



# Family Friendly Policy

## Employee Guide



Mama Bear's Day Nursery is committed to supporting staff to establish a healthy balance between work and family responsibilities. This policy is designed to help staff understand what entitlements and benefits they can expect from the company as well as providing a single point of reference to provide a clear guide through from confirmation of pregnancy to returning to work. Our policy supports equal opportunities to all staff and has a particular focus on the retention of skills and knowledge within Mama Bear's Day Nursery.

The information provided within this policy regarding external organisations is intended as a resource for staff only. This information is given in an effort to assist staff by providing as much detail as possible at a time of change. The information is correct on the date issued on the back cover although this information is continuously changing, please refer to the resources and websites detailed for the most up to date information.

## Contents

## Pages

• Maternity	2 - 7
• Paternity	8 - 9
• Adoption	10 - 13
• Shared Parental Leave	14 - 29
• Time off for Dependents	30
• Flexible Working	31 - 32
• Ordinary Parental Leave	33
• Childcare Support	34 - 36
• Compassionate Leave	37 - 38

# Maternity

## Preparing for the Birth

The Employee Pregnancy Guidance procedure is designed to ensure that, as an expectant mother, you are supported to ensure the health and well being of both yourself and your baby. Your line manager should work through this with you once you have notified the company that you are pregnant.

Employees are entitled to take reasonable paid time off during normal working hours for antenatal care. Appointments should be made at a time which is most convenient for the staffing requirements for your setting and you should discuss the time/date with your manager first.

For appointments other than your first appointment, you may be asked to provide an appointment card, or some other confirmation of your appointment. You may also be asked to provide a certificate from a doctor or midwife confirming your pregnancy. All appointments attended must be made on the advice of a doctor, midwife or health practitioner.



© Zzzdim | stockfreemages.com

There will be no deductions from your salary for attendance at authorised antenatal appointments including any time spent travelling to and waiting for the appointment.

As the partner of a pregnant women, or the father of the child you are entitled to unpaid time off to attend two ante-natal appointments. You may be asked to provide an appointment card or some other confirmation of your appointment.

## Your Pay

You are entitled to receive Statutory Maternity Pay (SMP) if:

- You have at least 26 weeks continuous service by the end of the 15th week before your baby is due
- Your average weekly earnings are at or above the Lower Earnings Limit for National Insurance contributions, currently £112.

SMP can be paid for up to 39 weeks and it is paid:

- For the first six weeks at 90% of your average gross weekly earnings with no upper limit
- For the remaining 33 weeks at the lower of either the standard rate of £139.58, or 90% of your average gross weekly earnings

SMP will be paid in the same way and at the same time as your wages and will be subject to tax and National Insurance contributions in the normal way.

Your SMP will cease once you return to work, even if you have not taken 39 weeks Maternity Leave (the maximum number of weeks SMP will be paid).

If you do not qualify for SMP the company will complete an SMP1 form for you detailing the reasons why you will not be paid this. You may, however, be entitled to Maternity Allowance which is paid to you through the Department for Work & Pensions (DWP). To qualify for Maternity Allowance you must have paid full National Insurance contributions for at least 26 of the 66 weeks before the week your baby is due and have average weekly earnings of at least £30. For further information please contact your local DWP office.



If you are not entitled to SMP, and you or your partner are claiming benefits or tax credits, you may be eligible for a Sure Start Maternity Grant which is a one-off, tax free payment to help towards the cost of maternity and baby items.

There are a number of other State Benefits which you may be entitled to, more information can be found at [www.gov.uk/browse/benefits/families](http://www.gov.uk/browse/benefits/families).

All pregnant women qualify for free prescriptions and free NHS dental treatment during their pregnancy and until their child is one year old.

Healthy Start is a scheme for expecting mothers or parents of a small child. You may qualify for vouchers that can be spent on milk, fresh fruit and vegetables or infant formula. Free vitamin supplements are also available, your midwife or health visitor should be able to advise you further.

Child Benefit is a benefit payable for each child that you are responsible for. This is usually paid four weekly and there are separate rates payable for each child if you have more than one child. The payment can be claimed by anyone who qualifies, regardless of their income or savings.

Tax Credits are government payments, if you have responsibility for at least one child or young person you may qualify for Child Tax Credit. If you work but are on a low income, you may qualify for Working Tax Credit. Often you can receive both type of tax credits and they are not subject to tax deductions.



Above is a list of some of the state benefits that may be available to you. For a comprehensive list please visit [www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk). The Money Advice Service is an organisation set up by the Government to provide free, impartial advice to help you manage your money.

## Your leave

To qualify for Maternity Leave you need to inform us of the following no later than the end of the 15th week before your baby is due:

- that you are pregnant
- the expected week of childbirth, by means of a medical certificate if requested
- the date you want to start your maternity leave. This date can change with a minimum of 28 days' notice and can be any date after the beginning of the 11th week before your baby is due

You should also provide us with a copy of your MAT B1 form (your maternity certificate) as soon as you receive it which states when your baby is due. Your doctor or midwife will provide you with this after you have been pregnant for 21 weeks.

The company will write to you, within 28 days of your notification as detailed above, setting out your SMP based on your current earnings and confirming the date your Maternity Leave will end.

You are entitled to take up to 52 weeks leave regardless of how much you earn or how many hours you work per week and this is made up of:

- Ordinary Maternity Leave (OML)
- Additional Maternity Leave (AML)

During OML and AML, all terms and conditions of your contract except normal pay continue. Salary will be replaced by SMP if you

are eligible as outlined above.

This means, while sums payable by way of salary will cease, all other benefits will remain in place.

Your annual leave entitlement will continue to accrue throughout your maternity leave as normal. You cannot take annual leave during your Maternity Leave therefore it would need to be taken either before or after your Maternity Leave period. You should discuss the arrangements for annual leave with your line manager.

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

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

Failure to return to work by the end of Maternity Leave will be treated as an unauthorised absence unless you are sick and produce a current medical certificate before the end of the Maternity Leave period.

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



Following your Maternity Leave you have the statutory right to request other leave such as Ordinary Parental Leave and Flexible working. Please see the sections entitled Flexible Working and Ordinary Parental Leave or speak to your line manager for more information.

You may, in agreement with your line manager, do up to ten days' work - known as keeping in touch days (KIT) days – under your normal contract of employment during your Maternity Leave period. During KIT days you can carry out work, for which you will be paid your normal salary. You cannot take KIT days during compulsory Maternity Leave (the two weeks immediately after you have given birth).

If you have a stillbirth after 24 weeks of pregnancy, or if your baby is born but later dies, you are still entitled to maternity leave.

You may wish to share some of your time off work with your partner, information regarding this can be found in the Shared Parental Leave section.

# Paternity

You are entitled to Ordinary Paternity Leave and Ordinary Statutory Paternity Pay if:

- You have at least 26 weeks continuous service by the end of the 15th week before the baby is due, or
- You are the biological father, or
- You are the mother's husband or partner (including same-sex relationships), or
- You are the child's adopter, or
- You are the husband or partner (including same sex relationships) of the child's adopter



© Jarenwicklund | stockfreeimages.com

Ordinary Paternity Leave can be one or two weeks, if you choose to take two weeks these must be taken together. Your Ordinary Paternity Leave can start on any day of the week (although not before the baby is born) and has to finish within 56 days of the baby's birth.

Your annual leave entitlement will continue to accrue throughout your Paternity Leave as normal. You cannot take annual leave during your Paternity Leave therefore it would need to be taken either before or after your Paternity Leave period. You should discuss the arrangements for annual leave with your line manager.

To qualify for Ordinary Paternity Leave you need to inform us when you intend to take leave no later than the end of the 15th week before your baby is due. If you change your mind you must

provide us with 28 days' notice. You should also provide us with a copy of your self-certificate form SC3 (becoming a parent) which confirms you are entitled to pay.

You can decide when you start getting your Ordinary Statutory Paternity Pay and your leave can start on any day of the week but must be completed within eight weeks of the date of birth

## Your Paternity Pay

If your average weekly earnings are at or above the Lower Earnings Limit for National Insurance Contributions, currently £112 (before tax), Ordinary Statutory Paternity Pay is paid for either one or two consecutive weeks at £139.58 or 90% of your average weekly earnings if this is less.

Ordinary Statutory Paternity Pay will be paid in the same way and at the same time as your wages and will be subject to tax and National Insurance contributions in the normal way.

Your Ordinary Statutory Paternity Pay will cease once you return to work, even if you have not taken two weeks leave (the maximum number of weeks Ordinary Statutory Paternity Pay will be paid).



© Melis82 | stockfreeimages.com

# Adoption

## Your Adoption Leave

You are entitled to take Statutory Adoption Leave if:

- You are newly matched with a child by an adoption agency ('matched' means that the adoption agency gives you the details of the child they think is suitable for you to adopt)

You must provide us with documentation to confirm that you have the right to paid Adoption Leave, this would usually be a matching certificate from a UK recognised adoption agency. If you are adopting a child from overseas different rules apply, please contact your HR Business Partner if this applies to you.

You will not qualify for Statutory Adoption Leave or Pay if you:

- Arrange a private adoption
- Become a special guardian
- Adopt a stepchild

You must tell us that you want to take Adoption Leave within seven days of being notified that you have been matched with a child. You must also notify us when you expect the child to be placed with you and when you would like to start your Statutory Adoption Leave.

You are able to start your Statutory Adoption Leave either:

- From the date the child starts living with you
- Up to 14 days before the date you expect the child to start living with you

You can change the date that your Statutory Adoption Leave starts as long as you provide us with at least 28 days' notice.

## Your Adoption Pay

You are entitled to receive Statutory Adoption Pay (SAP) if:

- You have at least 26 weeks continuous service by the end of the week you are notified you are matched with a child
- Your average weekly earnings are at or above the Lower Earnings Limit for National Insurance contributions, currently £112.

SAP can be paid for up to 39 weeks and it is paid:

- For the first six weeks at 90% of your average gross weekly earnings with no upper limit
- For the remaining 33 weeks at the lower of either the standard rate of £139.58, or 90% of your average gross weekly earnings

This will be paid in the same way and at the same time as your wages and will be subject to tax and National Insurance contributions in the normal way.

Your Statutory Adoption Pay will cease once you return to work, even if you have not taken 39 weeks Statutory Adoption Pay (the maximum number of weeks this will be paid).

## Time off to attend adoption appointments

You are entitled to take time off to attend adoption appointments. If you are adopting alone then you are entitled to take paid time off to attend up to five adoption appointments. If you are part of a couple jointly adopting a child then you must elect one person to take paid time off to attend up to five adoption appointments and the other person can elect to take unpaid time off to attend up to two adoption appointments.

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

## Your Rights During Adoption Leave

You are entitled to take up to 52 weeks leave regardless of how much you earn or how many hours you work per week and this is made up of:

- Ordinary Adoption Leave (OAL)
- Additional Adoption Leave (AAL)

AAL follows on immediately from the end of the period of OAL.

During OAL and AAL, all terms and conditions of your contract except normal pay continue. Salary will be replaced by SAP if you are eligible as outlined below.

This means, while sums payable by way of salary will cease, all other benefits will remain in place. Your annual leave entitlement will continue to accrue throughout your Adoption Leave as normal. You cannot take annual leave during your Adoption Leave therefore it would need to be taken either before or after your Adoption Leave period. You should discuss the arrangements for annual leave with your line manager.

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

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

Failure to return to work by the end of Adoption Leave will be treated as an unauthorised absence unless you are sick and produce a current medical certificate before the end of the Adoption Leave period.

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

Following your Adoption Leave you have the statutory right to request other leave such as Ordinary Parental Leave and Flexible working. Please see the sections entitled Flexible Working and Ordinary Parental Leave or speak to your line manager for more information.

You may, in agreement with your line manager, do up to ten days' work - known as keeping in touch days (KIT) days – under your normal contract of employment during your Maternity Leave period. During KIT days you can carry out work, for which you will be paid your normal salary.

You may wish to share some of your time off work with your partner, information regarding this can be found in the Shared Parental Leave section.

# Shared Parental Leave

## Introduction to shared parental leave

This policy sets out the rights of employees to shared parental leave and pay. Shared parental leave is a type of leave that is available to parents with babies due on or after 5<sup>th</sup> April 2015. Shared parental leave enables mothers/adopters to commit to ending their maternity/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity/adoption leave and opt in to shared parental leave and pay at a later date.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave. The organisation provides a separate policy on ordinary parental leave.

The organisation recognises that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is the organisation's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with the HR department to ensure that they are followed correctly.

## Definitions under this shared parental leave policy

The following definitions are used in this policy:

- "Mother/adopter" means the mother, expectant mother or the adopter of the child.
- "Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of



the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew. In regards to adoption this refers to the partner where the other adoptive parent has elected to take adoption leave, this person may be male or female.

- "Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.
- "Matching date" means the date on which the adoptive parents are notified of having been matched with the child.

## Scope of this shared parental leave policy

This policy applies in relation to employees of the organisation, whether they are the mother/adopter or the partner. If it is the mother/adopter who is employed by the organisation, their partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to his/her own employer, which may have its own shared parental leave policy in place, if he/she wants to take a period of shared parental leave.

Similarly, if it is the partner who is employed by the organisation, the mother/adopter must (where relevant) submit any notifications to take shared parental leave to their own employer.

The mother/adopter and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

## Amount of shared parental leave available

The amount of shared parental leave to which an individual is entitled will depend on when the mother/adopter brings their maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken

in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement). A maximum of three requests for leave per pregnancy/adoption can normally be made by each parent.

The mother/adopter can commence shared parental leave after taking the compulsory two weeks maternity leave following the birth of the child or taking at least two weeks adoption leave following the placement of the child. The maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

The partner can begin a period of shared parental leave immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlement (as the partner cannot take paternity leave once they have taken any shared parental leave).

The mother/adopter and partner must take any shared parental leave within 52 weeks of birth/placement of the child.

## Eligibility for shared parental leave

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

### *Mother's/adopter's eligibility for shared parental leave*

The mother/adopter is eligible for shared parental leave if she/he:

- has at least 26 weeks' continuous employment at the end of the 15<sup>th</sup> week before the expected week of childbirth/matching date and remains in continuous employment with the organisation until the week before any period of shared parental leave that they take;
- has, at the date of the child's birth/adoption, the main responsibility,

apart from the partner, for the care of the child;

- is entitled to statutory maternity/adoption leave in respect of the child; and
- complies with the relevant curtailment and notice requirements.

In addition, for the mother/adopter to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date;
- have average weekly earnings of at least the maternity allowance threshold currently £30 for any 13 of those 66 weeks; and
- have, at the date of the child's birth/adoption, the main responsibility, apart from the mother/adopter, for the care of the child.

### *Partner's eligibility for shared parental leave*

The partner is eligible for shared parental leave if he/she:

- has at least 26 weeks' continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth/matching date and remains in continuous employment with the organisation until the week before any period of shared parental leave that they take;
- has, at the date of the child's birth/adoption, the main responsibility, apart from the mother/adopter, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother/adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date;
- have average weekly earnings of at least the maternity allowance threshold currently £30 for any 13 of those 66 weeks;
- have, at the date of the child's birth/adoption, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance in respect of the child; and
- comply with the relevant curtailment and notice requirements (or have

returned to work before the end of statutory maternity/adoption leave).

## Notice requirements for shared parental leave

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a “maternity/adoption leave curtailment notice” from the mother/adopter setting out when she/he proposes to end their maternity/adoption leave (unless the mother/adopter has already returned to work from maternity/adoption leave);
- a “notice of entitlement and intention” from the employee giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and
- a “period of leave notice” from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting.

The notice periods set out below (see Mother’s/adopter’s notice curtailing maternity/adoption leave, Employee’s notice of entitlement and intention and Employee’s period of leave notice) are the minimum required by law. However, the earlier the employee informs the organisation of his/her intentions, the more likely it is that the organisation will be able to accommodate the employee’s wishes, particularly if he/she wants to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother/adopter could provide a maternity/adoption leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide his/her notice of entitlement and intention and period of leave notice at the same time.

### *Mother's/adopter's notice curtailing maternity/adoption leave*

Before the mother/adopter or partner can take shared parental leave, the mother/adopter must either return to work before the end of their maternity/adoption leave (by giving the required eight weeks' notice of their planned return) or provide their employer with a maternity/adoption leave curtailment notice. The maternity/adoption leave curtailment notice must be in writing and state the date on which maternity/adoption leave is to end. That date must be:

- after the compulsory maternity leave period, which is the two weeks after birth or after at least two weeks of adoption leave;
- at least eight weeks after the date on which the mother/adopter gave the maternity/adoption leave curtailment notice to her/his employer; and
- at least one week before what would be the end of the additional maternity/adoption leave period.

The mother/adopter must provide their maternity/adoption leave curtailment notice at the same time they provide either their notice of entitlement and intention or a declaration of consent and entitlement signed by the mother/adopter confirming that their partner has given his/her employer a notice of entitlement and intention.

### *Employee's notice of entitlement and intention*

The employee, whether the mother/adopter or the partner, must provide the organisation with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee, must set out the following information.

If the employee is the mother/adopter, the notice of entitlement and intention must set out:

- the mother's/adopter's name;
- the partner's name;
- the start and end dates of any statutory maternity/adoption leave

taken or to be taken by the mother/adopter;

- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth or, in the case of an adopted child, the matching date and the date of placement for adoption;
- how much shared parental leave the mother/adopter and partner each intend to take; and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

The mother's/adopter's notice of entitlement and intention must include a declaration signed by her/him that:

- they satisfy, or will satisfy, the eligibility requirements to take shared parental leave;
- the information they give in the notice of entitlement and intention is accurate; and
- they will immediately inform the organisation if they cease to care for the child.

In addition, the mother's/adopter's notice of entitlement and intention must include a declaration signed by their partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- declaring that the partner satisfies, or will satisfy, the conditions set out above (see Mother's/adopter's eligibility for shared parental leave);
- declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother/adopter;
- declaring that the partner consents to the amount of leave that the mother/adopter intends to take; and
- declaring that the partner consents to the mother's/adopter's employer processing the information in the partner's declaration.

If the employee is the partner, the partner's notice of entitlement and intention must set out:

- the partner's name;

- the mother's/adopter's name;
- the start and end dates of any periods of statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance taken or to be taken by the mother/adopter;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth or, in the case of an adopted child, the matching date and the date of placement for adoption;
- how much shared parental leave the partner and mother/adopter each intend to take; and
- a non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).

The partner's notice of entitlement and intention must include a declaration signed by the partner that:

- he/she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- the information given by the partner in the notice of entitlement and intention is accurate; and
- he/she will immediately inform the organisation if he/she ceases to care for the child or if the mother/adopter informs him/her that they no longer meet the requirement to have curtailed their maternity/adoption leave or pay period.

In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother/adopter:

- specifying the mother's/adopter's name, address, and national insurance number (or declaring that the mother/adopter does not have a national insurance number);
- declaring that the mother/adopter satisfies, or will satisfy, the conditions set out above (see Partner's eligibility for shared parental leave) and they will notify the partner if they no longer qualify for maternity/adoption leave, statutory maternity/adoption pay or maternity allowance;
- declaring that the mother/adopter consents to the amount of leave

that the partner intends to take;

- declaring that she/he will immediately inform the employee if they no longer meet the requirement to have curtailed their maternity/adoption leave or pay period; and
- declaring that the mother/adopter consents to the partner's employer processing the information in the mother's/adopter's declaration.

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother/adopter or partner, the organisation can request from the employee:

- the name and address of the other parent's employer (or a declaration that the other parent has no employer)
- 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 matching date and the date on which the agency expects to place the child for adoption

The employee has 14 days from the date of the request to send the organisation the required information.

#### *Variation or cancellation of notice of entitlement and intention*

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that he/she provides the organisation with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the mother/adopter and the partner that they agree to the variation.



Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

### *Employee's period of leave notice*

To take a period of shared parental leave, the employee must provide the organisation with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

### *Variation or cancellation of period of leave notice*

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides his/her employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

### *Limit on number of requests for leave*

The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy/adoption, although the organisation may waive this limit in some circumstances.

## Continuous period of shared parental leave

If the employee submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave.

## Discontinuous periods of shared parental leave

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother/adopter and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the organisation, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the organisation of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the organisation has refused the request or no agreement has been reached during the two-week discussion period, the employee

may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

## Amount of shared parental pay available

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity/adoption pay or maternity allowance the mother/adopter has been paid when her/his maternity/adoption leave or pay period ends.

A total of 39 weeks' statutory maternity/adoption pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks, this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

## Eligibility for statutory shared parental pay

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

### *Mother's/adopter's eligibility for statutory shared parental pay*

The mother/adopter is eligible for statutory shared parental pay if she/he:

- has at least 26 weeks' continuous employment at the end of the 15<sup>th</sup> week before the expected week of childbirth/matching date and remains in continuous employment with the organisation until the week before any period of shared parental pay that she/he gets;
- has normal weekly earnings for a period of eight weeks ending with the 15<sup>th</sup> week before the expected week of childbirth/matching date of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth/adoption, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which they receive statutory shared parental pay; and
- is entitled to statutory maternity/adoption pay in respect of the child, but the maternity/adoption pay period has been reduced.

In addition, for the mother/adopter to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date;
- have, at the date of the child's birth/adoption, the main responsibility, apart from the mother/adopter, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold currently £30 for any 13 of those 66 weeks.

### *Partner's eligibility for statutory shared parental pay*

The partner is eligible for statutory shared parental pay if he/she:

- has at least 26 weeks' continuous employment at the end of the 15<sup>th</sup> week before the expected week of childbirth/matching date and remains in continuous employment with his/her employer until the week before any period of shared parental pay that he/she gets;
- has normal weekly earnings for a period of eight weeks ending with

the 15th week before the expected week of childbirth/matching date of at least the lower earnings limit for national insurance contribution purposes;

- has, at the date of the child's birth/adoption, the main responsibility, apart from the mother/adopter, for the care of the child; and
- is absent from work and intends to care for the child during each week in which he/she receives statutory shared parental pay.

In addition, for the partner to be eligible, the mother/adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date;
- have average weekly earnings of at least the maternity allowance threshold currently £30 for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity/adoption pay or maternity allowance in respect of the child, but the maternity/adoption pay period or maternity allowance period has been reduced.

## Rights during shared parental leave

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory shared parental pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

## Contact during shared parental leave

The organisation reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special

arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

An employee can agree to work for the organisation (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as “shared-parental-leave-in-touch” (SPLIT) days.

The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken is entirely a matter for agreement between employees and the organisation.

If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you for each hour that you work during a SPLIT day at your basic rate of pay.

## Returning to work following shared parental leave

The employee has the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory maternity leave, statutory adoption leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.

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

the organisation to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for him/her.

# Time off for Dependants

A dependant is:

- A spouse
- A civil partner
- A child
- A parent
- A person who is living with you that is not your employee, tenant, lodger or boarder
- Any other person who would reasonably rely on you for assistance in an emergency

You are entitled to take a reasonable amount of unpaid time off, irrespective of length of service or hours worked, to deal with emergencies involving a 'dependant', this could include:

- Providing assistance when a dependant falls ill, gives birth or is injured or assaulted
- Making arrangements for the provision of care for an ill or injured dependant
- Dealing with the death of a dependant
- Unexpected disruption or termination of arrangements for the care of a dependant
- Dealing with an accident that involves your child and occurs unexpectedly whilst the child is at school/other educational establishment

You must inform your line manager of the reason for your absence and how long you expect to be absent as soon as is reasonably possible. Time off work to deal with an emergency is envisaged as being one or two days in most cases.

Time off for dependants is unpaid. It should be noted that as this right is designed to deal with unexpected emergencies it is not applicable where absences can be anticipated such as accompanying a relative to a hospital appointment.



# Flexible Working

Mama Bear's Day Nursery actively seeks to consider finding alternatives to conventional full and part time employment, which can be commercially advantageous to both employer and employee.

The Employment Act 2002 gives employees the right to request flexible working arrangements with respect to:-

- the hours an employee is required to work
- the times the employee is required to work
- the place where the employee is required to work (home and the employer's business)

All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working. Only one flexible working request can be made in a 12 month period.

The request from the employee must be made using the 'Flexible Working Request Application Form' and submitted to your Line Manager. The request must specify the change applied for, the proposed date for the change to be effective from and the effect that the change would have on your area of work and colleagues and how this might be dealt with.

Your Line Manager will then arrange a meeting with you to discuss the matter. The meeting should be arranged within 28 working days of receipt of the written request. Where a request can without further discussion be approved in the terms stated in the employee's written application, a meeting will not be necessary. You will have the right to be accompanied by a staff representative, work colleague or trade union representative at the meeting.

You will receive written notification of the decision within 14 days of the meeting having taken place.

Mama Bear's reserves the right to refuse the request for any of the following reasons:

- burden of additional costs
- a detrimental effect on ability to meet customer demand
- the inability to re-organise work among existing staff
- the inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- lack of work during the periods when the employee proposes to work
- planned structural changes
- other grounds which the Secretary of State may specify from time to time

You have the right of appeal to a General Manager/Director. The appeal grounds must be set out in writing and must be submitted within 14 days of receipt of the decision.

The appeal will be heard within 14 days and the company will inform you of the appeal decision within 14 days of the appeal meeting.

All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal. The time scales set out in this policy may be extended where both the employee and employer are in agreement.

If an employee is dissatisfied with the way in which his/her request has been handled, he/she should raise a grievance under the organisation's grievance procedure.

# Ordinary Parental Leave

You can request time off for Ordinary Parental Leave if you have a child under the age of 18. To qualify you must have a minimum of one year's continuous service and you must also either be the parent:

- named on the child's birth certificate
- named on the child's adoption certificate
- with legal parental responsibility for a child under 18

To support your application for Ordinary Parental Leave you will need to provide:

- your child's birth certificate
- papers confirming your child's adoption or the date of placement in cases of adoption

Each parent can take a maximum of 18 weeks leave for each child up to their eighteenth birthday.



© Geotrac | stockfreeimages.com

# Childcare Support for Staff

Mama Bear's Day Nursery is committed to supporting staff maintain a work / life balance, in particular by helping those with young families to continue working, should they choose to do so. Below details the means by which we make childcare available to staff and the means by which they can get assistance with fees.

## Availability of places

Mama Bear's Day Nursery offers childcare places to all our employees, without discretion, subject to our standard terms and conditions and availability.

Where there is a waiting list for places staff will have priority over other clients. The rationale for this is that the childcare place will facilitate an increase in our capacity to care for others, to the greater benefit of our clients.

## Charging policy

Staff members will receive a 25% discount off our standard tariff, under our standard terms and conditions. This applies to your first child only and on days when you are at work (one year's minimum service applies).

No registration fee is required for staff members.

Our standard terms and conditions state that we offer a 10% discount for siblings that attend the setting, which is applied to the eldest child. However the 25% staff discount overrides this and therefore the 10% sibling discount would not apply when taking advantage of the staff discount. The exception to this would be where staff have twins simultaneously attending the setting in which case the 25% discount would be applied to the first twin and the 10% discount would be applied to the second twin. This is to assist staff with the concurrent cost of funding childcare for twins.

Payment is required in advance in the usual way, unless you opt to pay by deduction of the full fees directly from your salary. In such case payment will be in arrears, taken from the first pay run after the month in question (e.g. May's fees will be deducted on June 5th).

If you leave your employment with us, any fees outstanding will be payable immediately upon termination of employment. If necessary a deduction will be made from the final salary in accordance with the your terms and conditions of employment.

## Further help with fees

### 1. Child Tax Credit & Working Tax Credit

All employees with children, or expecting children, should contact HM Revenue and Customs to see if they are / will be eligible for tax credits.

The childcare part of the Working Tax Credit can be paid subject to individual circumstances and Government policy. Guidance is available on the HM Revenue and Customs website at:

<http://www.hmrc.gov.uk/menus/credits.htm>.

### 2. Childcare vouchers

Income tax and NICs savings can also be made by your partner opting to sacrifice some of their pay in return for childcare vouchers from their employer. In this way your partner can save the income tax and NICs.

Mama Bear's Day Nursery accepts most childcare vouchers.

Please note, however, that you cannot double



claim tax savings/credits – i.e. you cannot claim tax and NIC exemptions for care under a salary sacrifice scheme and then pay for that care with vouchers; likewise you cannot claim tax credits on that part of your fees which have already been paid for with vouchers or under a salary sacrifice scheme.

For more information visit the HM Revenue and Customs website at:

<http://www.hmrc.gov.uk/menus/credits.htm>.

If you need more information on any of the matters covered under this policy please speak to your Line Manager or the HR team.

# Compassionate Leave

This is a difficult subject as every loss affects everyone differently and so many qualitative factors come into play. The aim of this policy is to be supportive and fair. In order not to discriminate, the following will apply to all:

In the event of death all compassionate leave, whether paid or unpaid, is at the Manager's/Director's discretion. This is subject to approval and pro-rata to hours worked.

## Loss of immediate family:

Mother, Father, Brother, Sister, Son, Daughter, Spouse or Partner

Staff benefits: Fully-paid leave for 5 working days, to be taken either in a block or as individual days over a one month period. Thereafter, unpaid leave for a further 5 days, at the Manager's / Director's discretion. In the event of further absence a Doctor's Certificate will be required.

## Loss of other family members:

For example: Grandfather, Grandmother, Uncle, Aunt, Cousin, Nephew, Niece.

Staff benefits: Fully-paid leave for 1 working day. Thereafter, unpaid leave for a further 4 days, at the Manager's / Director's discretion. In the event of further absence a Doctor's Certificate will be required.

### Loss of non-family members:

For example: Friends and acquaintances

Staff benefits: Unpaid leave for 1 working day. Any further leave at the Manager's / Director's discretion (in the event that this is given it will be unpaid). In the event of total absence extending beyond 5 days a Doctor's Certificate will be required.



# My notes:





Issue 11 - 7<sup>th</sup> April 2016