

## SUPPORTING WORK LIFE BALANCE POLICY

Date policy first introduced: 01/04/2011

Date of last review: 01/06/2021

### 1. Purpose and scope

The Ethical Standards Commissioner (ESC) is committed to supporting employees maintain a healthy work / life balance and recognises its statutory obligations in this area. This policy brings together various policy documents that are designed to assist and support employees as a key part of this commitment.

This policy applies to all employees regardless of working pattern or nature of employment contract. It will not apply to others carrying out work on behalf of ESC (agency staff, contractors etc) who will be governed by the contract under which they have been employed or contracted.

### 2. Implementation, monitoring and review of the policy

Overall responsibility for policy implementation, monitoring and review lies with ESC. Everyone covered by the scope of the policy is obliged to adhere to, and facilitate implementation of the policy. Appropriate action will be taken to inform all new and existing employees and others covered by the scope of the existence of the policy and their role in adhering to it. The policy will be reviewed at such times as legislation or a change to the ESC policy position requires it. The policy will be made available to the general public.

### 3. Policies included

A summary of the policy documents covered are:

<a href="#"><u>Family Leave Benefits and Obligations</u></a>	There are certain employee benefits and employee and employer obligations which are relevant to a number of policy documents including Maternity, Adoption, Paternity, Shared Parental Leave or Parental Leave. These are described in one section referred to as Family Leave.	Page 6
<a href="#"><u>Pregnancy and Maternity Leave and Pay</u></a>	The time off and pay entitlements an employee has on and around the time of giving birth to a child.	7

<a href="#"><u>Adoption Leave and Pay</u></a>	The time off and pay entitlements an employee has on and around the time of adopting a child.	17
<a href="#"><u>Paternity Leave and Pay</u></a>	The time off and pay entitlements an employee has on and around the time that their partner gives birth to or adopts a child.	24
<a href="#"><u>Shared Parental Leave and Pay</u></a>	The time off and pay entitlements that enable mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed.	29
<a href="#"><u>Parental Leave and Pay</u></a>	The time off and pay entitlements an employee is able to access under parental leave legislation – designed to help employees with the care and welfare of a child up until the child is 18.	41
<a href="#"><u>Special Leave</u></a>	Time off provisions (non-statutory) to support employees in dealing with personal life emergencies.	46
<a href="#"><u>Time off for Dependants Leave</u></a>	The time off entitlement during working hours for dependants to deal with unforeseen matters and emergencies, and when circumstances mean that the time off is not covered by the Special Leave provisions.	48
<a href="#"><u>Right to Request Flexible Working</u></a>	The entitlement of any employee to make a request to work flexibly.	50
<a href="#"><u>Extended period of unpaid leave</u></a>	Policy statement about extended periods of unpaid leave.	54
<a href="#"><u>Parental bereavement leave</u></a>	Provisions for leave and pay to deal with the death of a child	54

## 4. Interaction with other policies

Many of the policies in this document will interact with other policies. In particular:

1. The Equality, Diversity and Inclusion policy will be relevant throughout the policy as pregnancy and maternity are a protected characteristic within equalities legislation.
2. the working hours and leave policy will need to be referred to when working out how annual leave will fit with any type of family leave.
3. Health, safety and wellbeing will need to be carefully considered for any pregnant employee and the absence policy may also need to be referred to.
4. The remote working policy should be considered alongside any flexible working requests which include a request to work in a different location.
5. The leaving policy should be referred to in any request for flexible working which is a request for flexibility in advance of retirement, or where an employee decides not to return to work following any period of family leave. It is also referred to in cases where an employee decides not to return to work following a period of family leave.
6. The Disciplinary policy will be referred in any cases where it is expected that someone is making a false claim for any of the types of leave referred to in this policy.

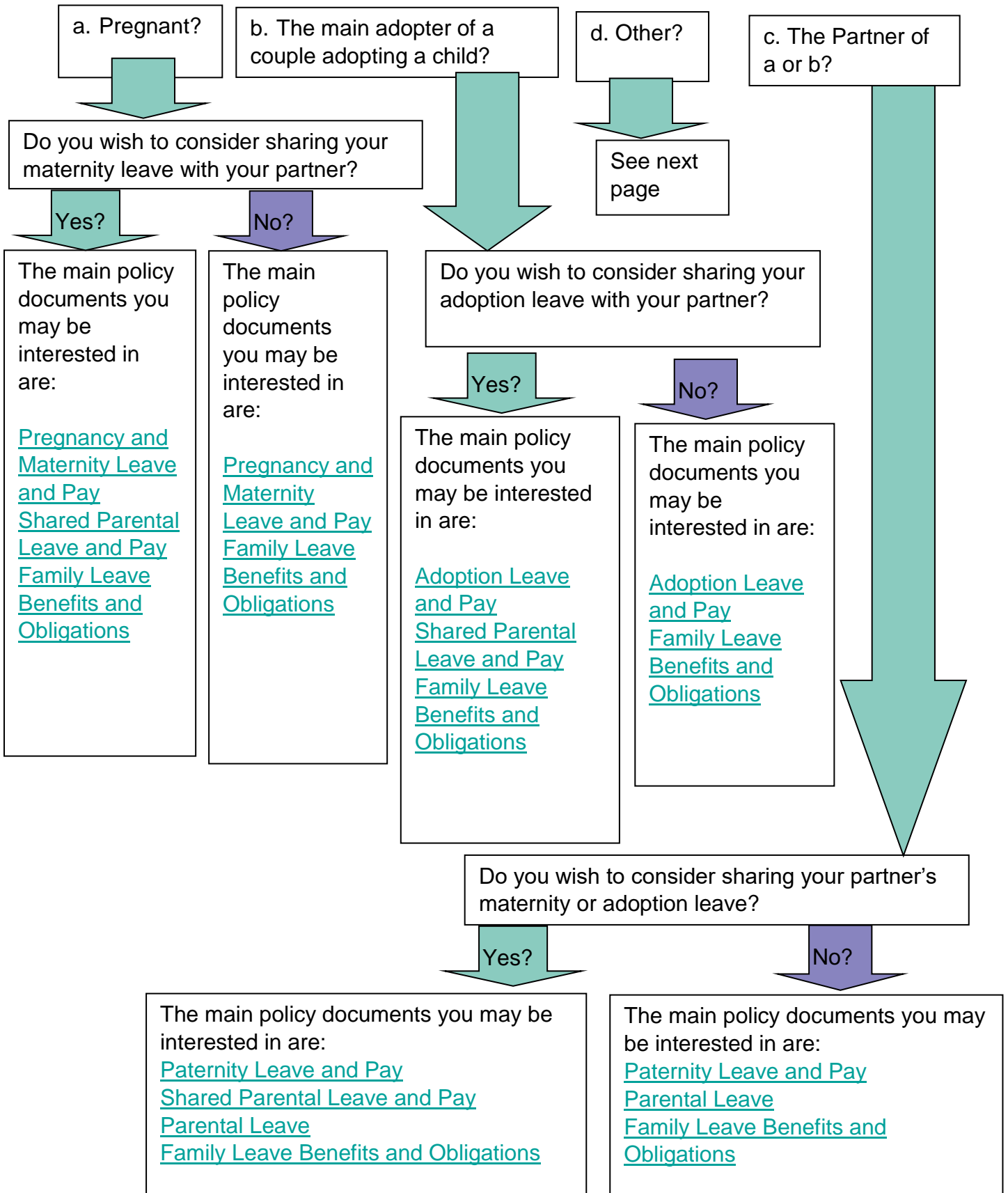
ESC undertakes to comply with any statutory provision which supersedes this policy.

A [list of definitions](#) is attached to the policy.

If you are unsure about which policy documents to read the following flowchart may help.

# Ethical Standards Commissioner

Are you:



Do you need information about:

## Childcare

What to consider at the end of Maternity, Adoption or Shared Parental Leave?  
The main policy documents you may be interested in are:

[Parental Leave](#)  
[Right to Request Flexible Working](#)  
[Childcare Vouchers](#)

Taking time off work to care for a young child?  
The main policy documents you may be interested in are:

[Special Leave](#)  
[Time off for Dependants Leave](#)  
[Parental Leave](#)

Childcare Vouchers?

The main policy document you may be interested in is:

[Childcare Vouchers](#)

## Other Domestic Circumstances

Having an older relative or other dependant to care for?  
The main policy documents you may be interested in are:

[Special Leave](#)  
[Time off for Dependants Leave](#)  
[Right to Request Flexible Working](#)

Taking time off to deal with a domestic situation such as bereavement or damage to your property?

The main policy document you may be interested in is:

[Special Leave](#)

## Other Life Situations

Requesting a different work arrangement?  
The main policy document you may be interested in is:

[Right to Request Flexible Working](#)

Taking time off for study leave, trade union activities, public duties, reserve or cadet forces training, attending court as a witness or juror, participating in a sporting event?

The main policy document you may be interested in is:

[Special Leave](#)

## General Information

Interested in understanding all parts of the work / life balance policy? Read on!.....

## 5. Family Leave – Benefits and Obligations

### [Employee Benefits during Family Leave](#)

### [Employer and Employee Obligations during Family Leave](#)

There are certain employee benefits, employer and employee obligations which are relevant to any employee who is taking Maternity, Adoption, Paternity, Shared Parental leave or Parental Leave. For ease of reference these are described in this section as “Family Leave”.

### Employee Benefits during Family Leave

During Family Leave all employees are entitled to retain the following key benefits:

- 1) continuous employment in calculating length of service
- 2) retention of *all* contractual terms and conditions of service – other than pay (please refer to the separate Pay Section under each area of Leave to understand how this is calculated). This means that, during Family Leave, aside from pay, ESC will ensure the employee continues to receive all the benefits set out in the employee’s contract of employment and any relevant accompanying policies. Specifically this will include:
  - a) **holidays** (including public holidays) which will accrue at the normal rate of accrual described in the employee’s contract of employment. More information can be found in the Holidays and Annual Leave Policy. Where ESC imposes a period of compulsory leave, e.g. at Christmas, employees will be entitled to take this period of leave at another time on return from Family Leave.
  - b) **pension scheme.**
    - i) **Employer Contributions** - ESC contributions to the pension scheme will continue throughout any **paid** period of Family Leave, regardless of the level of pay received by the employee. Employer contributions will cease during any unpaid period of Family Leave.
    - ii) **Employee Contributions** - Employee contributions to the pension scheme will continue during Family Leave until any employee’s entitlement to pay is exhausted. Any contributions by the employee will be based upon the amount of pay that is being paid during this time, rather than the normal level of contributions.
    - iii) **Membership continuation** - membership of the pension scheme will remain continuous through any period of Family Leave. However, where an employee does not resume work following the end of any period of Family Leave, their pensionable service will be calculated as up to the last day of paid Family Leave (or the last day of pay in the case of unpaid parental leave) with accrued benefits up to that date. Any unpaid periods of family leave do not count towards pensionable service.
  - c) **salary increases or benefit changes** awarded during the period of the leave will be made to an employee on Family Leave.
- 3) any other terms and conditions contained in their contract of employment and accompanying policies are also applicable in the same way as if the employee was not on Family Leave. Employees should note that this includes discretionary rights which would have been enjoyed had they been at work.

### Employer and Employee Obligations during Family Leave

ESC will continue to exercise its implied obligation of ‘mutual trust and confidence’ towards employees during any period of Family Leave.

For example:

- The right to notice of termination of the employment contract (by the employer)
- compensation in the event of redundancy
- access to disciplinary or grievance procedures

ESC will not subject any employee to a detriment, disadvantage, unfair treatment or dismissal because of requesting to take or taking a period of Family Leave. Please refer to the Equality, Diversity and Inclusion policy.

Employees should note that they are also expected to adhere to certain 'implied obligations of good faith' during Family Leave such as:

- notice of termination of the employment contract (by the employee). This means that, if the employee does not wish to return to work following any Family Leave period they must provide the employer with the contractual notice period
- confidentiality and the disclosure of information
- acceptance of gifts and other benefits
- unauthorised participation in any other business

## 6. Pregnancy, Maternity Leave and Pay

### [Shared Parental Leave in place of Maternity Leave](#)

#### [Pregnancy](#)

#### [Maternity Leave](#)

#### [Qualifying for Maternity Leave](#)

#### [Benefits and Obligations](#)

#### [Different Types of Maternity Leave](#)

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#### [Contractual Maternity Pay \(CMP\)](#)

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#### [Maternity Allowance](#)

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#### [Notifying ESC of the pregnancy](#)

#### [Notifying ESC of antenatal appointments](#)

#### [Shared Parental Leave](#)

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#### [Employer / employee contact during Maternity Leave](#)

#### [Sickness during Maternity Leave](#)

#### [Becoming pregnant during Maternity Leave](#)

#### [Annual appraisal and Maternity Leave](#)

#### [Deciding not to return to work following Maternity Leave](#)

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#### [Flexible Work Requests and phased return to work](#)

#### [Summary of Maternity Leave Benefits](#)



## [Summary Maternity Leave and Pay Process Flowchart](#)

### Shared Parental leave in place of Maternity Leave

An employee can choose to take Maternity leave and pay as outlined in this section, or, if they and their partner are eligible, may choose to reduce the Maternity Leave (and Pay) and take Shared Parental Leave (SPL) instead. Please refer to the [Shared Parental Leave Section](#).

### Pregnancy

Pregnant employees are entitled to:

- paid time off at their normal rate of pay to receive antenatal care provided that the appointments are made on the advice of a registered medical practitioner, registered midwife or registered health visitor.
- request a risk assessment during pregnancy
- request alternative work where any risks to the health and wellbeing of the expectant employee and their baby and / or employees who have recently given birth and / or who are breastfeeding have been identified and require to be avoided. Following investigation resulting in an identification of a risk *and* where ESC cannot meet such a request employees will be suspended on full pay on medical grounds
- not be subjected to a detriment, disadvantage, unfair treatment or dismissal because of the pregnancy.

Employees who are the partner of a pregnant person or who are the future parents of a child by surrogacy are entitled to:

- unpaid time off to attend up to two antenatal care appointments.

### Maternity Leave

#### Qualifying for Maternity Leave

All pregnant employees regardless of their hours or length of service are entitled to a period of up to 52 weeks Maternity Leave. This 52 week period of Maternity Leave comprises three parts, namely Compulsory Leave, Ordinary Maternity Leave and Additional Maternity Leave.

### Benefits and Obligations

There are a number of employee benefits, and employer and employee obligations which are relevant to and should be referred to by all employees who are taking a period of Maternity Leave. As these are also relevant to employees taking Adoption Leave, Shared Parental Leave, Paternity Leave or Parental Leave, they are described above in the section entitled [Family Leave Benefits and Obligations](#).



## Different types of Maternity Leave

### Compulsory Leave

Compulsory Leave describes the period of two weeks leave immediately following giving birth and during which the employee who has given birth is not able to work. Employees should note that this Compulsory Leave is a part of Ordinary Maternity Leave (OML), runs concurrently with OML and is *not* additional to it.

### Ordinary Maternity Leave (OML)

Ordinary Maternity Leave describes the first period of leave from or prior to birth. It lasts for 26 weeks. Any employee who chooses to return to work within the period of Ordinary Maternity Leave will return to the same job with the same, or no less favourable, terms of service.

### Additional Maternity Leave (AML)

Additional Maternity Leave describes the period of 26 weeks immediately following the end of Ordinary Maternity Leave. Employees returning to work following any Additional Maternity Leave will return to the same job, or a similar job, which carries the same, or no less favourable, terms of service.

## Maternity Pay

Subject to certain qualifying conditions, ESC employees may be eligible for Contractual Maternity Pay (CMP), Statutory Maternity Pay (SMP) or Maternity Allowance (MA).

### Contractual Maternity Pay (CMP)

Contractual Maternity Pay is payable for a total of 26 weeks in the normal payment cycle. CMP is paid at 100% of the employee's average weekly earnings comprising Statutory Maternity Pay topped up with Contractual Maternity Pay. A further 13 weeks is paid at the *lower* of the statutory level *or* 90% of the employee's average weekly earnings.

### Qualifying for Contractual Maternity Pay

To qualify for Contractual Maternity Pay employees must meet the following qualifying criteria:

- be pregnant in the 11th week before the Expected Week of Confinement (EWC) *or* have had the baby prematurely *or* have had a still birth in or after the 25th week of pregnancy
- have 52 weeks' continuous service with ESC assessed as at the EWC
- have complied with the correct notification procedure including providing medical evidence of the pregnancy from the GP at least 28 days before the start of the Maternity Pay Period. Please refer to the section entitled Notifying ESC.

Employees who *do not* meet all of the above criteria may not be eligible to receive CMP. In this case they may qualify for Statutory Maternity Pay or Maternity Allowance.

### Statutory Maternity Pay (SMP)

Statutory Maternity Pay is payable for a total of 39 weeks in the normal payment cycle. The first 6 weeks of SMP is paid at 90% of the employee's average weekly earnings and the remaining 33 weeks paid at the *lower* of the statutory level *or* 90% of the employee's average

weekly earnings. Statutory Maternity Pay is payable regardless of whether or not the employee intends to return to work

## Qualifying for Statutory Maternity Pay

To qualify for Statutory Maternity Pay employees must meet the following qualifying criteria:

- be pregnant in the 11th week before the Expected Week of Confinement (EWC) or have had the baby prematurely or have had a still birth in or after the 25th week of pregnancy
- have 26 weeks' continuous service with ESC assessed as at 15th week before the EWC regardless of the status of their contract
- have average weekly earnings in the 8 weeks prior to the 15<sup>th</sup> week before the EWC of at least the lower earnings limit for Class One National Insurance Contributions. Employees should refer to the Corporate Services Team for more information.
- have complied with the correct notification procedure including providing medical evidence of the pregnancy from the GP at least 28 days before the start of the Maternity Pay Period. Please refer to the section entitled Notifying ESC

Employees who do not meet all of the above criteria may not be eligible to receive SMP. In this case they may qualify for Maternity Allowance.

## Maternity Allowance

Where the employee does not qualify for CMP or SMP, ESC will provide the employee with the Form SMP 1, along with an explanation of the reasons why CMP or SMP cannot be paid. The employee may then be eligible to claim a Maternity Allowance which would also be payable for a total of 39 weeks and paid directly from their Benefits Office. Employees should refer to the Corporate Services Team for more information.

## Process

### Notifying ESC

Employees are expected to notify ESC in writing, no later than the end of the 15th week before the Expected Week of Confinement (EWC), unless this is not reasonably practical, that they are pregnant and the date on which they wish to start Maternity Leave. Details of this notification should include:

- confirmation of pregnancy
- provision of the MAT B1 form from the GP or Midwife providing confirmation of the Expected Week of Confinement (EWC)
- the date the employee wishes leave to start. Employees should note that this start date cannot be before the 11th week before the EWC, unless the birth is premature or the employee is absent from work with a pregnancy related illness

ESC will respond to the employee in writing within 28 days setting out:

- the employee's rights in relation to Maternity Leave, Shared Parental leave and Pay
- the employee's expected return to work date which will be calculated as 52 weeks from the start date of the leave
- the employee's duty to notify ESC of any changes to her plans

## Notifying ESC of Ante Natal Appointments

Employees are requested to provide reasonable notice of ante natal appointments to their line manager prior to taking the time off. ESC reserves the right to request evidence that the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered health visitor.

## Shared Parental Leave

If the employee is aware that they want to reduce their entitlement to Maternity Leave (and Pay) in order to take Shared Parental Leave, then they may wish to discuss this at the same time as notification of the pregnancy. However, they are also free to do this later during their Maternity Leave. See the [Shared Parental Leave Section](#) for more information.

## Starting Maternity Leave

Once the correct process has been employed to notify ESC, an employee's Maternity Leave will normally commence in one of three ways.

- 1) At the agreed time after the 11<sup>th</sup> week before EWC, having given at least 28 days' notice.
- 2) If childbirth occurs before the date agreed in respect of the commencement of Maternity Leave, then Maternity Leave will start on the actual date of the birth. Employees should notify their line manager and provide evidence of the birth as soon as reasonably practical.
- 3) If the employee is absent from work, either wholly or partly because of her pregnancy, after the beginning of the 4<sup>th</sup> week before EWC, Maternity Leave will start automatically.

If the employee subsequently changes plans, ESC is entitled to a minimum of 28 days' notice of the new dates or before the old date, whichever is the earlier, or if not reasonably practicable, as soon as it is reasonably practicable to do so. Employees should note that as long as an employee is healthily pregnant, they may remain at work until the day before the day on which the baby is due *and* remain entitled to their full period of leave from that date. Employees should also note that they cannot commence Maternity Leave prior to the 11<sup>th</sup> week prior to the EWC (other than in cases of premature birth or still birth).

## Employer / employee contact during Maternity Leave

When the employee is on maternity leave, ESC may make reasonable contact with them. The frequency and nature of the contact will depend on a number of factors, such as the nature of the work, any agreement which may have been reached before maternity leave began as to contact and whether either party needs to communicate important information to the other. At the very least, there will be an exchange of correspondence about how much accrued holiday entitlement the employee has, and how this will be taken around the time of return to work.

Some examples of other forms of reasonable contact:

- **Keeping in Touch days:**

ESC will arrange *where mutually agreed* up to 20 'Keeping In Touch' (KIT) days during the period of leave. During any actual working time as a result of the KIT days, the employee will be paid at her normal rate of pay. This will then be offset against her CMP / SMP / MA entitlement for that week. Employees should note that full days *or* part days are calculated as a part of the 20 'keeping in touch' days.

An employee, with the agreement of ESC, may use KIT days to effect a gradual return to work by the employee towards the end of a long period of Maternity Leave or to trial a possible flexible working pattern.

- **Changes in the workplace:**

ESC will keep the employee updated about any significant changes in the workplace while they are on Maternity Leave including any opportunities for promotion or job vacancies. Where operational changes involve redundancies, ESC will ensure that, where the employee is affected, she is fully consulted. Please refer to the Leaving Employment Policy

- **Returning to Work**

Discussion may take place to ensure that plans are in place for the employee's return to work in relation to:

- Any request to amend working practices or to facilitate a phased return into the workplace
- Introducing new colleagues
- Introducing new working practices or policies
- the availability of a workstation, computer etc
- any refresher training required
- communicating with any affected employees (including any temporary staff hired to cover the absence)

## Sickness during Maternity Leave

If an employee is sick during Maternity Leave she will not normally be entitled to receive sick pay.

However, if an employee is sick during Additional Maternity Leave and wishes the normal sick absence rules to apply, and, where appropriate, receive sick pay, notification should be given to the line manager that she wishes her Additional Maternity Leave period to cease. In these circumstances the normal 28 day return-to-work notice period will be waived. The employee should note that by opting to receive sick pay in these circumstances, their Additional Maternity Leave period will cease and when the period of sick absence has ended they must return to work.

If an employee can't return to work following her Maternity Leave due to illness, the normal Sick Absence rules will apply and they must notify her line manager in the normal way.

## Becoming pregnant or starting an adoption process during Maternity Leave

If an employee becomes pregnant or is matched for a child by adoption during Maternity Leave, they have the right to further Ordinary and Additional Maternity or Adoption Leave. This can be reduced in order to take Shared Parental Leave, provided all the qualifying criteria are met, in the same way as any other period of Maternity / Adoption Leave.

## Annual appraisal and Maternity Leave

As the annual performance review system is a supportive process in ESC and not used to mark or assess performance, any employee taking maternity leave (other than for a very short period of time – 3 months or so) will undertake an appraisal with their line manager shortly after returning from leave, in order to understand any changes in work priorities which

have occurred during their time away from work and also to understand any support and / or training which may be needed to help settle back into the role.

## Deciding not to return to work following Maternity Leave

If an employee decides not to return to work following Maternity Leave, they must give ESC notice of termination of employment in the normal way.

## Returning to Work following Maternity Leave

ESC will set out the date of intended return to work in the letter of response to the employee following notification of the date at which they would like to start their Maternity Leave. There will be further communication with the employee toward the end of the Maternity Leave period to clarify how much holiday entitlement has accrued and how this can be taken around the time of their return. No other notification from the employee is normally required unless the employee wishes to return to work before the end of Additional Maternity Leave or apply to extend their leave via a request to take an additional period of leave (for example Parental Leave).

Employees wishing to return to work *before* the end of their Additional Maternity Leave must provide ESC with eight weeks' notice of the requested return date. Failure of the employee to provide the notice could result in ESC postponing the leave return date to such a date as does reflect the full eight weeks' notice.

The job to which an employee returns following Maternity Leave can be influenced by whether they are returning from Ordinary Maternity Leave or Additional Maternity Leave as summarised below:

- after **Ordinary Maternity Leave** employee returns to same job as if they hadn't been away
- after **Additional Maternity Leave** employee returns to same job as if they hadn't been away, unless this is not reasonably practicable. If it is not reasonably practicable to return to the same job they will be offered a similar job on terms and conditions of service no less favourable than the original job

## Additional Leave following Maternity Leave

Employees may be able to take an additional period of leave (e.g. Parental Leave) immediately following their period of

- Ordinary Maternity Leave
- Additional Maternity Leave

Please refer to the [Parental Leave Section](#) of the Supporting Work/Life Balance Policy.

## Flexible Work Requests and phased return to work

ESC will give careful consideration to any requests that the employee might make in respect of Flexible Working in line with business requirements. Employees should refer to the [Right to Request Flexible Working Section](#) for more information.

The employee may also wish to consider making a request for a phased return to work, following Maternity Leave, by making use of accrued holiday entitlement. Such requests will be given careful consideration.

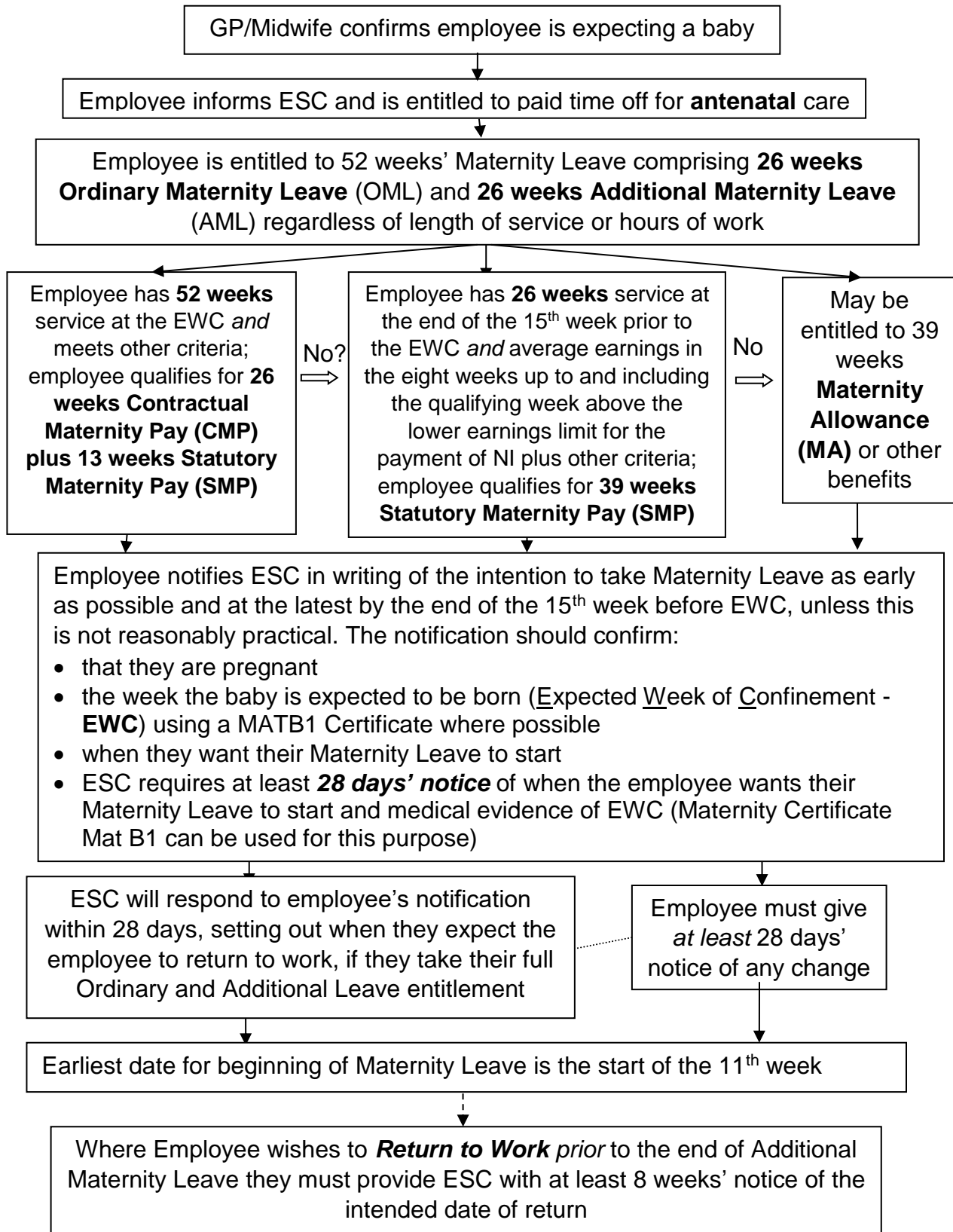
## Summary of Maternity Leave Benefits

The following table provides a brief **summary** of the benefits and qualifying criteria in relation to Maternity Leave and Maternity Pay available. This is only intended as an overview and employees should refer to the information in each section of the policy to get the full details.

Area	Benefit Summary	Qualifying Criteria
<b>Antenatal Clinic Attendance</b>	Paid Leave to attend antenatal care	All pregnant employees regardless of length of service or hours worked  Notification to ESC in advance providing proof of appointment
<b>Maternity Leave – Ordinary</b>	Up to <b>26</b> weeks' leave.  Contract of Employment continues.  Holiday entitlement & holiday pay continue to accrue whilst absent.	<u>No</u> minimum length of service or hours.  Requirement to follow ESC notification procedure
<b>Maternity Leave – Additional</b>	Up to <b>26</b> weeks' leave.  Contract of Employment continues.  Holiday entitlement & holiday pay continue to accrue whilst absent.	<u>No</u> minimum length of service or hours.
<b>Contractual Maternity Pay -</b>	26 weeks on full pay And SMP (see below)	52 weeks continuous service with ESC as at the due date specified on the Mat B1 Followed notification procedure Still be pregnant at 11 <sup>th</sup> week prior to EWC
<b>Statutory Maternity Pay -</b>	1 <sup>st</sup> 6 weeks at 90% of average earnings 33 weeks at the lower of 90% of average weekly earnings or Statutory Maternity Pay Up to 13 weeks unpaid leave	26 weeks continuous service with ESC as 15 <sup>th</sup> Week before the EWC Average weekly earnings above lower NI contributions rate Followed notification procedure Still be pregnant at 11 <sup>th</sup> week prior to EWC
<b>Maternity Allowance</b>	Please refer to line manager	Do not qualify for Maternity Pay



**Summary Maternity Leave and Pay Process Flowchart**



## 7. Adoption Leave and Pay

### [Shared Parental Leave in place of Adoption Leave](#)

#### [In advance of the Adoption match](#)

#### [Adoption Leave](#)

##### [Qualifying for Adoption Leave](#)

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##### [Summary Adoption Leave and Pay Process Flowchart](#)

### **Shared Parental Leave in place of Adoption Leave**

An employee can choose to take Adoption Leave and Pay as outlined in this section, or, if they and their partner are eligible, may choose to reduce the Adoption Leave (and Pay) and take Shared Parental Leave instead. Please refer to the [Shared Parental Leave Section](#).

### **In advance of the Adoption match**

Employees who will be the main adopter are entitled to:

- paid time off at their normal rate of pay for up to five adoption appointments.
- not be subjected to a detriment, disadvantage, unfair treatment or dismissal because of the adoption.

Employees who are the partner of a main adopter will be entitled to:

- unpaid time off to attend up to two adoption appointments.

## Adoption Leave

### Qualifying for Adoption Leave

Employees who adopt, or one partner of a couple where the couple adopt jointly, may enjoy adoption rights and, subject to certain qualifying conditions and regardless of their hours are entitled to a period of up to 52 weeks Adoption Leave. This 52 week period of Adoption Leave comprises two parts leave namely Ordinary Adoption Leave and Additional Adoption Leave.

To qualify for Adoption Leave an employee must meet the following criteria:

- be newly matched with a child for adoption by an approved UK adoption agency. Adoption Leave and Pay are not applicable where a child is not newly matched for adoption, for example when a step parent is adopting a partner's child.

### Benefits and Obligations

There are a number of employee benefits, and employer and employee obligations which are relevant to, and should be referred to by, all employees who are taking a period of Adoption Leave. As these are also relevant to employees taking Maternity Leave, Shared Parental Leave, Paternity or Parental Leave, they are described above in the section entitled [Family Leave Benefits and Obligations](#).

### Different types of Adoption Leave

#### Ordinary Adoption Leave (OAL)

Ordinary Adoption Leave describes the first period of leave from when a child is newly matched with an employee for adoption. It lasts for 26 weeks. Any employee who chooses to return to work within the period of Ordinary Adoption Leave will return to the same job with the same, or no less favourable, terms of service.

#### Additional Adoption Leave (AAL)

Additional Adoption Leave describes the period of 26 weeks immediately following the end of ordinary adoption leave. Employees returning to work following any Additional Adoption Leave will return to the same job, or a similar job, which carries the same, or no less favourable, terms of service.

## Adoption Pay

Subject to certain qualifying conditions employees, ESC employees may be eligible for Contractual Adoption Pay (CAP) or Statutory Adoption Pay (SAP) or other benefits.

### Contractual Adoption Pay (CAP)

Contractual Adoption Pay is payable for a total of 26 weeks in the normal payment cycle. The first 26 weeks of CAP is paid at 100% of the employee's average weekly earnings comprising Statutory Adoption Pay topped up with Contractual Adoption Pay. A further 13 weeks is paid at the *lower* of the statutory level or 90% of the employee's average weekly earnings.

### Qualifying for Contractual Adoption Pay

To qualify for Contractual Adoption Pay employees must meet the following qualifying criteria:

- be *newly matched* with a child for adoption by an approved UK adoption agency

- be in paid service with ESC at the time the Adoption Leave begins and have been so for at least 52 weeks; leading into the week in which the child's adopter is notified of the match with the child or adoption – known as the 'matching week'
- Have complied with the correct notification procedure including providing evidence of the adoption match and at least 28 days before the start of the Adoption Pay Period, or as soon as is reasonably practicable. Please refer to section Notifying ESC.
- be the primary carer of the child. The partner of the primary carer of the couple who are adopting jointly will be entitled to two weeks paid Paternity Leave.

## Statutory Adoption Pay (SAP)

Statutory Adoption Pay is payable for a total of 39 weeks in the normal payment cycle. The first 6 weeks of SAP is paid at 90% of the employee's average weekly earnings and the remaining 33 weeks paid at the *lower* of the statutory level or 90% of the employee's average weekly earnings. Statutory Adoption Pay is payable regardless of whether or not the employee intends to return to work.

## Qualifying for Statutory Adoption Pay

To qualify for Statutory Adoption Pay employees must meet the following qualifying criteria:

- be newly matched with a child for adoption by an approved UK adoption agency
- have been continuously employed by ESC for 26 weeks leading into the week in which the child's adopter is notified of the match with the child or adoption – known as the 'matching week'
- Have average weekly earnings at or above the lower earnings limit for Class One National Insurance Contributions which applied at the end of the matching week. Employees should refer to the Corporate Services Team for more information.
- Have complied with the correct notification procedure including providing evidence of the adoption match and at least 28 days before the start of the adoption pay period, or as soon as is reasonably practicable. Please refer to section Notifying ESC.

Employees who do not meet all of the above criteria may not be eligible to receive SAP. Employees should refer to the Corporate Services Team for more information. Employees in low-income families may be able to seek financial support through the benefits system.

## Process

### Notifying ESC

Employees are expected to notify ESC in writing no later than seven days after the date on which they have been notified of having been matched with a child for the purposes of adoption unless this is not reasonably practical. Details of this notification should include:

- when the child is expected to be placed with them through provision of a Matching Certificate from their Adoption Agency as evidence for their entitlement to Statutory Adoption Leave and Pay.
- The date they want to start their Adoption Leave

ESC will respond to the employee in writing within 28 days setting out:

- the employee's rights in relation to Adoption Leave, Shared Parental Leave and Pay
- the expected return to work date calculated as 52 weeks from the start date
- the employee's duty to notify ESC of any changes to their plans

## Notifying ESC of pre-adoption appointments

Employees are requested to provide reasonable notice of pre-adoption appointments to their line manager prior to taking the time off.

## Shared Parental Leave

If the employee is aware that they want to reduce their entitlement to Adoption Leave (and Pay) in order to take Shared Parental Leave, then they may wish to discuss this at the same time as notification of the adoption match. However, they are also free to do this later during their Adoption Leave. See the [Shared Parental Leave Section](#) for more information.

## Starting Adoption Leave

Once the correct process has been employed to notify ESC, leave will normally commence in one of the following 2 ways:

- from the date of the child's placement (whether this is earlier or later than expected date), or
- from a fixed date which can be up to 14 days before the expected date of placement
- (for overseas adoptions) the day the child arrives in the UK or within 28 days of the child arriving in the UK

Leave can start on any day of the week. Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement. If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

## Employer / employee contact during Adoption Leave

When the employee is on Adoption Leave, ESC may make reasonable contact with them. The frequency and nature of the contact will depend on a number of factors, such as the nature of the work, any agreement which may have been reached before Adoption Leave began as to contact and whether either party needs to communicate important information to the other. At the very least, there will be an exchange of correspondence about how much accrued holiday entitlement the employee has, and how this will be taken around the time of return to work.

Some examples of other forms of reasonable contact:

- **Keeping in Touch days:**

ESC will arrange *where mutually agreed* up to 20 'Keeping In Touch' (KIT) days during the period of leave. During any actual working time as a result of the KIT days, the employee will be paid at their normal rate of pay. This will then be offset against their CAP / SAP entitlement for that week. Employees should note that full days *or* part days are calculated as a part of the 20 'keeping in touch' days.

An employee, with the agreement of ESC, may use KIT days to effect a gradual return to work by the employee towards the end of a long period of Adoption Leave or to trial a possible flexible working pattern.

- **Changes in the workplace:**

ESC will keep the employee updated about any significant changes in the workplace while they are on Adoption Leave including any opportunities for promotion or job vacancies.

Where operational changes involve redundancies, ESC will ensure that, where the employee is affected, they are fully consulted. Please refer to the Leaving Employment Policy.

- **Returning to Work**

Discussion may take place to ensure that plans are in place for the employee's return to work in relation to:

- Any request to amend working practices or to facilitate a phased return into the workplace
- Introducing new colleagues
- Introducing new working practices or policies
- the availability of a workstation, computer etc
- any refresher training required
- communicating with any affected employees (including any temporary staff hired to cover the absence)

## Sickness during Adoption Leave

If an employee is sick during Adoption Leave they will not normally be entitled to receive sick pay.

However, if an employee is sick during Additional Adoption Leave and wishes the normal sick absence rules to apply, and, where appropriate, receive sick pay, notification should be given to the line manager that they wish their Additional Adoption Leave period to cease. In these circumstances the normal 28 day return-to-work notice period will be waived. The employee should note that by opting to receive sick pay in these circumstances, their Additional Adoption Leave period will cease and when the period of sick absence has ended they must return to work.

If an employee can't return to work following adoption leave due to illness, the normal Sick Absence rules will apply and they must notify their line manager in the normal way.

## Becoming pregnant or starting an entirely new adoption process during Adoption Leave

If an employee becomes pregnant during her Adoption Leave, or if another child is placed with the employee for adoption (under an entirely new adoption process – e.g. not including adoption of a sibling under the same process) then they have the right to further Ordinary and Additional Maternity or Adoption Leave as appropriate. This can be reduced in order to take Shared Parental Leave, provided all the qualifying criteria are met, in the same way as any other period of Maternity / Adoption Leave.

## Annual appraisal and Adoption Leave

As the annual performance review system is a supportive process in ESC and not used to mark or assess performance, any employee taking adoption leave (other than for very short period of time – 3 months or so) will undertake an appraisal with their line manager shortly after returning from leave, in order to understand any changes in work priorities which have occurred during their time away from work and also to understand any support and / or training which may be needed to help settle back into the role.

## Deciding not to return to work after Adoption Leave



If an employee decides not to return to work following Adoption Leave, they must give ESC notice of termination of employment in the normal way.

## Returning to Work following Adoption Leave.

ESC will set out the date of intended return to work in the letter of response to the employee following notification of the date indicating the start of Adoption Leave along with any pay implications. This date will normally be the date at which the employee's Additional Adoption Leave is expected to finish. There will also be further communication with the employee toward the end of the Adoption Leave period to clarify how much holiday entitlement has accrued and how this can be taken around the time of their return. No other notification from the employee will normally be required unless the employee wishes to return to work earlier than the end of their Additional Adoption Leave or apply to extend their leave via a request to take an additional period of leave (for example Parental Leave).

Employees wishing to return to work *before* the end of their Additional Adoption Leave must provide ESC with eight weeks' notice of the requested return date. Failure of the employee to provide the notice could result in ESC postponing the leave return date to such a date as does provide the full eight weeks' notice.

The job to which an employee returns following Adoption Leave can be influenced by whether the employee is returning from Ordinary Adoption Leave or Additional Adoption Leave as summarised below

- After **Ordinary Adoption Leave** employee returns to same job as if they hadn't been away
- After **Additional Adoption Leave** employee returns to same job as if they hadn't been away, unless this is not reasonably practicable. If it is not reasonably practicable for the employee to return to the same job they will be offered a similar job on terms and conditions of service no less favourable than the original job

## Additional Leave following Adoption Leave

Employees may be able to take an additional period of leave (e.g. Parental Leave) immediately following their period of

- Ordinary Adoption Leave
- Additional Adoption Leave

Please refer to the [Parental Leave Section](#) of the Supporting Work/Life Balance Policy.

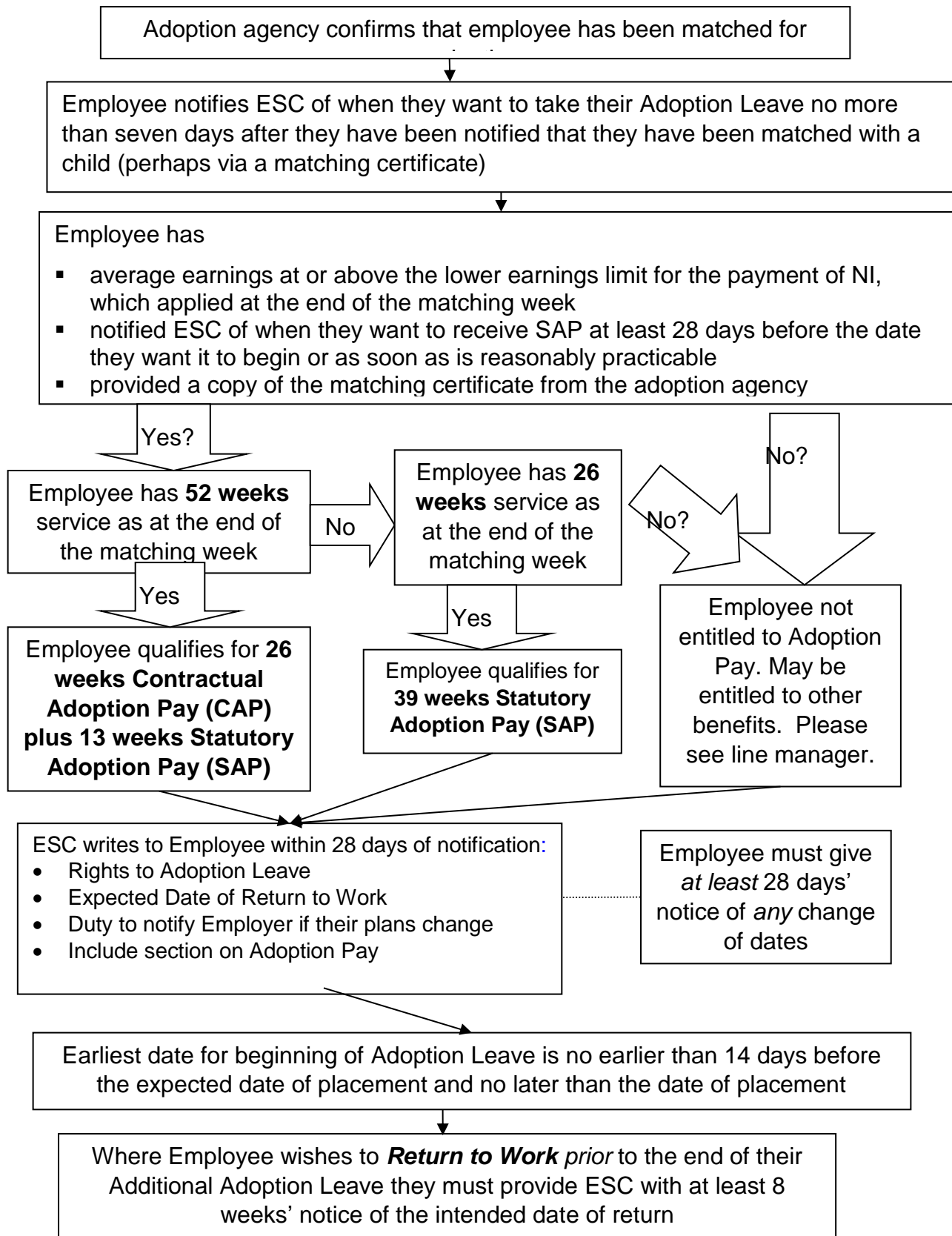
## Flexible Work Requests and phased return to work

ESC will give careful consideration to any requests that the employee might make in respect of Flexible Working in line with business requirements. Employees should refer to the [Right to Request Flexible Working Section](#) for more information.

The employee may also wish to consider making a request for a phased return to work, following Adoption Leave, by making use of accrued holiday entitlement. Such requests will be given careful consideration.



**Summary Adoption Leave and Pay Process Flowchart follows**



## 8. Paternity Leave and Pay

### [Ante Natal and Pre-adoption appointments](#)

#### [Paternity Leave](#)

#### [Qualifying for Paternity Leave](#)

#### [Benefits and Obligations](#)

#### [Paternity Pay](#)

#### [Contractual Paternity Pay \(CPP\)](#)

#### [Statutory Paternity Pay](#)

#### [Process](#)

#### [Notifying ESC](#)

#### [Notifying ESC of Antenatal / Pre-adoption appointments](#)

#### [Shared Parental Leave](#)

#### [Starting Paternity Leave](#)

#### [Sickness Absence during Paternity Leave](#)

#### [Additional Leave following Paternity Leave](#)

#### [Flexible Work Requests](#)

#### [Summary Paternity Leave Application Process](#)

### **Ante Natal and Pre-adoption appointments**

Employees who are the partner of a pregnant person or who are the future parents of a child by surrogacy are entitled to:

- unpaid time off to attend up to two antenatal care appointments.

Employees who are the partner of a main adopter will be entitled to:

- unpaid time off to attend up to two adoption appointments.

### **Paternity Leave**

Employees may, subject to certain qualifying conditions, be eligible to take up to two weeks paid Paternity Leave. Employees should note that the entitlement to Paternity Leave is based upon an employee's relationship with the child's primary carer and is therefore applicable to circumstances where the child is born or adopted, civil partnerships, marriages, heterosexual partnerships and to partnerships of the same sex.

### **Qualifying for Paternity Leave**

Paternity Leave may be available to employees who meet the following qualifying criteria:

- be the baby's biological father or the partner / spouse of the mother
- have been continuously employed by ESC for 26 weeks ending with the 15<sup>th</sup> week before the baby is due
- have or expect to have responsibility for the child's upbringing

### ***OR in the case of Adoption***

- be the adopter's spouse or partner
- have been continuously employed by ESC for 26 weeks ending with the week in which the adopter is notified of being matched with a child
- have or expect to have responsibility for the child's upbringing

Eligible employees will be entitled to choose to take either 2 x single weeks, or two consecutive weeks' Paternity Leave (not odd days).

***In the case of a newborn child*** Paternity Leave must be taken within 56 days of the child's birth and can start from:

- the date of the child's birth (whether this is earlier or later than expected), **or**
- a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected), or
- a chosen date later than the first day of the week in which the baby is expected to be born

***In the case of an adopted child*** Paternity Leave must be taken within 56 days of the child's placement and can start from:

- the date of the child's placement (whether this is earlier or later than expected)
- a chosen number of days or weeks after the child's placement (whether this is earlier or later than expected) or
- a chosen date which is later than the date on which the child is expected to be placed with the adopter

Employees are only entitled to one period of leave irrespective of whether more than one child is born as a result of a pregnancy or more than one child is placed together as a result of an adoption.

## Benefits and Obligations

There are a number of employee benefits, and employer and employee obligations which are relevant to, and should be referred to, by all employees who are taking a period of Paternity Leave. As these are also relevant to employees taking Maternity Leave, Adoption Leave, Shared Parental Leave or Parental Leave, they are described above in the section entitled [Family Leave Benefits and Obligations](#).

## Paternity Pay

Subject to certain qualifying conditions, ESC employees may be eligible for Contractual Paternity Pay (CPP) or Statutory Paternity Pay (SPP). Paternity Pay is payable in accordance with the Paternity Leave taken – one full week or two full weeks – and in accordance with the normal payment cycle.

### Contractual Paternity Pay (CPP)

Under the contractual arrangements, employees will be paid 2 weeks CPP paid at 100% of the employee's average weekly earnings comprising Statutory Paternity Pay topped up with Contractual Paternity Pay for the period of absence/s provided that they:

- are in paid service with ESC at the time their Paternity Leave begins and they have been so for at least 52 weeks; and
- meet all other qualifying criteria required to be eligible to take Paternity Leave.

### Statutory Paternity Pay

Statutory Paternity Pay is also paid for two weeks and is at the rate of 90% of the employee's earnings or the statutory level whichever is the lower.

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions will not qualify for SPP. Please seek further information from your line manager.

## Process

### Notifying ESC

***In the case of a newborn child*** employees are expected to notify ESC in writing, no later than the end of the 15th week before the Expected Week of Confinement (EWC) unless this is not reasonably practical that they wish to take Paternity Leave. Details of this notification should include:

- the week the baby is due
- whether they wish to take one or two weeks' leave
- when they want their leave to start

ESC will respond to the employee in writing within 28 days setting out:

- the employee's rights in relation to Paternity Leave and pay
- the expected start and return to work dates
- the employee's duty to notify ESC of any changes to their plans.

***In the case of an adopted child*** employees are expected to notify ESC in writing no later than seven days after the date on which they have been notified of having been matched with a child for the purposes of adoption unless this is not reasonably practical. Details of this notification should include:

- the date on which the adopter was notified of having been matched with the child
- when the child is expected to be placed
- whether they wish to take one or two weeks' leave
- when they want their leave to start

ESC will respond to the employee in writing within 28 days setting out:

- the employee's rights in relation to Paternity Leave and Pay
- the expected start and return to work dates
- the employee's duty to notify ESC of any changes to their plans.

### Notifying ESC of Ante natal / pre-adoption appointments

Employees are requested to provide reasonable notice of antenatal / pre-adoption appointments to their line manager prior to taking the time off.

### Shared Parental Leave

If the employee is aware that they are planning to take Shared Parental Leave with their partner, then they may wish to discuss this at the same time as notification of the pregnancy / adoption match. However, they are also free to do this later during their partner's Maternity / Adoption Leave. See the [Shared Parental Leave Section](#) for more information.

### Starting Paternity Leave

Leave can start on any day of the week, on or following the child's birth or the child's placement in the case of adoption, but must be completed:

- within 56 days of the actual date of birth of the child, or the child's placement following adoption

- if the child is born or placed early, within the period from the actual date of birth or placement up to 56 days after the expected week of birth

Employees will be able to change their mind about the date on which they want their leave to start providing they tell ESC at least 28 days in advance (unless this is not reasonably practicable).

### **Sick Absence during Paternity Leave**

If an employee is sick when they plan to take their Paternity Leave, the Paternity Leave will be postponed. The 56 day period in which to take Paternity Leave will not be extended. If the employee is unable to return to work following Paternity Leave due to sickness the normal sick absence rules will apply.

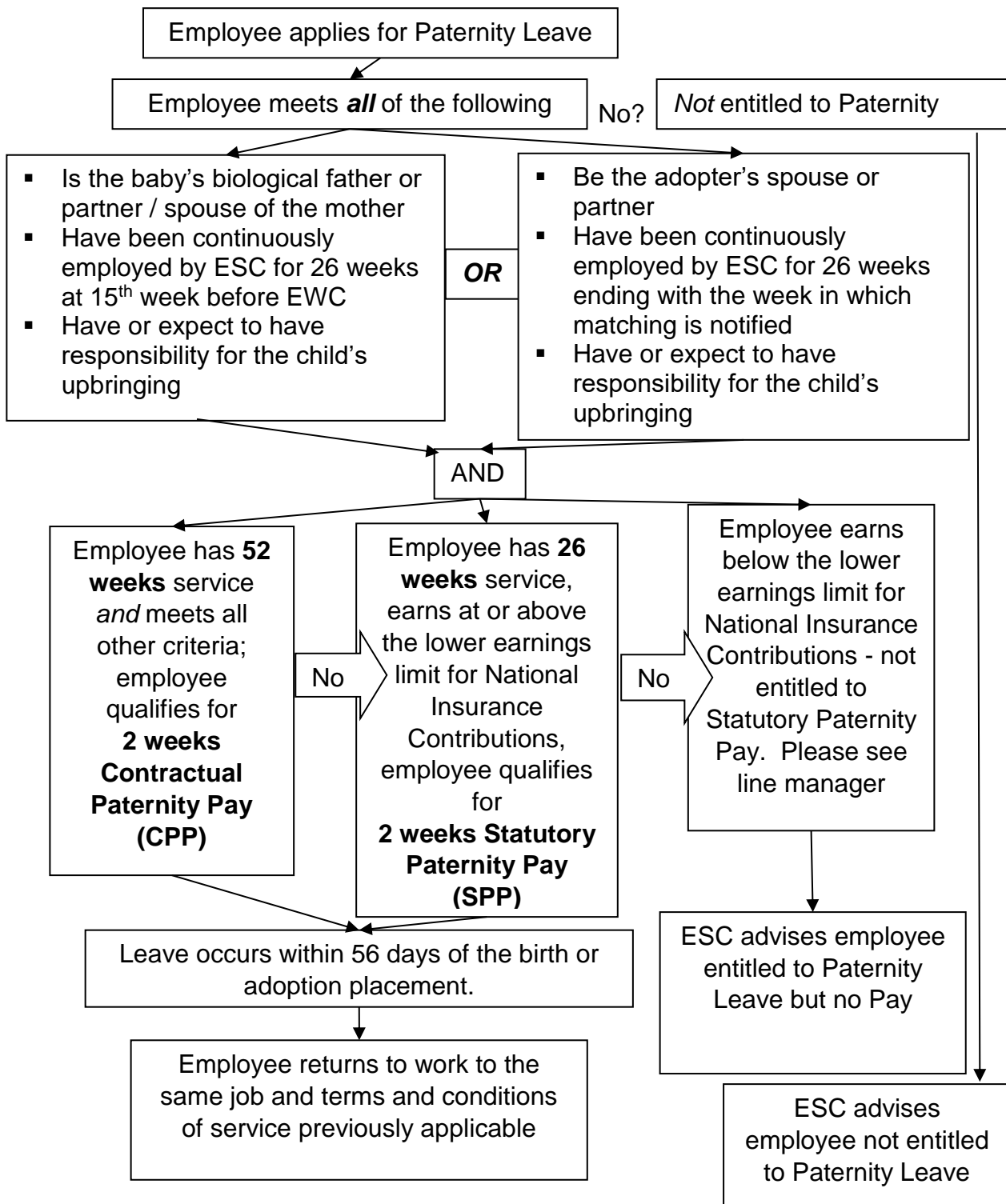
### **Additional Leave following Paternity Leave**

Employees may be able to take an additional period of leave (e.g. Parental Leave) immediately following their period of Paternity Leave. Please refer to the [Parental Leave section](#) for further information.

### **Flexible Work Requests**

ESC will give careful consideration to any requests that the employee might make in respect of Flexible Working in line with business requirements. Employees should refer to the [Right to Request Flexible Working Section](#) in the Supporting Work/Life Balance Policy for more information.

**Summary Paternity Leave Application Process**



## 9. Shared Parental Leave and Pay

### [Shared Parental Leave](#)

[Qualifying for Shared Parental Leave](#)

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### [Shared Parental Pay](#)

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## Shared Parental Leave

Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take up to 50 weeks between them of Shared Parental Leave during the child's first year in their family. This can be taken in a continuous block or, subject to ESC approval, as several smaller (discontinuous) blocks of leave.

### Qualifying for Shared Parental Leave

SPL can only be used by two people:

- The mother/ main adopter / parental order parent(surrogacy) (the “**primary carer**”) and
- One of the following (the “**partner of primary carer**”):
  - the father of the child (in the case of birth) or
  - the spouse, civil partner or partner of the child's mother/ main adopter/ parental order parent.



For ease of reference this policy will refer to “**primary carer**” and “**partner of primary carer**”, however, it should be noted that these definitions encompass the full definitions provided above.

Both “primary carer” and “partner of primary carer” must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the “primary carer” of the child must be/have been entitled to Statutory Maternity/Adoption Leave or if not entitled to Statutory Maternity/Adoption Leave they must be/have been entitled to Statutory Maternity/Adoption Pay or Maternity Allowance. They must take or have taken the first 2 weeks of Maternity / Adoption Leave and must have ended or given notice to curtail any Maternity/Adoption Leave entitlements;
- the employee (who can be “primary carer” or “partner of primary carer”) must still be working for the organisation at the start of each period of SPL;
- the employee (who can be “primary carer” or “partner of primary carer”) must pass the ‘continuity test’ requiring them to have a minimum of 26 weeks’ service at the end of the 15th week before the child’s expected due date (birth and surrogacy) or matching date (adoption);
- the employee (who can be “primary carer” or “partner of primary carer”)’s partner must meet the ‘employment and earnings test’ requiring them in the 66 weeks leading up to the child’s expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2021 but may change annually – the Corporate Services Team can provide the current figure to an employee in advance of their making an application for SPL) a week in any 13 of those weeks;
- the employee (who can be “primary carer” or “partner of primary carer”) must correctly notify the organisation of their entitlement and provide evidence as required (see the Process section).

## Benefits and Obligations

There are a number of employee benefits, and employer and employee obligations which are relevant to and should be referred to by all employees who are taking a period of Shared Parental Leave. As these are also relevant to employees taking Maternity Leave, Adoption Leave, Paternity Leave or Parental Leave, they are described above in the section entitled [Family Leave Benefits and Obligations](#).

## Shared Parental Pay

### Statutory Shared Parental Pay (SShPP)

Eligible employees may be entitled to take up to 37 weeks Statutory Shared Parental Pay (SShPP) while taking SPL. The amount of weeks available will depend on the amount by which the primary carer reduces their Maternity/Adoption Pay period or Maternity Allowance period. SShPP is paid at the *lower* of the statutory level *or* 90% of the employee’s average weekly earnings. Statutory Shared Parental Pay is payable regardless of whether or not the employee intends to return to work.

## Qualifying for Statutory Shared Parental Pay

SShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, an employee (who can be “primary carer” or “partner of primary carer”) seeking to claim SShPP must further satisfy each of the following criteria:

- the “primary carer” must be/have been entitled to Statutory Maternity/Adoption pay or Maternity Allowance and must have reduced their Maternity/Adoption Pay period or Maternity Allowance period;
- the employee (who can be “primary carer” or “partner of primary carer”) must intend to care for the child during the week in which SShPP is payable;
- the employee (who can be “primary carer” or “partner of primary carer”) must have an average weekly earnings’ for the period of eight weeks leading up to and including the 15th week before the child’s expected due date/matching date are not less than the lower earnings limit in force for National Insurance Contributions;
- the employee (who can be “primary carer” or “partner of primary carer”) must remain in continuous employment until the first week of SShPP has begun;
- the employee (who can be “primary carer” or “partner of primary carer”) must give proper notification (see the Process section).

## Contractual Shared Parental Pay (CShPP)

Contractual Shared Parental Pay is payable through any period of Shared Parental Leave taking place in the first 26 weeks of the baby being born or child being placed for adoption, provided the employee is eligible. CShPP is paid at 100% of the employee’s average weekly earnings comprising Statutory Shared Parental Pay topped up with Contractual Shared Parental Pay. After the 26<sup>th</sup> week, the employee may receive Statutory Shared Parental Pay if eligible. This is up to 13 weeks paid at the *lower* of the statutory level *or* 90% of the employee’s average weekly earnings.

## Qualifying for Contractual Shared Parental Pay

To qualify for Contractual Shared Parental Pay employees (who can be “primary carer” or “partner of primary carer”) must meet the qualifying criteria for SPL **and** Statutory Shared Parental Pay. In addition, they must also meet the following criteria:

In the case of pregnancy:

- be, or have a partner who is pregnant in the 11th week before the Expected Week of Confinement (EWC) *or* have had the baby prematurely *or* have had a still birth in or after the 25th week of pregnancy
- have 52 weeks’ continuous service with ESC assessed as at 15th week before the EWC;
- have complied with the correct notification procedure as specified in the Process section below.

In the case of adoption:

- be *newly matched* with a child for adoption by an approved UK adoption agency

- be in paid service with ESC at the time the Adoption Leave begins and have been so for at least one year; leading into the week in which the child's adopter is notified of the match with the child or adoption – known as the 'matching week'
- have complied with the correct notification procedure as specified in the Process section below.

## Process

### Discussions regarding Shared Parental Leave

An employee (who can be "primary carer" or "partner of primary carer") considering/taking SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable ESC to support them.

### Notifying ESC of an intention to take Shared Parental Leave

Employees entitled to and intending to take SPL are expected to notify ESC in writing at least eight weeks before they can take any period of SPL. Details of the notification should include:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any Maternity/Adoption Leave or Pay, or Maternity Allowance, taken (or intended to be taken) in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born or matched and (if known) the actual date of birth or the date on which the employee was notified of having been matched with the child and the date of placement for adoption or date the child arrived in the UK for overseas adoptions;
- the amount of SPL the employee and their partner each intend to take (in complete weeks – the maximum available is 50 weeks)
- a non-binding indication of when the employee expects to take the leave.

The employee (who can be "primary carer" or "partner of primary carer") must provide ESC with a signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;
- if they are not the "primary carer" they must confirm that they are either the father of the child or the spouse, civil partner or partner of the "primary carer";
- that should they cease to be eligible they will immediately inform their line manager.

The employee (who can be "primary carer" or "partner of the primary carer") must provide ESC with a signed declaration from **their partner** confirming:

- their name, address and National Insurance number (or a declaration that they do not have a National Insurance number);
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' (see "qualifying for Shared Parental Leave" section above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL that the employee intends to take;

- that they consent to ESC processing the information contained in the declaration form; and
- (in the case where the partner is the “primary carer”), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

## Requesting further evidence of eligibility

ESC may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner’s employer (where the employee’s partner is no longer employed or is self employed their contact details must be given instead)
- in the case of biological parents, a copy of the child’s birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency placed the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the request, or within 14 days of the birth / adoption placement where that has not yet occurred.

## Notifying ESC of a request for Shared Parental Pay

Employees entitled to receive ShPP are expected to notify ESC in writing at least eight weeks before receiving any ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL. In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any Maternity/Adoption Pay or Maternity Allowance;
- the total number of weeks of ShPP available, the number of weeks of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible.

It must be accompanied by a signed declaration from the employee’s partner confirming:

- their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee;
- (in the case where the partner is the “primary carer”) that they have reduced their Maternity/Adoption Pay or Maternity Allowance;
- (in the case where the partner is the “primary carer”) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any SShPP due will be paid at a rate set by the Government for the relevant tax year.

## Responding to the employee’s intention to take SPL

Within 28 days of receipt of all information from the employee supporting their intention to take SPL, ESC will confirm in writing that the intention has been accepted. If no meeting

has already been held to discuss the practicalities of the SPL arrangements, this will usually now be arranged.

## **Fraudulent claims**

ESC will, where there is a suspicion that fraudulent information may have been provided or where ESC has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the disciplinary policy.

## **Booking Shared Parental Leave**

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take (book) the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP or CShPP.

## **Continuous leave notifications**

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An eligible employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and ESC has been given at least eight weeks' notice.

The employee may submit up to three separate notifications for continuous periods of leave.

## **Discontinuous leave notifications**

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, ESC or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets the needs of both parties.

ESC will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

## Responding to a Shared Parental Leave booking notification

Once the line manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to ESC against any adverse impact to the business.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, ESC may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

## Variations to arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the organisation in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of ESC requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by ESC.



## Employer / Employee contact during Shared Parental Leave

When the employee is on Shared Parental leave, ESC may make reasonable contact with them. The frequency and nature of the contact will depend on a number of factors, such as the nature of the work, the length of the time away from the workplace, any agreement which may have been reached before shared parental leave began as to contact and whether either party needs to communicate important information to the other. At the very least, there will be an exchange of correspondence about how much accrued holiday entitlement the employee has, and how this will be taken around the time of return to work.

Some examples of other forms of reasonable contact:

- **Shared Parental Leave in Touch days:**

ESC will arrange *where mutually agreed* up to 20 'shared parental leave in touch' (SPLIT) days during the period of leave. During any actual working time as a result of the SPLIT days, the employee will be paid at his/her normal rate of pay. This will then be offset against his/her CShPP / ShPP entitlement for that week. Employees should note that full days or part days are calculated as a part of the 20 'shared parental leave in touch' days.

An employee, with the agreement of ESC, may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of Shared Parental Leave or to supplement breaks in shared parental leave or to trial a possible flexible working pattern.

- **Changes in the workplace:**

ESC will keep the employee updated about any significant changes in the workplace while they are on Shared Parental Leave including any opportunities for promotion or job vacancies. Where operational changes involve redundancies, ESC will ensure that, where the employee is affected, he/she is fully consulted. Please refer to the Leaving Employment Policy

- **Returning to Work**

Discussion may take place to ensure that plans are in place for the employee's return to work in relation to:

- Any request to amend working practices or to facilitate a phased return into the workplace
- Introducing new colleagues
- Introducing new working practices or policies
- the availability of a workstation, computer etc
- any refresher training required
- communicating with any affected employees (including any temporary staff hired to cover the absence)

## Sickness during Shared Parental Leave

If an employee is sick during Shared Parental Leave they will not normally be entitled to receive sick pay.

However, if an employee wishes the normal sick absence rules to apply, and, where appropriate, receive sick pay, notification should be given to the line manager that they wish their Shared Parental Leave period to cease. In these circumstances the normal 8 week cancellation of SPL notification period will be waived. The employee should note that by



opting to receive sick pay in these circumstances, their Shared Parental Leave will cease and when the period of sick absence has ended they must return to work.

If an employee can't return to work following shared parental leave due to illness, the normal Sickness Absence rules will apply and they must notify their line manager in the normal way.

## Becoming pregnant or starting an entirely new adoption process during Shared Parental Leave

If an employee becomes pregnant during their Shared Parental Leave, or if another child is placed with the employee for adoption (under an entirely new adoption process – e.g. not including adoption of a sibling under the same process) then they have the right to further Ordinary and Additional Maternity or Adoption Leave. This can be reduced in order to take Shared Parental Leave, provided all the qualifying criteria are met, in the same way as any other period of Maternity / Adoption Leave.

## Annual appraisal and Shared Parental Leave

As the annual performance review system is a supportive process in ESC and not used to mark or assess performance, any employee taking shared parental leave (other than for very short period of time – 3 months or so or intermittent periods of shared parental leave where regular contact with the workplace is maintained) will undertake an appraisal with their line manager shortly after returning from leave, in order to understand any changes in work priorities which have occurred during their time away from work and also to understand any support and / or training which may be needed to help settle back into the role.

## Deciding not to return to work after Shared Parental Leave

If an employee decides not to return to work following Shared Parental Leave, they must give ESC notice of termination of employment in the normal way.

## Returning to work after Shared Parental Leave

ESC will set out the date of intended return to work in the letter of response to the employee following notification / agreement of the Shared Parental Leave arrangement. This date will normally be the date at which the employee's final period of Shared Parental Leave is expected to finish. There will also be further communication with the employee toward the end of the Shared Parental Leave period to clarify how much holiday entitlement has accrued and how this can be taken around the time of their return. No other notification from the employee will normally be required unless the employee wishes to bring the arrangement to an end earlier than previously agreed or apply to extend their leave via a request to take an additional period of leave (for example Parental Leave).

Employees wishing to return to work *before* the end of the agreed Shared Parental Leave arrangement must provide ESC with eight weeks' notice of the requested return date. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then ESC does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so. Failure of the employee to provide the notice could result in ESC postponing the leave return date to such a date as does provide the full eight weeks' notice.

The job to which an employee returns following Shared Parental Leave can be influenced by the amount of shared parental leave taken as summarised below:

- If the employee's aggregate total Statutory Maternity /Paternity /Adoption Leave and SPL amounts to 26 weeks or less, they will return to the same job as if they hadn't been away.
- If their Maternity/Paternity/Adoption Leave and SPL amounts to 26 weeks or more in aggregate, the employee returns to same job as if they hadn't been away, unless this is not reasonably practicable. If it is not reasonably practicable for the employee to return to the same job they will be offered a similar job on terms and conditions of service no less favourable than the original job.
- If the employee also takes a period of unpaid Parental Leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of Maternity/Paternity/Adoption and SPL do not exceed 26 weeks.
- If a parent takes a period of 5 weeks of unpaid Parental Leave, even if the total aggregate weeks of Maternity/Paternity/Adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

### **Additional Leave following Shared Parental Leave**

Employees may be able to take an additional period of leave (e.g. Parental Leave) immediately following their period of Shared Parental Leave. Please refer to the [Parental Leave Section](#) of the Supporting Work/Life Balance Policy.

### **Flexible Work Requests and phased return to work**

ESC will give careful consideration to any requests that the employee might make in respect of Flexible Working in line with business requirements. Employees should refer to the [Right to Request Flexible Working Section](#) for more information.

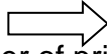
The employee may also wish to consider making a request for a phased return to work, following Shared Parental Leave, by making use of accrued holiday entitlement. Such requests will be given careful consideration.

## Summary Shared Parental Leave and Pay Process

### Notifying the INTENTION to take Shared Parental Leave

Employee decides that they would like to take Shared Parental Leave and checks their eligibility against the qualifying criteria

“Primary carer” not eligible



“Partner of primary carer” not eligible

May be eligible to take Maternity or Adoption Leave and pay – check relevant section

May be eligible to take Paternity and/or Parental Leave – check relevant section

Employee notifies ESC in writing of their eligibility and intention to take Shared Parental Leave as early as possible and at least 8 weeks in advance of the first shared parental leave period. The notification should confirm:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any Maternity/Adoption Leave or Pay, or Maternity Allowance, taken (or intended to be taken) in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born or matched and (if known) the actual date of birth or the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take
- a non-binding indication of when the employee expects to take the leave.

**Plus** (if notifying of the entitlement to Shared Parental Pay):

- the start and end dates of any Maternity/Adoption Pay or Maternity Allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible.

**Plus** a signed declaration from them stating **Plus** a signed declaration from their partner stating

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;
- if they are not the “primary carer” they must confirm that they are either the father of the child or the spouse, civil partner or partner of the “primary carer”;
- that should they cease to be eligible they will immediately inform their line manager.

- their name, address and National Insurance number (or a declaration that they do not have a National Insurance number);
  - that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
  - that they satisfy the ‘employment and earnings test’ (see “qualifying for Shared Parental Leave” section above), and had at the date of the child’s birth or placement for adoption the main responsibility for the child, along with the employee;
  - that they consent to the amount of SPL that the employee intends to take;
  - that they consent to ESC processing the information contained in the declaration form; and
  - (in the case where the partner is the “primary carer”), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- Plus** (if notifying of the entitlement to Shared Parental Pay):
- their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee;
  - (in the case whether the partner is the “primary carer”) that they have reduced their Maternity/Adoption Pay or Maternity Allowance;
  - (in the case whether the partner is the “primary carer”) that they will immediately inform their partner should they cease to satisfy the eligibility conditions

Submitting a **BOOKING** request to take Shared Parental Leave

Within 14 days of the notification being received, ESC may request the following information:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency placed the child for adoption

If this information is requested, the employee must provide it within 14 days of the request, or 14 days of the birth / adoption placement.

At least 8 weeks in advance of wanting the shared parental leave to start the employee will notify ESC of a booking request to take SPL (this may be provided at the same time as the notification of entitlement). This booking request can be for a continuous period of leave (a number of weeks taken in a single unbroken period of leave) or a discontinuous period (a set number of weeks of leave over a period of time).

ESC will respond in writing no later than the 14th day after the leave request was made. The confirmation (when agreed) will set out the employees expected return to work date.

Requests for Continuous leave will be agreed and confirmed.

Requests for Discontinuous leave will be carefully considered and a decision given no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, ESC may propose a modified version of the request. If a discontinuous leave pattern is refused then the employee may:

- withdraw the request without detriment on or before the 15th day after the notification was given;
- take the total number of weeks in the notice in a single continuous

Varying the **BOOKING**

The employee may request to vary or cancel the booked shared parental leave up to 3 times. Any variation or cancellation must give at least 8 weeks' notice and will be confirmed in writing including confirmation of any changed return to work date.

## 10. Parental Leave and Pay

### [Parental Leave](#)

[Qualifying for Parental Leave](#)

[Benefits and Obligations](#)

### [Parental Pay](#)

#### [Process](#)

[Notifying ESC](#)

[Postponement](#)

[Taking Parental Leave](#)

[Contact during parental leave](#)

[Sickness during parental leave](#)

[Deciding not to return following parental leave](#)

[Returning to work following parental leave](#)

[Flexible work requests](#)

[Combining Parental Leave with Maternity, Adoption or Shared Parental Leave](#)

### Parental Leave

Parental leave is designed to help employees with the care and welfare of a child. Employees, subject to certain qualifying conditions, are entitled to a total of 18 weeks unpaid leave due to the birth or adoption of each child. The leave must be taken before each child's 18<sup>th</sup> birthday.

### Qualifying for Parental Leave

To qualify for Parental Leave, ESC employees must:

- have at least 52 week's service with ESC working full or part time
- be the mother, father or adoptive parent of the child, or
- have acquired formal parental responsibility for the child
- be the spouse or partner of one of the child's parents and have acquired formal parental responsibility for the child

Parental Leave can only be taken in multiples of one week, except in the case of a disabled child where leave can be taken in blocks or in multiples of one day. Where a part week is taken this will be classed as a full week for accounting purposes. (e.g if an employee takes 1 day, their entitlement reduces from 18 weeks to 17 weeks. This is the same whether the employee is full time or part time).

As Parental Leave is cumulative according to a child's age, ESC will deduct any Parental Leave entitlement taken with a previous employer from the employee's remaining entitlement.

Employees should note that, for the purposes of this policy, "parents" refers to natural parents, step-parents, adoptive parents or single-sex couples with parenting responsibilities.

ESC recognises that this can mean that employees who are parents may not necessarily be living with the child in order to qualify for Parental Leave.

Employees may be refused leave where they are unable to provide evidence of their parental responsibility for the child.

While the leave can be taken by any person with parental responsibility for the child, employees should note that the right to the leave is non-transferable between them.

## Benefits and Obligations

There are a number of employee benefits, and employer and employee obligations which are relevant to and should be referred to by all employees who are taking a period of Parental Leave. As these are also relevant to employees taking Maternity Leave, Adoption Leave, Paternity Leave or Shared Parental Leave, they are described above in the section entitled [Family Leave Benefits and Obligations](#).

## Parental Pay

Parental Leave is an unpaid entitlement.

## Process

### Notifying ESC

Employees are expected to notify ESC in writing no later than 21 days before the date that they wish to take the leave unless this is not reasonably practical. Details of this notification should include:

- Date of birth of the child
- Details of any previous Parental Leave taken (including any with a previous employer)
- Dates that the leave is requested to be taken.

ESC will respond to the employee in writing within 14 days setting out:

- Confirmation of the dates or
- A decision to postpone (see below)

### Postponement

With *at least* seven days' notice prior to the agreed leave date, ESC can postpone an employee's Parental Leave for up to six months. ESC will only consider this action where it believes that taking the Parental Leave at the time requested will result in particular disruption to the organisation.

ESC will *not* postpone Parental Leave where an employee gives notice to take the leave:

- immediately after the birth or placement for adoption of a child
- as time off to attend the birth

Employees may use the Resolution Policy if they do not accept the reasons arising from a postponement.

## Taking Parental Leave

Employees should note the following conditions which apply to employees taking Parental Leave:

- a 'leave year' relates to each individual qualifying child's date of birth



- except in the case of a disabled child, Parental Leave can only be taken in multiples of one week. Where a part week is taken this will be classed as a full week for accounting purposes
- in the case of a disabled child Parental Leave can be taken in blocks or in multiples of one day
- The leave must be taken before each child's 18<sup>th</sup> birthday.
- employees who take Parental Leave immediately after the birth of their child may be asked to provide a copy of the birth certificate within two weeks of starting the leave
- as previously indicated, Parental Leave is designed to help employees with the care and welfare of a child. ESC will take disciplinary action against any employee who is found, following investigation, to have misused Parental Leave. Please refer to the Disciplinary Policy.

## Employer / employee contact during Parental Leave

When the employee is on Parental Leave, ESC may make reasonable contact with them. This is more likely to be when an extended period of leave has been requested (for example 4 weeks or more). The frequency and nature of the contact will depend on a number of factors, such as the length of absence, nature of the work, any agreement which may have been reached before Parental Leave began as to contact and whether either party needs to communicate important information to the other.

Some examples of other forms of reasonable contact:

- **Changes in the workplace:**

ESC will keep the employee updated about any significant changes in the workplace while they are on Parental Leave.

- **Returning to Work**

Discussion may take place to ensure that plans are in place for the employee's return to work in relation to:

- Any request to amend working practices or to facilitate a phased return into the workplace
- Introducing new colleagues
- Introducing new working practices or policies
- the availability of a workstation, computer etc
- any refresher training required
- communicating with any affected employees (including any temporary staff hired to cover the absence)

## Sickness during Parental Leave

If an employee is sick during Parental Leave they will not normally be entitled to receive sick pay.

However, if an employee is sick during Parental Leave and wishes the normal sick absence rules to apply, and, where appropriate, receive sick pay, notification should be given to the line manager that they wish their Parental Leave period to cease. The employee should note that by opting to receive sick pay in these circumstances, their Parental Leave period will cease and when the period of sick absence has ended they must return to work.



If an employee can't return to work following Parental Leave due to illness, the normal Sick Absence rules will apply and they must notify their line manager in the normal way.

## Deciding not to return to work after Parental Leave

If an employee decides not to return to work following Parental Leave, they must give ESC notice of termination of employment in the normal way.

## Returning to Work following Parental Leave

ESC will set out the date of intended return to work in the letter of response to the employee following notification of the date indicating the start of Parental Leave. This date will normally be the date at which the employee's Parental Leave is expected to finish. No other notification from the employee will normally be required unless the employee wishes to return to work earlier than originally notified or apply to extend their leave via a request to take an additional period of Parental Leave (if available).

Employees wishing to return to work *before* the end of their agreed period of Parental Leave must contact their line manager as soon as possible to discuss the implications of this.

## Flexible Work Requests

ESC will give careful consideration to any requests that the employee might make in respect of Flexible Working in line with business requirements. Employees should refer to the [Right to Request Flexible Working Section](#) for more information.

## Combining Parental Leave with Maternity, Adoption or Shared Parental Leave

Employees may be able to take Parental Leave immediately following their period of

- Ordinary Maternity Leave
- Additional Maternity Leave
- Ordinary Adoption Leave
- Additional Adoption Leave
- Shared Parental Leave
- Paternity Leave.

In order to apply for Parental Leave to be taken at any of these times, they must meet the same qualifying and notice requirements as detailed in the respective sections entitled Qualifying for Parental Leave and Notifying ESC. Employees should note that, the 52 week length of service with ESC qualifying criterion could have been completed either *before* or *during* the Ordinary or Additional Maternity, Adoption or Shared Parental Leave periods. In respect of returning to work following *combined* Parental and Maternity, Adoption or Shared Parental Leave the conditions shown on the following table will apply:

Type of Leave	Length of Parental Leave	Returning to Work Applicable Terms of Service
Ordinary Maternity Leave	4 weeks or less	Employees returns to the same job as if she hadn't been away, with the same, or no less favourable, terms of service

<b>Type of Leave</b>	<b>Length of Parental Leave</b>	<b>Returning to Work Applicable Terms of Service</b>
Ordinary Maternity Leave	More than 4 weeks	Employee returns to same job as if she hadn't been away, unless this is not reasonably practicable. If it is not reasonably practicable to return to the same job she will be offered a similar job on terms and conditions of service no less favourable than the original job.
Additional Maternity Leave	Any number of weeks	Employee returns to same job as if she hadn't been away, unless this is not reasonably practicable. If it is not reasonably practicable to return to the same job she will be offered a similar job on terms and conditions of service no less favourable than the original job.
Ordinary Adoption Leave	4 weeks or less	Employee returns to the same job as if they hadn't been away, with the same, or no less favourable, terms of service
Ordinary Adoption Leave	More than 4 weeks	Employee returns to same job as if they hadn't been away, unless this is not reasonably practicable. If it is not reasonably practicable to return to the same job they will be offered a similar job on terms and conditions of service no less favourable than the original job.
Additional Adoption Leave	Any number of weeks	Employee returns to same job as if they hadn't been away, unless this is not reasonably practicable. If it is not reasonably practicable to return to the same job they will be offered a similar job on terms and conditions of service no less favourable than the original job.
Shared Parental Leave	A combined total of Maternity, Adoption and Shared Parental Leave of no more than 26 weeks and Parental Leave of 4 weeks or less.	Employee returns to the same job as if they hadn't been away, with the same, or no less favourable, terms of service
Shared Parental Leave	A combined total of Maternity, Adoption and Shared Parental Leave of no more than 26 weeks and Parental Leave more than 4 weeks.	Employee returns to same job as if they hadn't been away, unless this is not reasonably practicable. If it is not reasonably practicable to return to the same job they will be offered a similar job on terms and conditions of service no less favourable than the original job.

Type of Leave	Length of Parental Leave	Returning to Work Applicable Terms of Service
Shared Parental Leave	A combined total of Maternity, Adoption and Shared Parental Leave of more than 26 weeks and any number of weeks Parental Leave.	Employee returns to same job as if they hadn't been away, unless this is not reasonably practicable. If it is not reasonably practicable to return to the same job they will be offered a similar job on terms and conditions of service no less favourable than the original job.
Paternity Leave	Any number of weeks' Parental Leave.	Employee returns to the same job as if they hadn't been away, with the same, or no less favourable, terms of service.

## 11. Special Leave

[Circumstances under which an employee can apply for Special Leave](#)

[Special Leave Pay](#)

[Process](#)

[Fraudulent Claims](#)

ESC is committed to supporting employees to maintain a healthy work / life balance. This policy sets out ESC approach to Special Leave as a key part of this commitment. It is intended for the guidance of managers and employees and sets out the procedures to be followed.

### **Circumstances under which an employee can apply for Special Leave**

Special Leave is not a right and does not, therefore, form part of the employee's contract of employment. Employees are expected to use their normal annual leave or flexi-time arrangements to attend to their private affairs. Under certain circumstances, however, employees may be granted special leave with or without pay. This is in addition to statutory rights, including the right to unpaid leave for time off for dependants.

Employees may apply for up to five days paid Special Leave in any 12-month period to deal with domestic arrangements. ESC acknowledges that emergencies vary in their complexity and more than one event may arise in a short period of time. If an employee considers that they have a case for a longer period of paid Special Leave, they should apply to ESC in the normal way. Special Leave with pay will normally be granted:

- to deal with a domestic crisis such as the serious illness or death of a close relative or dependant or the sickness of a child (depending on particular circumstances)
- when there is unavoidable severe damage or disruption to property which requires the employee to be at home
- to foster-parents for support
- for short-term care at home of a close relative or dependant
- for study leave, if the course of study is supported by ESC
- for trade union activities
- to participate in public duties
- to participate in reserve and cadet forces training

- for attendance at court as a witness or a juror
- where an employee is undergoing fertility treatment and appointments cannot easily be managed with flexi-time
- time off in support of a gender transition process
- where any employee is experiencing domestic abuse and needs time off for appointments related to their safety

Special Leave without pay may be granted:

- to look after dependent children during school holidays
- to care for elderly or infirm dependants or relatives
- for study leave
- to participate in sporting events.

Special Leave with or without pay may also be granted for other reasons not covered above. For example, in the case of pandemic illness where the employee is not unwell but needs time off to deal with other matters.

In all cases the Remote working policy can also be considered for use in helping to alleviate any domestic emergency circumstances.

## Special Leave Pay

Special Leave may or may not be paid, depending on the circumstances outlined above. Where it is granted on a paid basis, this will be at the employee's normal daily pay.

## Process

Employees who wish to apply for Special Leave should email their line manager outlining the reason for their request and number of days of special leave required. Requests should normally be submitted in advance of the leave dates. It is accepted that in the case of domestic emergencies, it may not be possible to seek advance agreement. In such cases, employees should telephone their line manager as soon as practicable.

## Fraudulent Claims

Employees should be aware that where there is any suspicion that a claim has been made fraudulently, this will be investigated in line with the Disciplinary Policy and, if found to have occurred, may be subject to Disciplinary measures.

## 12. Time off for Dependants Leave and Pay

[Special Leave and Time off for Dependants Leave](#)  
[Circumstances under which an employee can take time off](#)  
[Definition of a Dependant](#)  
[Time Off for Dependants Pay](#)  
[Process](#)  
[Notifying ESC](#)  
[Further information](#)

### Special Leave and Time off for Dependants Leave

ESC recognises that there are times when unexpected circumstances arise which require employees to take time off work. In most of such circumstances, employees will want to consider applying for Special Leave, under the Special Leave section of the Supporting Work / Life Balance Policy.

Where such circumstances involve a dependant and are not covered by the Special Leave Policy, they are covered by the Time Off for Dependants Policy. In line with statutory requirements, this policy states that all employees, regardless of their length of service, are entitled to a reasonable period of unpaid time off work to deal with an unexpected or sudden emergency involving a dependant and to make necessary longer term arrangements.

ESC recognises that it is difficult to define what is 'reasonable' as it will depend upon the circumstances in each individual case. However, for example, if a child falls ill, the leave should be enough to help the employee cope with the crisis – to deal with the immediate care of the child, visiting the Doctor if necessary, and to make longer term care arrangements. It does not mean that the employee may take two weeks' leave to look after a sick child, although they may be able to take additional leave as part of their annual holiday entitlement.

In most cases, the amount of leave will be one or two days at the most, but this will depend on individual circumstances. Employees should discuss this with their line manager.

### Circumstances under which an employee can take time off

Employees should note that this leave is for unexpected or sudden problems or emergencies to give the employee time to deal with the immediate situation and make arrangements for any longer-term impact of the emergency. Examples could include:

- if a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed
- to make longer-term care arrangements for a dependant who is ill or injured
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant;
- when the childminder fails to turn up or school is closed at unexpected short notice;
- to deal with an incident involving the employee's child during school hours such as an accident or suspension
- to provide assistance on an occasion when a dependant gives birth
- to deal with a bereavement

Employees should note that ESC considers that the following *do not* constitute an emergency:

- following an initial emergency, once it is known that a dependant suffers from a condition that is likely to result in relapses, the relapses no longer fall within the scope of this policy
- hospital, or other appointments, that are known about in advance

## Definition of a Dependant

A dependant is the partner, child or parent of the employee, or someone who lives with the employee as part of their family. For example, this could be an elderly aunt or grandparent who lives in the household. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, for example, a live-in housekeeper.

In cases of illness, injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

## Time Off for Dependants Pay

Employees should note that *any* time off taken under this policy will normally be without pay.

## Process

### Notifying ESC

Employees are required to tell their line manager as soon as possible about their absence, the reason for it and how long they expect to be away from work. ESC recognises that, given the nature of the absence, there may be times when employees are prevented from advising their line manager of the reason for the absence, prior to their return to work. Employees should refer to the Absence policy in respect of absence notification procedures.

### Further information

ESC will ensure that an employee will not be subjected to a detriment, disadvantage, unfair treatment or dismissal because of absence on Time Off for Dependants leave. Please refer to the Equality, Diversity and Inclusion policy.

### Fraudulent Claims

Employees should be aware that where there is any suspicion that a claim has been made fraudulently, this will be investigated in line with the Disciplinary Policy and, if found to have occurred, may be subject to Disciplinary measures.

## 13. Right to Request Flexible Working

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### Right to Request Flexible Working

ESC recognises the benefits which can accrue to both employer and employee as a result of flexible working and already operate a flexible approach to working hours.

In addition, ESC recognises that eligible employees have the right to request flexible working and ESC a duty to consider that request. ESC has an obligation to consider such requests seriously in accordance with business requirements and provide a reply within specific timescales. Employees should note that ESC has no obligation to automatically grant the request.

### Qualifying for the Right to Request Flexible Working

The right to request flexible working extends to employees who:

- are employed by ESC under a contract of employment
- are not Agency Workers
- have not have made an application to work flexibly under this policy within the previous 12 months
- complied with the notification procedure

### What is meant by flexible working?

Eligible employees will be able to request the following proposed changes:

- a change to the hours they work
- a change to the times when they are required to work
- a change to the place of work – perhaps another office, or to work from home (this must be done in conjunction with the Remote Working policy)

This covers working patterns such as annualised hours, compressed hours, home-working, job-sharing, shift working and term-time working. Employees should contact their line manager for further details on any of these possible options.

### Making an Application to ESC

Employees should notify ESC in writing. The request should be addressed to the line manager. Details of this notification should be signed, dated and should include:

- an indication that the request is being made under the right to request flexible working
- confirmation that it is an application for a change in the employee's terms and conditions of service
- details of the flexible working pattern being requested



- details of any anticipated impact it will have on ESC and views on how this can be addressed
- the proposed date\* on which the change should become effective
- reference to any previous application and the date when it was made
- Where a request to work at a different location is included, the employee should have read and understood the Remote Working policy and can make their application using the Remote Working Agreement template provided in that policy.

\*Employees should note that resolving these requests can take time and should allow sufficient time between making the request and any proposed start date. Please refer to the FLOW CHART later in this document. Further information can be obtained from their line manager.

## Employer's Obligations

On receipt of a formal flexible working request, ESC will:

- acknowledge receipt of an employee's application
- organise a meeting at a mutually convenient time to discuss the request within 28 days of receipt of the request
- offer the opportunity for a companion to be present when meeting with the employer to discuss the application
- seriously consider the request in the light of the employee requirements and business needs through exploring in depth all possible options to accommodate the employee
- confirm the employee fully appreciates any financial implications of the request, the impact on the terms and conditions of service and that any change is permanent
- within 14 days of the meeting, write to the employee either
  - accepting the request, setting out details of the new working arrangement (Including a Remote Working Agreement from the Remote Working Policy, if appropriate) and setting a start date
  - confirming any compromise which was offered at the meeting and set a date for the employee to respond, or
  - rejecting their request, explaining the business reasons for doing so, and setting out the mechanism by which the employee may appeal against this decision
- ESC will consider a time-limited or temporary flexible working pattern where circumstances dictate
- not subject an employee to a detriment, disadvantage, unfair treatment or dismissal because of a request to work flexibly. Please refer to the Equality, Diversity and Inclusion policy.

## Appealing against a refused application

Where ESC refuses a request for flexible working, the employee will be advised of the business reasons in reaching the decision. Employees will have the right to appeal against the decision normally within 14 days of receipt of this. Normally all appeals will be held in accordance with the appeal procedure which is set out in the Resolution Policy.

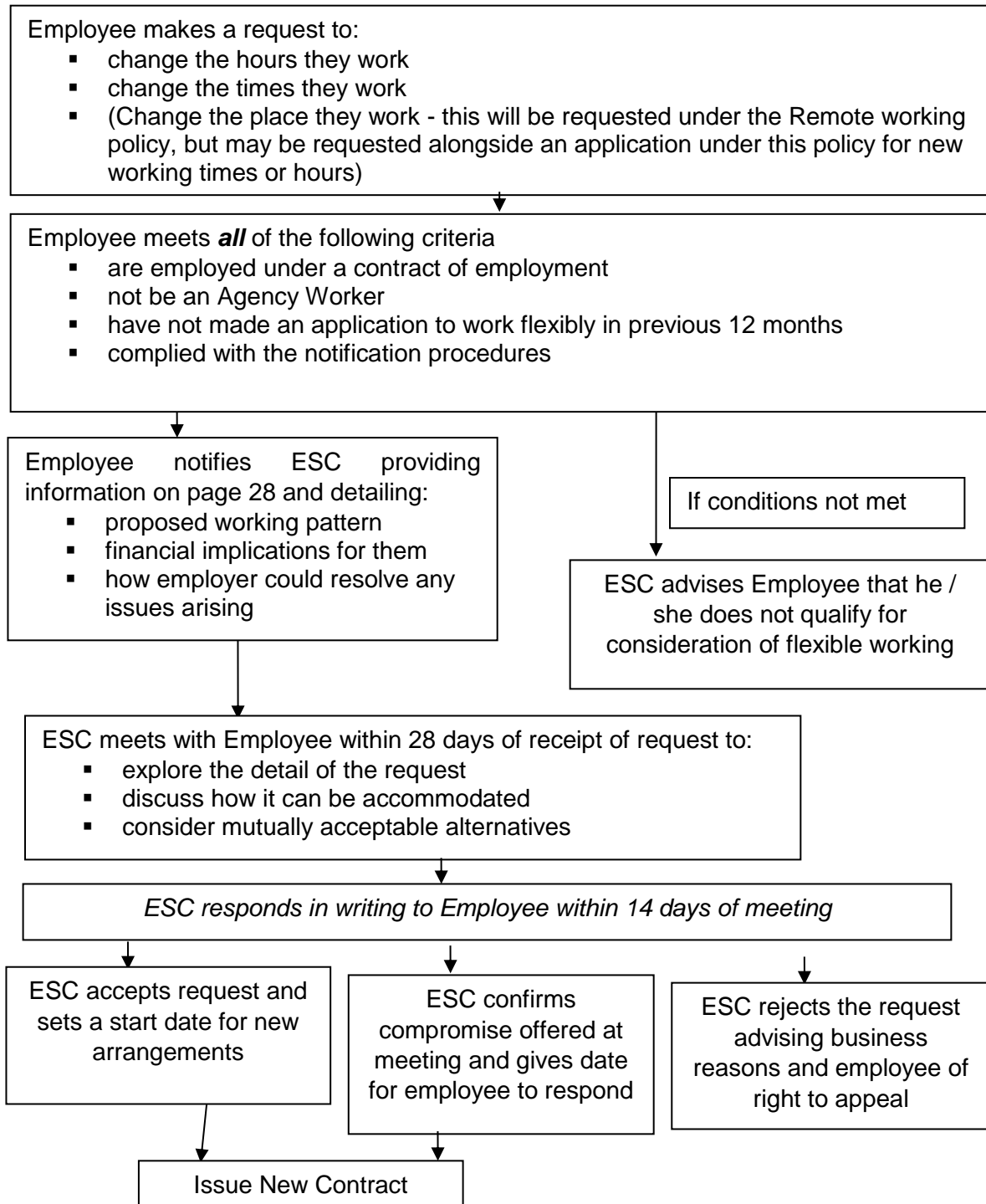
Where an employee believes ESC has not responded to the request or has failed to meet the required time frames, the employee should refer to raising a grievance under the Resolution Policy.

Employees should note that this will not apply where extensions to the times have been mutually agreed or have occurred as a result of the employee's absence.

## **Withdrawing a request**

Employees should note that once they have made an application under this policy even if they subsequently decide to withdraw the application, they will not have the opportunity to make a further application within a twelve month period.

**Summary Process for Requesting Flexible Working**



## 14. Extended period of unpaid leave

Due to the small number of employees employed by ESC and the impact that having an employee absent from the workplace over an extended period has on workloads, extended periods of unpaid leave such as career breaks or sabbaticals are not offered as a standard option. However, an exception may be able to be made in some exceptional circumstances where this provides the best solution to an employees' personal circumstances and where the impact on the workplace can be minimised. Any employee wishing to explore this in more detail should raise it with their line manager in the first instance.

## 15. Parental Bereavement Leave and pay when a child dies

### Parental Bereavement Leave

Parental bereavement leave is time off work to deal with the death of a child, if they die under the age of 18 or are stillborn after 24 weeks' pregnancy.

### Qualifying for Parental Bereavement Leave

Parental Bereavement Leave will be available to an employee who is one of the following to a child who has died under the age of 18 or still born after 24 weeks' pregnancy:

- biological parent
- adoptive parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

Eligible employees will be entitled to choose to take either two x single weeks, or two consecutive weeks' Parental Bereavement Leave (not odd days). The leave must end within 56 weeks of the child's death.

### Parental Bereavement Pay

#### Statutory Parental Bereavement Pay

Statutory Parental Bereavement Pay is paid for two weeks and is at the rate of 90% of the employee's earnings or the statutory level whichever is the lower.

It will be paid to any employee who meets the following qualifying criteria:

- their child dies under the age of 18 or is stillborn after 24 weeks' of pregnancy
- they were employed by ESC when their child died
- they'd worked for ESC for at least 26 weeks, on the Saturday before the child's death

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions will not qualify for Statutory Parental Bereavement Pay. Advice should be sought from the Corporate Services Team in such circumstances.

### Process

#### Notifying ESC

## Giving notice to take leave

To give notice, the employee should notify ESC:

- when they want the leave to start
- whether they want to take 1 or 2 weeks leave
- the date their child died

Notice does NOT need to be in writing.

If the employee wants to take the leave within 8 weeks (56 days) of their child dying, they can start their leave as soon as they give notice. They should inform their line manager before they start their leave but this can be on the first day of leave as long as it's before they're due to start work. For example, if they've started work and give notice to start their leave straight away, Statutory Parental Bereavement Leave must start the following day.

They can also cancel the leave, as long as they tell their manager before their leave starts. This can be on the day their leave is due to start, as long as it's before they're usually due to start work. Any cancelled leave can be taken later by giving notice again.

If the employee wants to take the leave more than 8 weeks (56 days) since their child died, they must give their line manager one week's notice to either take the leave or cancel the leave. Any cancelled leave can be taken later by giving notice again.

## Claiming Statutory Parental Bereavement Pay

Employees must ask their line manager in writing (give 'notice') to receive Statutory Parental Bereavement Pay. They must confirm:

- their name
- their entitlement to Statutory Parental Bereavement Pay
- the start and end dates of the leave they want to claim the pay for
- the date of their child's death
- their relationship with the child

Notice must be given within 28 days of starting leave. If someone takes the 2 weeks off separately, they must give notice in writing for each week.

Employees can give notice for their leave and pay in one document.

## Sick Absence during Parental Bereavement Leave

If an employee is sick when they plan to take their Parental Bereavement Leave, the Parental Bereavement Leave will be postponed. The 56 week period in which to take Parental Bereavement Leave will not be extended. If the employee is unable to return to work following Parental Bereavement Leave due to sickness the normal sick absence rules will apply.

## Additional Leave following or before Parental Bereavement Leave

Employees will also be able to request to take time off under the special leave policy and the Time off for Dependents policy. Please refer to the [Special Leave Policy](#) and the [Time off for Dependents leave and pay](#) sections for further information.

## 16. Definitions

The following definitions apply to all policies:

<b><i>Ante-Natal Appointment</i></b>	Any appointment related to the care of mother and baby during pregnancy. This may include, for example, appointment with a midwife, parentcraft classes or relaxation classes.
<b><i>EWC</i></b>	Expected Week of Confinement – the week the baby is expected to be born.
<b><i>MATB1</i></b>	Certificate provided by a GP or midwife during pregnancy to confirm the EWC (see definition above).
<b><i>OML</i></b>	Ordinary Maternity Leave – the first period of leave on or prior to birth – up to 26 weeks.
<b><i>OAL</i></b>	Ordinary Adoption Leave – the first period of leave on or prior to adoption – up to 26 weeks.
<b><i>CML</i></b>	Compulsory Maternity Leave - the period of 2 weeks immediately following the birth of a child.
<b><i>AML</i></b>	Additional Maternity Leave - the period of 26 weeks immediately following the end of Ordinary Maternity Leave.
<b><i>AAL</i></b>	Additional Adoption Leave – the period of 26 weeks immediately following the end of Ordinary Adoption Leave.
<b><i>SPL</i></b>	Shared Parental Leave – the opportunity for eligible parents to choose how to share the care of their child during the first year of birth or adoption.
<b><i>Full pay</i></b>	Contractual Salary – 100% of average weekly earnings.
<b><i>Statutory paid leave</i></b>	Current rate of statutory pay set by the Government each year in April. See <a href="https://www.gov.uk/maternity-paternity-calculator">https://www.gov.uk/maternity-paternity-calculator</a> or speak to the line manager.
<b><i>SMP</i></b>	Statutory Maternity Pay - 6 weeks paid at 90% of the employee's average weekly earnings and 33 weeks paid at either the statutory level (see definition of statutory paid leave above) or 90% of the employee's average weekly earnings, whichever is lower.
<b><i>SAP</i></b>	Statutory Adoption Pay - 6 weeks paid at 90% of the employee's average weekly earnings and 33 weeks paid at either the statutory level (see definition of statutory paid leave above) or 90% of the employee's average weekly earnings, whichever is lower.
<b><i>SPP</i></b>	Statutory Paternity Pay – up to 2 weeks paid at the statutory level (see definition of statutory paid leave above) or 90% of the employee's average weekly earnings, whichever is lower.



<b><i>SShPP</i></b>	Statutory Shared Parental Pay – the opportunity for eligible parents to share an entitlement to Maternity or Adoption pay, along with Shared Parental Leave.
<b><i>CMP</i></b>	Contractual Maternity Pay – amount of pay used to top up Statutory Maternity Pay to full pay (see definition above).
<b><i>CAP</i></b>	Contractual Adoption Pay – amount of pay used to top up Statutory Adoption Pay to full pay (see definition above).
<b><i>CPP</i></b>	Contractual Paternity Pay - amount of pay used to top up Statutory Paternity Pay to full pay (see definition above).
<b><i>CShPP</i></b>	Contractual Shared Parental Pay – amount of pay used to top up Statutory Shared Parental Pay to full pay (see definition above).
<b><i>MA</i></b>	Maternity Allowance – this may be payable in cases where an employee is not eligible for SMP or CMP.
<b><i>KIT Days</i></b>	Keeping in touch days – mutually agreed days for the employee to return to work during Maternity / Adoption Leave without affecting the leave entitlement.
<b><i>SPLIT Days</i></b>	Shared Parental Leave In Touch days - mutually agreed days for the employee to return to work during shared parental leave without affecting the leave entitlement.
<b><i>Partner</i></b>	A person who the mother or main adopter is married to or is in a civil partnership with; or a partner who the mother or main adopter is living with.

### Equality Impact Assessment

Does this policy comply with the general Public Sector Equality Duty (s149 Equality Act 2010)?

This policy applies to all employees, contractors and all who interact with the work of ESC. Its impact was considered when drafting. It will provide support and guidance to those covered by the protected characteristic of pregnancy / maternity. It is also inclusive by providing additional benefits than the statutory for various aspects of the policy. We consulted with all employees prior to publication to identify and address any issues.

### Data Protection Impact Assessment

Have we considered any effect the policy may have on the collecting, processing and storing of personal data?

The records generated by this policy will contain personal data and may contain sensitive and special category personal data. Suitable retention and destruction policies are in place to manage this material.

### Information Security Impact Assessment

Have we considered the impact any policy may have on our cyber-resilience?

This policy should have no impact on our cyber-resilience.

### Records Management Impact

Have we considered the impact any policy may have on our ability to manage our records?

This policy should have no impact on our ability to manage our records.

<b>Version</b>	<b>Description</b>	<b>Date</b>	<b>Author</b>
1.0	First draft	01/06/2021	Public Appointments Officer
1.1	Direction to use Remote Working Agreement	30/11/2022	Head of Corporate Services