

## **Addendum – Family Leave**

This addendum contains policies and procedures which do not form part of your contract of employment and which may be amended from time to time.

***This addendum applies to all staff on IPSA contracts. Staff on non-IPSA contracts where benefits for Maternity and other family leave are specified, the non-IPSA benefits contained in those contracts will apply. Where non-IPSA contracts do not specifically mention these items, the Addendum will be followed.***

### **Leave**

#### **Maternity Leave**

This policy only applies to employees and does not apply to agency workers or self-employed contractors.

Please notify your employer/manager in writing as soon as possible after pregnancy confirmation. This is important as there may be health and safety considerations. Before the end of the 15<sup>th</sup> week before your expected week of childbirth, or as soon as reasonably practical afterwards you must tell us:

- (a) The week in which your doctor or midwife expects you to give birth (Expected Week of Childbirth); and
- (b) The date on which you would like to start your maternity leave (Intended Start Date).

Once you receive your MATB1 certificate, which you will get from your Midwife or Doctor, you must provide your employer/manager with a copy.

You will be entitled to up to 52 weeks maternity leave. The first 26 weeks is known as 'Ordinary Maternity Leave', the second 26 weeks as 'Additional Maternity Leave'. The tables below detail maternity entitlement depending on length of service.

Your employer/manager will write to you within 28 days to tell you the date you are expected to return if you take your full maternity leave entitlement (Expected Return Date).

If you do not meet the qualifying period (8 weeks before Qualifying Week\*) for maternity pay as detailed below then you still may be entitled to statutory maternity allowance available from your local Job Centre. The earliest that leave can be taken is 11 weeks before the expected week of childbirth, unless the baby is born early.

<b>Staff with less than 26 weeks continuous service ending with the Qualifying Week* may be entitled to:</b>			
Weeks	1 – 26	27 – 39	40 - 52
Pay	Nil Pay	Nil Pay	Nil Pay
Leave	Ordinary Maternity Leave	Additional Maternity Leave	

<b>Staff with 26 weeks continuous service (but less than 1 year) ending with the Qualifying Week* will normally be entitled to:</b>				
Weeks	1 – 6	7 - 26	27 - 39	40 - 52
Pay	Full pay (higher rate Statutory Maternity Pay + occupational Maternity Pay)	Statutory Maternity Pay (lower rate)	Statutory Maternity Pay (lower rate)	No Pay

Leave	Ordinary Maternity Leave	Additional Maternity Leave
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<b>Staff with 1 year's continuous service or more by the beginning of the 11<sup>th</sup> week before the Expected Week of Confinement (EWC) will normally be entitled to:</b>				
Weeks	1 - 6	7 - 26	27 - 39	40 - 52
Pay	Full pay (Higher rate Statutory Maternity Pay + occupational maternity pay)	Full pay (Lower rate Statutory Maternity Pay + occupational maternity pay)	Statutory Maternity Pay (lower rate)	No Pay
Leave	Ordinary Maternity Leave		Additional Maternity Leave	

\*The Qualifying Week is the 15th week (Sunday to Saturday) before the week the baby is due

If you want to change your Intended Start Date please tell your manager or MP in writing. You should give us as much notice as you can, but wherever possible you must tell us at least 28 days before the original Intended Start Date (or the new start date if you are bringing the date forward). We will then write to you within 28 days to tell you your new expected return date.

Your maternity leave should normally start on the Intended Start Date. However, it may start earlier if you give birth before your Intended Start Date, or if you are absent for a pregnancy-related reason in the last four weeks before your Expected Week of Childbirth. In either of those cases, maternity leave will start on the following day.

The law says that you are not allowed to work during the two weeks following childbirth.

Employees may agree to do up to 10 days' work - known as 'Keeping in touch' (KIT) days during the maternity leave period without losing statutory maternity pay (SMP) or triggering the end of maternity leave. If these days are worked during the period of SMP then pay for those days worked will be increased to full.

Women may be eligible to convert some of their maternity leave into shared parental leave that can be taken either by the woman or her partner on a more flexible basis than is the currently the case. Please see Shared Parental Leave below.

Reasonable time off for antenatal care will also be paid at full pay.

With the exception of terms relating to pay, your terms and conditions of employment remain in force during OML and AML.

Holiday entitlement will continue to accrue during maternity leave. If your maternity leave will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your maternity leave can be carried over and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry over of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting your maternity leave. All holiday dates are subject to approval by your manager.

You must return to work on the Expected Return Date unless you tell your employer/manager otherwise. If you wish to return to work earlier than the Expected Return Date, you must give your employer/manager eight weeks' prior notice of the date. It is helpful if you give this notice in writing. You may be able to return later than the Expected Return Date if you request annual leave or parental leave, which will be at your employer/manager's discretion.

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

## **Adoption Leave and Pay**

You must notify your employer/manager as soon as you have been matched with a child for adoption if you wish to take adoption leave, ideally within 7 days of being notified (unless this is not reasonably practicable). You will need to provide your employer/manager with documentary proof of the adoption. This is usually a matching certificate from the adoption agency.

You must also notify your manager when you expect the child to be placed with you and when you want your adoption leave to start. You are able to change your Adoption Leave start date so long as you give your employer/manager at least 28 days' notice, unless agreed otherwise.

You will be entitled to up to 52 weeks adoption leave. Your pay will depend on your length of service and is paid at the same rate as maternity leave (please see the tables above).

If you are a co-adopter you are entitled to the equivalent leave as those taking paternity leave as detailed below. This must have been taken by the first anniversary of the child living with you.

## **Shared Parental Leave**

Under the Shared Parental Leave (SPL) system eligible employees will have the right to share up to a maximum of 52 weeks' leave. The first two weeks leave are compulsory for women on maternity leave.

At the same time that a notice of entitlement and intention to take SPL is submitted, the mother/main adopter must give his or her employer/manager a leave and pay curtailment notice giving eight weeks' notice of the date on which maternity/adoption leave and pay is to end (or the date on which maternity/adoption pay is to end if s/he is not entitled to maternity/adoption leave).

If the mother is only entitled to maternity allowance (and not maternity leave) her notice of curtailment must be submitted to Jobcentre Plus. Her maternity allowance cannot be reinstated, so she is in effect giving consent for her partner to take the whole of any SPL entitlement.

Payment for Shared Parental Leave will be at the same rate as that for maternity leave as detailed in the tables above.

## **Keeping In Touch Days/Shared Parental Leave in Touch Days (KIT/SPLIT Days)**

Employees on Maternity/Adoption/Shared Parental Leave are able to work for up to ten KIT days or in the case of Shared Parental Leave, up to 20 SPLIT days, without losing maternity/adoption or Shared Parental Pay. You can do any type of work on a KIT/SPLIT day, including training, conferences and meetings. Even if you only work for part of a day or a couple of hours it will still count as a whole KIT/SPLIT day. You do not have to work a KIT/SPLIT day or have to be given work, it is for you to agree with your employer/manager whether you use these days and how they are used. You will receive full pay for working a KIT/SPLIT day based on the hours normally worked.

## **Paternity Leave**

Paternity leave is granted to those employees who are taking time off to support the mother or primary carer for the baby/child and intend to be fully involved in their upbringing. In order to claim Statutory Paternity Pay you must complete an SC3 form available from [www.gov.uk](http://www.gov.uk).

You are entitled to take two consecutive weeks' Paternity Leave within 56 days of the child's birth (or due date if the baby is early). The payment during Paternity Leave is dependent on length of service as per the tables below:

Length of service	Paternity entitlement
Less than 26 weeks service leading into the 15 <sup>th</sup> week  Or  Less than 26 weeks service by the end of the week they are matched with a child (UK adoptions) or less than 26 weeks service by either the date the child arrives in the UK or when you want your pay to start	1 week at full pay, 1 week at Statutory Paternity Pay
26 weeks service leading in the 15th week  Or  More than 26 weeks service by the end of the week they are matched with a child (UK adoptions) or more than 26 weeks service by either the date the child arrives in the UK or when you want your pay to start	2 consecutive weeks at full pay

### Parental Leave

If an employee has completed one year's service with an employer, they are entitled to 18 weeks unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later. Employees can take it at any time up to the child's 18th birthday.

A request should be made to an employer giving 21 days' notice of the start date of the parental leave. As long as the employee qualifies for parental leave and gives the employer the correct notice the employee should be able to take parental leave at any time.

To take parental leave straight after the birth or adoption of a child, an employee should give notice 21 days before the beginning of the expected week of childbirth or placement. In cases where this may not be possible they should give notice to the employer as soon as possible. For example, if a child is born prematurely or where less than 21 days' notice is given that a child is to be placed with you for adoption.

Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless the employer agrees otherwise or the child is disabled. Employees cannot take off more than four weeks during a year per child. A week is based on an employee's working pattern.

An employee will remain employed while on parental leave and some terms of the contract, such as contractual notice and redundancy terms, still apply.

### Caring Leave

You will have the right to take a reasonable period of time off work to deal with unforeseen circumstances and emergencies involving a dependant. Up to five days per year may be taken at full pay at the discretion of your employer/manager; any additional leave will be unpaid.

You can take this leave if it is needed in any of the following circumstances:

- to provide assistance if a dependant falls ill, gives birth, is assaulted or injured

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- to make arrangements to provide care for a dependant who is ill or injured
- on the death of a dependant
- to deal with an unexpected disruption in care arrangements
- to deal with an incident involving your child while he/she is in school
- to attend a medical appointment with a dependant; however, as with your own medical appointments, these should be made outside working hours where possible

For these purposes a dependant may be a spouse, civil partner, partner, a child, a parent or someone who lives in the same household, or relies on you for care or assistance if they are ill or injured. This would not include an employee, tenant, lodger or boarder/flatmate.

### **Time Off for Public Duties**

Time off for public duties will be available in line with the Employment Rights Act 1996. The amount of time off will depend on the nature of the duties. If you are considering undertaking such duties, you should first discuss this with your employer/manager. You should inform your employer/manager if you will be standing for election for any public office.