages will cease, other benefits such as holiday entitlement will remain in place.

The organisation's pension contributions will continue based on your normal pay during ordinary maternity leave and paid additional maternity leave. However, the organisation's pension contributions will cease during any periods of unpaid additional maternity leave. Access to all other employee benefits will remain.

Employees will be encouraged to take any outstanding holiday due to them before the commencement of maternity leave and are reminded that holiday must be taken in the year that it is earned.

Defined contribution pension scheme: Your pension contributions will be based on the amount of actual pay you are receiving whilst the Foundation’s contributions will be based on the salary you would have received had you not gone on maternity leave (i.e., it will continue to make any employer contributions that it usually makes). You may wish to increase your own contributions to make good any shortfall whilst you are in receipt of less than your usual salary.

Defined benefit pension scheme: Your period of ordinary maternity leave will count towards your pensionable service and benefits will continue to accrue as set out in the pension scheme rules. Your pension contributions will be based on the amount of actual pay you are receiving whilst the Foundation’s contributions will be based on the salary you would have received had you not gone on maternity leave (i.e., it will continue to make any employer contributions that it usually makes).

**v) Notice requirements**

On becoming pregnant, you should notify your line manager as soon as possible. This is important as there are health and safety considerations for the organisation.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, you are required to inform the organisation in writing of:

* the fact that you are pregnant
* your expected week of childbirth; and
* the date on which you intend to start your maternity leave.

You must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

You are permitted to bring forward your maternity leave start date, provided you advise the organisation in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your maternity leave start date, provided you advise the organisation in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The organisation will formally respond in writing to the employee's notification of their leave plans within 28 days, confirming the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave.

You are required to give at least 28 days' notice of the date that you want your statutory maternity pay to begin. If it is not possible, for example if the baby arrives early, you should tell the organisation as soon as reasonably practicable.

**vi) Health and safety**

The organisation has a duty to take care of the health and safety of all employees, and will carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to their health and safety or the health and safety of their baby and the risk arises from either processes, working conditions or physical, chemical, or biological agents in the workplace. If applicable, the organisation will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out their normal job duties, the organisation will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable. (See Appendix A for risk assessment)

If it is not possible for the organisation to alter the employee's working conditions to remove the risks to their health and there is no suitable alternative work available to offer them on a temporary basis, the organisation may suspend them from work on maternity grounds until such time as there are no longer any risks to their health. This may be for the remainder of their pregnancy until the commencement of their maternity leave. If an employee is suspended in these circumstances, their employment will continue during the period of the suspension, and it does not in any way affect their statutory or contractual employment and maternity rights. The employee will be entitled to their normal salary and contractual benefits during the period of their suspension unless they have unreasonably refused an offer of suitable alternative employment.

**vii) Sickness absence**

If you are absent from work during pregnancy owing to sickness, you will receive normal sick pay, provided you have not yet begun ordinary maternity leave. If, however, you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your EWC, your maternity leave will start automatically.

If you are absent from work wholly or partly because of pregnancy during the four weeks before the EWC, you must notify the organisation in writing of this as soon as reasonably practicable.

**viii) Contact during maternity leave**

The organisation reserves the right to maintain reasonable contact with employees during maternity leave, to discuss employees' plans for return to work, any special arrangements to be made, training to be given to ease their return to work or to update them on developments at work during their absence.

**i) Keeping-in-touch days**

You can agree to work for the organisation (or to attend training) for up to 10 days during your maternity leave without that work bringing your maternity leave to an end and without loss of a week's statutory maternity pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the organisation. Once the keeping in touch days have been used up, you will lose a week’s SMP for any week in which you agree to work for the Foundation.

**x) Returning to work after maternity leave**

You may return to work at any time during ordinary maternity leave or additional maternity leave, provided you give the appropriate notification. Alternatively, you may take your full period of maternity leave entitlement and return to work at the end of this period.

You will be advised in writing by the Foundation of the date on which your maternity leave will end and the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave. You are expected to return on this date unless you notify the Foundation otherwise. If you are unable to attend work at the end of your maternity leave due to sickness or injury, the Foundation’s normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence. Whilst you are under no obligation to do so, it would assist the Foundation if you could confirm as soon as convenient during your maternity leave that you will be returning to work as expected. If you wish to return to work earlier than your expected return date, you must give the Foundation, preferably in writing, at least eight weeks’ notice of your proposed date of early return. If you fail to do so, the Foundation may postpone your return to such a date as will give the Foundation eight weeks’ notice, provided that this is not later than your expected return date.

If you decide not to return to work at all after maternity leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after your maternity leave has ended, the Foundation may require you to return to work for the remainder of your notice period.

You have the right to resume working in the same job if returning to work from ordinary maternity leave. If you return to work after a period of additional maternity leave, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

**xi) Transfer of maternity leave**

See Shared Parental Leave at section 1.3

**1.2 ADOPTION**

**i) Rights and Benefits**

You might be eligible for Statutory Adoption Leave or Statutory Adoption Pay if you're:

* adopting a child
* fostering a child permanently and becoming their legal parent ('fostering to adopt')

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of their employment.

Your entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. Your maximum entitlement is therefore to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below.

**ii) If you're having a child through surrogacy**

You might be entitled to adoption leave, pay and other rights but you must apply to become the legal parent within 6 months of the child's birth.

You must apply for:

* a parental order – if one intended parent is genetically related to the child
* an adoption order – if the intended parents are not genetically related to the child

If you apply for a parental order, the rules for surrogacy are different.

[Find out your rights to leave and pay when you have a child through surrogacy](https://www.acas.org.uk/leave-and-pay-when-you-have-a-child-through-surrogacy).

If you apply for an adoption order, you’ll be eligible for adoption leave and pay.

[Find out how to become the child's legal parent on GOV.UK](https://www.gov.uk/legal-rights-when-using-surrogates-and-donors/become-the-childs-legal-parent).

**iii) Adoption pay**

Employees will qualify for statutory adoption pay, provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions. Statutory adoption pay is payable for up to 39 weeks. Statutory adoption pay is payable at 90% of normal earnings for the first six weeks, following which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings if that is lower than the Government's rate).

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take adoption leave.

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

**iv) Adoption leave and notice requirements**

To make administration as easy as possible, you should discuss the timing of your adoption leave with your immediate manager as early as possible.

You are required to give the organisation written notification of your intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Your notification must specify the date the child is expected to be placed with the you for adoption and the date you intend your adoption leave to start.

You may be permitted to bring forward you adoption leave start date, provided you advise the organisation in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your adoption leave start date, provided you advise the organisation in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

You must provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

**v) Time off to attend adoption appointments**

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose of the appointment is to enable the employee [and their partner] to have contact with the child (for example, to bond with them before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

You may be required to provide proof of any such appointments.

In addition, if the employee is adopting jointly, the organisation will ask the individual to sign a declaration, to be submitted alongside the documentary evidence, confirming that they have elected to exercise their right under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. The organisation will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment.

**vi) Rights during adoption leave**

During ordinary adoption leave and additional adoption leave, all terms and conditions your employment contract except normal pay will continue. Salary will be replaced by statutory adoption pay if you are eligible for it.

Holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that holiday must be taken in the year that it is earned.

**vii) Contact during adoption leave**

The organisation reserves the right to maintain reasonable contact with employees during adoption leave, to discuss employees' plans for return to work, any special arrangements to be made, training to be given to ease their return to work or to update them on developments at work during their absence.

**viii) Keeping-in-touch days**

You can agree to work for the organisation (or to attend training) for up to 10 days during your adoption leave without that work bringing your adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the organisation. Once the keeping in touch days have been used up, you will lose a week’s adoption leave for any week in which you agree to work for the Foundation.

**ix) Returning to work after adoption leave**

You may return to work at any time during ordinary adoption leave or additional adoption leave, provided that you give the appropriate notification. Alternatively, you may take your full period of adoption leave entitlement and return to work at the end of this period. If you wish to return before the full period of adoption leave has elapsed, you must give at least eight weeks' notice in writing to the organisation of the date on which you intend to return.

You have the right to resume working in the same job if returning to work from ordinary adoption leave. If you return to work after a period of additional adoption leave, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless you are sick and must provide a current medical certificate before the end of the adoption leave period.

If you decide during adoption leave that you do not wish to return to work, you should give written notice of resignation to the organisation as soon as possible and in accordance with the terms of your contract of employment.

**x) Transfer of adoption leave**

See Shared Parental Leave at section 1.3

**1.3 SHARED PARENTAL LEAVE**

Shared parental leave enables employees taking maternity/adoption leave to commit to ending their maternity/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity/adoption leave and opt in to shared parental leave and pay at a later date.

**i) Eligibility**

You and your partner may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if you’re:

* having a baby
* using a surrogate to have a baby
* adopting a child
* fostering a child who you’re planning to adopt

You can share up to 50 weeks of leave and up to 37 weeks of pay between you. You need to share the pay and leave in the first year after your child is born or placed with your family.

You can use SPL to take leave in blocks separated by periods of work or take it all in one go. You can also choose to be off work together or to stagger the leave and pay.

To get SPL and ShPP, you and your partner need to:

* share responsibility for the child at birth
* meet the relevant work and pay criteria - these are different depending on which parent wants to use the shared parental leave and pay (see <https://www.gov.uk/shared-parental-leave-and-pay/eligibility-for-birth-parents>
* [give notice to your employers](https://www.gov.uk/shared-parental-leave-and-pay/applying-for-leave-and-pay)
* give up some of your maternity or adoption leave and pay

**ii) Giving up maternity and adoption leave and pay**

To get SPL and ShPP you or your partner has to:

* take less than the 52 weeks of maternity or adoption leave and use the rest as SPL
* take less than the 39 weeks of maternity or adoption pay (or Maternity Allowance) and use the rest as ShPP

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the organisation's agreement).

To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements (referenced below) and have complied with the relevant curtailment, notice and evidence requirements. This includes the employee on maternity/adoption leave curtailing their leave.

**iii) Leave and Notice Period**

To get Shared Parental Leave (SPL) or Shared Parental Pay (ShPP) you must:

* give your employer at least 8 weeks’ written notice of your leave dates
* give your employer notice that you plan to take SPL and ShPP
* give your employer notice of when the mother or adopter is going to end their maternity or adoption leave, and when they’ll stop getting maternity or adoption pay
* book your leave dates

You can change your mind later about how much SPL or ShPP you plan to take and when you want to take it. You must give notice of any changes at least 8 weeks before the start of any leave.

Your employer can ask you for more information within 14 days of you applying for SPL or ShPP. They can ask for:

* a copy of the birth certificate
* a declaration of the place and date of birth (if the birth has not been registered yet)
* the name and address of your partner’s employer or a declaration that your partner has no employer

If you’re adopting or fostering a child you’re planning to adopt, your employer can ask for the:

* name and address of the adoption agency or local authority
* date you were matched with the child
* date the child will start to live with you
* name and address of your partner’s employer or a declaration that your partner has no employer

You must give this information within 14 days of being asked for it.

Shared parental leave can also be taken consecutively or concurrently but it must start no earlier than the date on which

* For maternity - your baby is born, and it must end no later than twelve months after the date of childbirth.
* For adoption –the child I placed with you and must end no later than twelve months after the date of placement.

If you wish to consider shared parental leave, further details can be obtained from the HR Department. Shared parental leave replaces the right to additional paternity leave.

**1.4 PATERNITY LEAVE**

**i) Eligibility**

You can take paternity leave if you have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth, and if you are:

* the child’s biological father, the husband or partner of the mother (or adopter) - this includes same-sex partners
* the child’s adopter
* the intended parent (if you’re having a baby through a surrogacy arrangement)

You cannot get Paternity Pay and Leave if you’ve taken paid time off to attend adoption appointments.

Where a couple adopt a child jointly, one may take adoption leave and the other paternity leave. They are entitled to choose for themselves which adoptive parent takes which type of leave.

To be eligible for paternity leave for a child adopted within the UK, you must have you: have at least 26 weeks' continuous employment by the end of the week in which the adoption agency formally notifies the adopter that they have been matched with the child.

**ii) Leave and notice requirements**

An eligible employee can take either one week's leave or two consecutive weeks' leave. You cannot take paternity leave in instalments (for example as part weeks or individual days).

You can take just one period of paternity leave per pregnancy or adoption, regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

You must take paternity leave within 56 days of the child's birth or, if the child is born earlier than the expected week of birth, within 56 days of the first day of the expected week of birth.

For an adopted child, you must take within 56 days of the child's placement for adoption with you (or in the case of a child adopted from overseas, within the period of 56 days beginning with the date the child entered Great Britain).

If you wish to take shared parental leave, you must take your paternity leave first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.

To take paternity leave for a birth child, you need to give your line manager at least 15 weeks' written notice of:

* the date on which your partner's baby is due
* the length of paternity leave you wish to take; and
* the date on which you wish your paternity leave to start.

To take paternity leave for an adopted child, you need to give your line manager written notice of your intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency.

The notice must specify:

* the date on which the adopter was notified of having been matched with the child
* the date on which the child is expected to be placed for adoption
* the length of paternity leave you wish to take; and
* the date on which you wish your paternity leave to start.

If you wish to change the timing of your paternity leave, you must give your line manager at least 28 days' notice of the revised start date.

**iii) Rights during paternity leave**

During your leave, all the terms and conditions of your contract (except normal) pay will continue. Salary will be replaced by statutory paternity pay if you are eligible for it.

All other benefits will remain in place. For example, holiday entitlement continues to accrue. Pension contributions will continue to be paid.

**iv) Returning to work after paternity leave**

Following your leave, you have the right to resume working in the same job as before on terms and conditions that are no less favourable to them than the terms that would have applied had they not been absent. Your continuity of employment is not affected.

**1.5 PARENTAL LEAVE**

**i) Introduction**

Parental Leave is where employees who have parental responsibilities may take unpaid time off work to look after their children who are under 18.

We are committed to supporting a positive work-life balance for all our employees and recognise that time with children is important. If you are eligible, you can take ordinary parental leave to care for your child - this may be to look after your child during school holidays, be with them when they are unwell, or spend more quality time with them.

**ii) Eligibility**

You can take ordinary parental leave to care for your child if you:

* have a minimum of one year's continuous service by the time you take the leave; and
* have, or expect to have, parental responsibility for the child.

If you are unsure if you are entitled to ordinary parental leave, please contact the HR department.

**iii) Pay and leave entitlement**

Parental leave is unpaid. You can take up to 18 weeks' unpaid leave for each child (up to their 18th birthday), subject to a maximum of four weeks' leave for each child in any one-year period.

You must take parental leave as whole weeks (E.g.,1 week or 2 weeks) rather than individual days. However, if your child has a disability, you can take the leave one day at a time (please speak to the HR department to arrange this). You don’t have to take all the leave at once.

A ‘week’ equals the length of time you would normally work over 7 days.

Your entitlement to ordinary parental leave carries over from your previous employment. This means that if you have taken ordinary parental leave with a previous employer:

* you can take the balance with our organisation, but you must wait until you have worked for us for at least one year; and
* we will ask you about the amount of ordinary parental leave already taken for your child with your previous employers.

If you are unsure how much ordinary parental leave you can take, please contact the HR department.

**iv) Notice to take ordinary parental leave**

To take ordinary parental leave, you will need to give your line manager at least 21 days' notice, counting back from the date on which the leave is to start. You should set out the dates on which you wish to take ordinary parental leave.

You can ask for your leave to begin when your child is born, whether this is earlier or later than expected. In these circumstances, you should give your line manager at least 21 days' notice, counting back from the beginning of the expected week of childbirth.

Your notice should set out the expected week of childbirth and the length of leave you are requesting.

*Adopters requesting leave to begin on the child's placement*

You can ask for your leave to begin when the child is placed with you for adoption, whether this is earlier or later than expected. In these circumstances, you should give your line manager at least 21 days' notice, counting back from the beginning of the week in which the placement is expected to occur. If 21 days' notice is not possible, please give us notice as soon as you can.

Your notice should set out the week in which the placement is expected to occur and the length of leave you are requesting.

**v) Evidence to take ordinary parental leave**

The HR department will ask you for evidence to support your request for ordinary parental leave. They will normally ask to see evidence of your child's birth certificate or certificate of adoption.

**vi) Postponing your ordinary parental leave**

While our aim is to agree to your request for ordinary parental leave, there are circumstances in which we may need to postpone the start date. We will do this only if your absence would cause undue disruption to our organisation and will give you written notice of the postponement no more than seven days after we received your request.

However, we will never postpone your period of ordinary parental leave if the leave starts on the birth of your child or your child's placement for adoption.

If we postpone your period of ordinary parental leave, your line manager/HR will discuss alternative dates with you to take that period of leave within six months of the first day the postponed leave was due to start.

**vii) While you are on ordinary parental leave**

During your leave, all the terms and conditions of your contract, except normal pay, will continue and your continuity of employment is not affected.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. Annual leave will continue to accrue in the normal way.

During your leave, you continue to be bound by the terms and conditions of your employment. In particular, you should remember that you must not disclose any confidential information, and that you are required to obtain our written consent before working for any other employer.

**viii) Returning to work after ordinary parental leave**

If you take an isolated period of ordinary parental leave of four weeks or less, you are entitled to return to the same job you were doing before your absence.

You can also return to your previous job if you take a period of ordinary parental leave of four weeks or less following on immediately from a period (or consecutive periods) of maternity, adoption, paternity and/or shared parental leave (taken in relation to the same child) that did not last more than 26 weeks.

You are entitled to return to your previous job or, if that is not practical for our organisation, to another job that is both suitable and appropriate in the circumstances if you:

* take a period of ordinary parental leave of more than four weeks; or
* take a period of ordinary parental leave of four weeks or less following on immediately from a period (or consecutive periods) of maternity, adoption, paternity and/or shared parental leave (taken in relation to the same child) that lasted more than 26 weeks.

**2.0 REVIEW**

The Caldecott Foundation is committed to equal opportunities and fairness for all and will review this policy and process to ensure that it remains fit for purpose and will be updated in accordance with changes in the law.

**Appendix A**

**NEW and EXPECTANT MOTHERS RISK ASSESSMENT**

This assessment form is for those who are pregnant, have given birth within the last 6 months or are breastfeeding. *To be completed by the individual worker and the Line Manager*

|  |  |  |  |
| --- | --- | --- | --- |
| **NAME:** | **Job Title:** | | |
| **Location:** | **Dept:** | | |
| **Expected date of Confinement / Date of Birth of Child:** | | | |
| **Movement and Posture** | **Activity** | 1.17  **No Yes or N/a** | |
| A variety of factors linked to pace of work, rest breaks, work equipment and the work area can be involved.  **Standing** in one position for long periods can cause dizziness, faintness, fatigue.  **Backache** can be associated with long periods of standing of sitting.  **Confined spaces** may be a problem particularly in the latter stages of pregnancy. | Do you have to stand for periods of two-three hours without a break? |  | |
| Do you have to sit for continuous periods of more than two-three hours? |  | |
| Can the equipment and workstation be adjusted to fit you? |  | |
| Does the job involve awkward twisting or stretching? |  | |
| Are there space restrictions (e.g., sitting at your workstation)? |  | |
| **Please detail your concerns for any activity above:** | | | |
| **RPI’s** | **Activity** | | 1.17  **No Yes or N/a** |
| children behave in ways that make it necessary to consider the use of restrictive physical intervention increase the risk of harm during pregnancy and breast-feeding. | **Is your work perceived to have a higher risk of the use of RPIs?** | |  |
| **Can you recognise the warnings signs a RPI might end up being used?** | |  |
| **Please detail your concerns for any activity above:** | | | |
| **Manual Handling** | **Activity** | **Yes**  **No or N/a** | |
| Hormonal changes in pregnancy can increase risk of injury. Postural problems can also increase risks as pregnancy progresses. Breast-feeding mothers may have problems because of the increased breast size and sensitivity. | Does the job involve twisting, stooping or stretching to lift objects? |  | |
| Does the job involve rapid repetitive lifting? |  | |
| Does the job involve lifting objects that are difficult to grasp or are awkward to hold? |  | |
| **Please detail your concerns for any activity above:** | | | |
| **Protective equipment** | **Activity** | **Yes**  **No or N/a** | |
| Protective clothing or other types of PPE are not generally designed for pregnant women. Physical changes may make it uncomfortable to wear or provide the required protection. Uniforms may also cause a problem as the pregnancy progresses | If you have to wear protective overalls etc, are they of a suitable size? |  | |
| If you wear a uniform, are they provided in maternity sizes? |  | |
| Is there any other PPE you use, which the pregnancy causes difficulties in use? |  | |
| **Please detail your concerns for any activity above:** | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| **Hazardous Substances/Infection risks** | **Activity** | | **Yes**  **No or N/a** |
| Exposure to some hazardous substances and infectious agents e.g., carbon monoxide, hepatitis B, HIV, chickenpox could be a problem. Hazard Data Sheets should be referred to for any hazardous substances you use as part of your job. | Are there any infection risks in your work? E.g., working with sewage, inspecting disused old properties etc | |  |
| Are any chemicals you use or exposed to known to be a risk? | |  |
| Have you read and understood the COSHH assessments for any chemicals you use in your section? | |  |
| **Please detail your concerns for any activity above:** | | | |
| **Working Time** | **Activity** | | **Yes**  **No or N/a** |
| Long hours and unsocial shift work can affect the health of pregnant women and can disrupt breast –feeding. | Are you expected to work long hours and overtime? | |  |
| Does your work involve very early starts or late finishes? | |  |
| Does your job involve night work between the hours of 11pm to 7am? | |  |
| **Please detail your concerns for any activity above:** | | | |
| **Work-related Stress** | **Activity** | | **Yes**  **No or N/a** |
| New and expectant mothers can be vulnerable to stress because of hormonal, psychological and physiological changes around pregnancy. Additional stress may occur if the woman has reason to be anxious about her pregnancy. | Do you have to deal with irate members of the public? | |  |
| Do you have to work to tight deadlines to complete projects? | |  |
|  | |  |
| **Please detail your concerns for any activity above:** | | | |
| **Work at Heights** | **Activity** | | **Yes**  **No or N/a** |
| Because of the risk of fainting and high blood pressure, it is hazardous for pregnant women to work at heights. | Does your work involve climbing up and down steps or ladders? | |  |
| Does your work involve carrying items or boxes up or down ladders? | |  |
| Does your work involve any other form of working at height? | |  |
| **Please detail your concerns for any activity above:** | | | |
| **Extremes of cold or heat** | **Activity** | | **Yes**  **No or N/a** |
| Pregnant women are less able to tolerate heat or extreme cold. | Does the work involve exposure to temperatures below 16 or above 30 degrees? | |  |
| Are you exposed to cold draughts even when the average temperature is acceptable? | |  |
| Are there arrangements for frequent breaks and access to hot/cold drinks? | |  |
| **Please detail your concerns for any activity above:** | | | |
| **Work-related violence** | **Activity** | | **Yes**  **No or N/a** |
| Violence and the fear of violence can increase the risk of harm during pregnancy and breast-feeding. | Is your work perceived to have a higher risk of violence (e.g., a lone working enforcement role)? | |  |
| **Please detail your concerns for any activity above:** | | | |
| **Welfare Issues** | **Activity** | | **Yes**  **No or N/a** |
| **Rest facilities:** are particularly important for new and expectant mothers.  **Hygiene:** easy access to toilets from the place of work.  **Storage facilities:** appropriate arrangements for expressing and storing breast milk if required. | Is there somewhere quiet for you to rest during pregnancy if required? | |  |
| Is there a clean, private area for breast-feeding to express milk? | |  |
| If required, is there somewhere safe for storing expressed milk? | |  |
| **Please detail your concerns for any activity above:** | | | |
| **Other Hazards** | | | |
| **Please detail any other concerns here, that are not covered by the above:** | | | |
| **Employee’s signature** | | **Date** | |

|  |  |  |
| --- | --- | --- |
| **The following sections are to be completed by the Manager** | | **Yes / No** |
| Is the new or expectant mother, in your opinion safe to continue in her present role? | |  |
| Will adjustments need to be made? | |  |
| Does the employee need to be taken off her present duties? | |  |
| If the answer is “yes” to the above question, can alternative work be found that does not pose a risk? | |  |
| **Enter details of any remedial action that has been taken to eliminate / reduce the risks to the employee** | | |
| **Name** | **Signature** | **Date** |

|  |  |  |  |
| --- | --- | --- | --- |
| **Review Number** | **Any changes from before?** | **Signature (Manager)** | **Date** |
| **1** |  |  |  |
| **2** |  |  |  |
| **3** |  |  |  |