



FAMILY FRIENDLY POLICY

1. Introduction

We are committed to ensuring that all staff are provided with support through any family leave. This includes:

- Adoption leave
- Maternity leave
- Parental leave
- Paternity leave
- Shared Paternity leave
- Time Off for dependents

This policy applies to all employees, full-time and part-time.

The Pre School is committed to meeting all statutory obligations regarding all types of family friendly leave and pay. Statutory schemes will be followed regarding process and pay.

Key points regarding each type of leave are detailed below

Adoption leave

Employees who have been matched with a child may take up to 52 weeks adoption leave, and may be entitled to 39 weeks of statutory adoption pay subject to:

Adoptions in the UK

- being an employee
- giving the correct notice
- giving proof of the adoption or surrogacy

Adoptions from Overseas

- Additionally you must sign form SC6 if you're adopting a child with your partner

If a couple jointly adopt a child, one may take adoption leave and the other parent may be able to take paternity leave or shared parental leave. The main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments

Notification

Employees must give the Pre School documentary proof to show that they have the right to paid Statutory Adoption Leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK.

Statutory adoption leave can start either:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)

Employees should tell the Pre School within seven days of being told that they have been matched with a child, if this is not possible they must tell the employer as soon as possible.

You must tell your employer within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.

Adoption Pay and Contractual Benefits

An employee with at least 26 weeks continuous service as at the matching date (or 'official notification' if the adoption is from overseas) will also be entitled to the following contractual pay:

- for the first 6 weeks of absence - full pay;
- for the next 12 weeks of absence – ½ pay plus Statutory Adoption Pay (SAP) entitlement (the half pay is conditional upon the employee returning to work for at least 3 months after maternity leave)
- for the remaining 21 weeks of ordinary adoption leave – SAP only
- any remaining period of absence up to the date of return will be absence without pay.

Any entitlement to SAP during the first 6 weeks of absence will be entirely extinguished by Contractual Adoption Pay (CAP). For the remaining 33 weeks CAP plus 12 weeks half-pay will be paid; the half-pay is conditional upon the employee returning to work for at least 3 months after maternity leave.

You will continue to receive your contractual benefits during your adoption leave (apart from remuneration).

To qualify for Statutory Adoption Pay when there are surrogacy arrangements you must:

- have worked continuously for your employer for at least 26 weeks by the 15th week before the baby's due
- intend to apply for a parental order
- expect the order to be granted (for example because you don't have any convictions involving children, and the birth mother or father agree to the arrangement)

If you're genetically related to the child (ie the egg or sperm donor), you can choose to get paternity leave and pay instead. You can't get both.

While you are on adoption leave, both your contractual holiday entitlement and your statutory holiday entitlement under the Working Time Regulations continue to accrue.

Keeping in Touch Days

With the agreement of your Business Manager, you can return to work for up to 10 days during your adoption leave without losing your right to adoption pay. In addition, the Pre School is entitled to make reasonable contact with you while you are on adoption leave.

Return to work

You have the automatic right to come back to work following adoption leave and it is assumed that you will return unless you say otherwise.

If you return to work immediately after a period of ordinary adoption leave (the first 26 weeks), you will return to work in the same job that you left before you started your adoption leave. If you return to work from a period of additional adoption leave you will be entitled to return to the job in which you were employed before your absence or, if that is not reasonably practicable for the Pre School, then to return to another job which is both suitable and appropriate in the circumstances.

Your right to return means that you return on terms and conditions no less favourable than those that would have been applied if you had not been absent and with the same level of seniority, pension rights and other similar rights.

If you decide not to return to work, then we would ask you to notify the Business Manager of your decision immediately. You must give notice in accordance with the terms of your contract.

Not more than 2 weeks before you are due to return to work you will be invited to a meeting to discuss any material points regarding your return to work:

- an update on developments at work including any changes that may affect the employee
- identifying any retraining requirements
- an opportunity to discuss flexible working – if this has not already been requested

If you cannot return to work because you are ill, you should notify your Business Manager. You must give your employer at least 8 weeks' notice if you want to change your return to work date.

Changing your working hours

The opportunities for flexible working will depend on the needs of the business, but we recognise that many people will be interested in reducing their working hours after their return from adoption leave. We will make every effort to accommodate requests for part-time working, provided that your duties can still be effectively carried out on such a basis.

If you are considering adopting a child please discuss this with your Business manager who will provide you with further details regarding your rights regarding adoption leave and pay.

Maternity Leave

Employees who are pregnant may take up to 52 weeks maternity leave, and may be entitled to 39 weeks of statutory maternity pay or maternity allowance.

Notification

When you receive medical confirmation that you are pregnant, you should notify the Pre School as soon as possible (under normal circumstances, this must be no later than the end of the 15th week before your Expected Week of Childbirth – EWC). This notice must be given in writing and must state:

- that you are pregnant
- the week in which your child is due (EWC)
- when you want or expect your maternity leave to start (this date cannot be earlier than the 11th week before the EWC)

- whether you intend to take both ordinary maternity leave and additional maternity leave

You should also enclose a copy of Form MAT B1 signed by your GP or midwife.

As soon as practicable after the notification of your pregnancy, arrangements will be made for you to meet with your Business manager for an informal meeting which is to ensure that:

- you understand your right to ordinary maternity leave and additional maternity leave
- your right to return to work is explained, together with any potential opportunities for flexible working
- arrangements for time off are known, and any possible health and safety concerns are aired so that they may be addressed
- you know your entitlement to payment during maternity leave

Health and Safety

A risk assessment must be completed on all pregnant workers, workers who have recently given birth and workers who are breast feeding. The Charity must ensure that the work will not involve a risk to the health and safety of a new or expectant mother or her baby from any processes or working condition, or physical, biological or chemical agents. These include shocks, vibrations, noise, mental and physical fatigue, exposure to chemical agents and extremes of cold and heat. Every effort should be made to reach agreement between the line manager and employee on the outcome of the risk assessment.

Should a significant risk be identified, then the manager should try to remove the hazard and prevent exposure to the risk, such as providing aids to help with manual handling duties. Should the risk still be thought to be significant then the line manager must contact the Business Manager to discuss a range of options available, including:

- temporarily adjust the employee's working conditions and/or hours of work
- offer her suitable alternative work if any is available, such as administration or clerical work, on terms and conditions no less favourable than her normal ones
- as a last resort, suspend her from work for as long as necessary to protect her safety and that of her child ensuring a letter is issued to explain why.

Should a situation arise when a pre-school child or sibling poses a potential health risk the Committee Chairman, Pre-School Manager and the pregnant member of staff will assess the situation on a case by case basis. If it is agreed that a risk is present then paid time off will be given until the risk is deemed passed.

Ante-natal care

You are entitled to take time off during your normal working hours to receive ante-natal care, although whenever it is possible to do so, you should arrange your appointments at the start or end of your working day. Ante-natal care includes appointments with your GP, hospital clinics and relaxation classes. There will be no deduction from your salary for attendance at authorised ante-natal appointments, including any time spent travelling to and waiting for appointments.

Commencing Maternity Leave

You can choose to start your maternity leave at any time after the start of the 11th week before the week in which your child is due, up until the birth of your child. The only exceptions to this are:

- if you are absent from work wholly or partly because of your pregnancy at any time after the start of the 4th week before your child is due. In this case the Pre School reserves the right to require you to start your maternity leave on the first day after your absence.
- if you give birth before your ordinary maternity leave has started, your ordinary maternity leave period will begin on the day that follows the day on which childbirth occurred

If you have properly notified the Pre School (see above) of the date on which you wish to start your maternity leave, you may vary that date provided you notify the Pre School in writing of the variation at least 28 days before the date varied or 28 days before the new date, whichever is the earlier.

Maternity Pay and Maternity Allowance

A woman with at least 26 weeks continuous service as at the 15th week before the EWC will also be entitled to the following contractual pay:

- for the first 6 weeks of absence - full pay;
- for the next 12 weeks of absence – ½ pay plus Statutory Maternity Pay (SMP) entitlement (the half pay is conditional upon the employee returning to work for at least 3 months after maternity leave)
- for the remaining 21 weeks of ordinary maternity leave – SMP only
- any remaining period of absence up to the date of return will be absence without pay.

Any entitlement to SMP during the first 6 weeks of absence will be entirely extinguished by Contractual Maternity Pay (CMP). For the remaining 33 weeks SMP plus 12 weeks half-pay will be paid; the half-pay is conditional upon the employee returning to work for at least 3 months after maternity leave.

If the employee is not entitled to SMP because her average weekly earnings are below the lower earnings limit, she may be entitled to maternity allowance, which is paid by the Department of Work and Pensions. If there is also an entitlement to CMP the amount of maternity allowance paid will be deducted from CMP paid for the first 6 weeks of absence. For the remaining 12 weeks half-pay will be paid without any deduction, conditional upon the employee returning to work for at least 3 months after maternity leave.

Maternity leave, sickness absence and annual leave

Maternity leave will not be treated as sickness absence and will not, therefore, be taken into account for the calculation of the period of entitlement to sick pay during absence. If an employee is absent due to a pregnancy-related illness from the 4th week before the expected week of childbirth, she will be transferred onto statutory maternity leave and will not be entitled to receive sick-pay/SSP. However, if sickness during pregnancy is not related to the pregnancy itself, an employee will be entitled to receive sick pay/SSP, unless the maternity pay period has already started.

If an employee is unfit to return to work on the expected date of her return from maternity leave, she will be deemed to have returned if a medical certificate is submitted, and the provisions of the sick pay scheme shall then apply.

The period of both paid and unpaid maternity leave, up to a maximum of 52 weeks in total, shall be regarded as service for the purpose of calculating entitlement to leave and shall not affect the annual leave entitlement in the leave year(s) in which the maternity leave falls.

Keeping in Touch Days

With the agreement of your Business Manager, you can return to work for up to 10 days during your maternity leave without losing your right to maternity pay. In addition, the Pre School is entitled to make reasonable contact with you while you are on maternity leave.

Return to work

Legislation prohibits you from returning to work during the two-week period immediately after the birth of your child.

You have the automatic right to come back to work following maternity leave and it is assumed that you will return unless you say otherwise. Although you are not required to give any formal notice of returning to work it helps us to plan for your return if you contact us in advance to discuss your return. If you wish to return to work before your maternity leave is due to end you must give us at least 8 weeks' notice of the date on which you intend to return.

If you return to work immediately after a period of ordinary maternity leave, you will return to work in the same job that you left before you started your maternity leave. If you return to work from a period of additional maternity leave you will be entitled to return to the job in which you were employed before your absence or, if that is not reasonably practicable for the Pre School, then to return to another job which is both suitable and appropriate in the circumstances.

Your right to return means that you return on terms and conditions no less favourable than those that would have been applied if you had not been absent and with the same level of seniority, pension rights and other similar rights.

If you decide not to return to work, then we would ask you to notify the Business Manager of your decision immediately. You must give notice in accordance with the terms of your contract.

Not more than 2 weeks before you are due to return to work you will be invited to a meeting to discuss any material points regarding your return to work:

- an update on developments at work including any changes that may affect the employee
- identifying any retraining requirements
- an opportunity to discuss flexible working – if this has not already been requested

If you cannot return to work because you are ill, you should notify your Business Manager.

Changing your working hours

The opportunities for flexible working will depend on the needs of the business, but we recognise that many women will be interested in reducing their working hours after their return from maternity leave. We will make every effort to accommodate requests for part-time working, provided that your duties can still be effectively carried out on such a basis.

Parental Leave

Parental leave is for employees to take time off work to look after a child's welfare, this leave is normally unpaid, and is available for each child up to their 18th birthday.

Once you have completed one year's continuous service, you 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 you have 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, in writing. As long as you qualify for parental leave and gives the employer the correct notice the employee should be able to take parental leave at any time.

If you wish to take parental leave straight after the birth or adoption of a child, you 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 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 must be taken in blocks of a week or multiples of a week, and cannot be taken as "odd" days off, unless the child is disabled. Employees cannot take off more than four weeks during a year per child. A week is based on an employees working pattern.

Paternity Leave

Paternity leave is available to employees who:

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner (including same sex relationships)
- have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions).

Notification

Employees should tell the Pre School as soon as possible that they wish to take paternity leave, but no later than the end of the 15th week before the expected week of childbirth. They should say when the baby is due, if they're going to take one or two weeks off, and when they expect their paternity leave to start. Those who are eligible can choose to take either one week or two consecutive weeks' paid paternity leave (not odd days).

Paternity Leave

Employees will need to take their paternity leave within 56 days of the actual date of birth of the child. Paternity leave can't start until the birth of the baby; employees may be able to take some annual leave before.

A period of Paternity leave when adopting a child can start:

- On the date of placement.
- An agreed number of days after the date of placement.
- On the date the child arrives in the UK or an agreed number of days after (for overseas adoption).
- The day the child is born or the day after for surrogate parents.

Paternity pay

Employees may be entitled to Statutory Paternity Pay

Leave for antenatal appointments

Fathers, partners and civil partners of a pregnant woman are entitled to unpaid time off during working hours to accompany her to 2 ante-natal appointments.

The main adopter will be able to take paid time off for up to 5 adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to 2 appointments. The right to 2 unpaid antenatal appointments will also extend to those who will become parents through a surrogacy arrangement, if they expect to satisfy the conditions for, and intend to apply for, a Parental Order for the child.

Shared Parental Leave

Shared parental leave (ShPL) is available to all full and part time staff and allows a mother/primary adopter and her partner to share the responsibility of working and caring for a child provided that the mother/primary adopter returns to work prior to using all of her entitlement to maternity/adoption leave and/or statutory pay.

Shared parental leave is regarded as a period of unpaid leave however if the mother gives notice to reduce their entitlement to Maternity pay / Adoption Pay or Maternity Allowance then any remaining allowance could be available as Shared Parental Pay (ShPP). Further details are available later in the policy.

Eligibility

To qualify for shared parental leave you must:

- be the child's mother or primary adopter;
- be the biological father of the child; or
- be the mother's husband, or partner (including same sex relationships) or civil partner, or be the husband or partner (including same sex relationships) of the primary adopter;

and have 26 weeks continuous service with us 15 weeks before

- the expected week of childbirth; or
- being notified of being matched with an adoptive child.

Additionally the mother working for Little Pennies must

- have a partner who meets the continuity of employment test or the employment and earnings test**
- have curtailed or given notice to reduce their maternity leave or pay / allowance

** Continuity of employment test - have 26 weeks continuous service with us 15 weeks before the child's expected due date and still work for us at the commencement of each period of leave.

Employment and earnings test – in the 66 weeks leading up to the baby's expected due date / matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2017) a week in any 13 weeks.

A partner working for Little Pennies intending to take SPL must:

- Share the primary responsibility for the child with the other parent at the time of birth or placement for adoption
- Have properly notified the Pre School of their entitlement and have provided the necessary declarations and evidence

Entitlement

Eligible parents will be able to share a maximum of 50 weeks leave and 39 weeks statutory pay, for the purpose of caring for a child within the first year of the child's life or in the year after the child is placed for adoption.

Shared parental leave cannot be taken until after the birth/placing of the child. Partners do not have to work for the Pre School but they must satisfy minimum employment and earnings criteria as stated above.

How periods of leave can be taken

ShPL leave must be taken in blocks of a week or multiples of a week. The minimum ShPL that can be taken is one week.

Provided that both parents qualify for ShPL you can choose to take leave at the same time as your partner or you can take your leave separately. You may take one or more periods of shared parental leave per pregnancy or adoption.

Shared Parental Pay (ShPP)

If a mother is entitled to Maternity Pay / Adoption pay / Maternity allowance they may give notice to reduce their entitlement so that it can be available as Shared Parental Pay.

If both parents qualify for ShPP (as above in entitlement and have earned above the 'Lower Earnings Limit' in the 8 weeks up to and including the 15th week before the child's expected due date and still work for us at the commencement of the first period of ShPP) they must give notice which must include:

- How much ShPP both parents are entitled to take
- How much ShPP each parent intends to take
- When they expect to take ShPP

A declaration from the employee's partner confirming their agreement to the employee claiming their amount of ShPP.

During a period of shared parental leave individuals will be entitled to the same terms and conditions that would have applied had they not taken the

Right to return

If you return to work immediately after 26 weeks, you will return to work in the same job that you left before you started your ShPP. If you return to work from after 26 weeks you will be entitled to return to the job in which you were employed before your absence or, if that is not reasonably practicable for the Pre School, then to return to another job which is both suitable and appropriate in the circumstances.

Your right to return means that you return on terms and conditions no less favourable than those that would have been applied if you had not been absent and with the same level of seniority, pension rights and other similar rights.

Notice to end Maternity Leave early

Anyone eligible and intending to take shared parental leave must inform the Pre School in writing, giving at least 8 weeks' notice stating that they wish to end their maternity or adoption leave early.

Once you have ended your maternity/adoption leave and have informed the Pre School of your entitlement to take SPL you cannot revert back onto maternity leave except in the following circumstances:

- Within 8 weeks of the mother submitting notice to end their maternity / adoption leave it transpires that neither parent qualifies for SPL or ShPP
- When notice was given before birth, it may be withdrawn without a reason up to six weeks following the birth
- The mothers partner dies

You should give careful consideration to the financial implications of ending your maternity/adoption leave early as it may not be the best solution for you.

Notice of entitlement

Shared Parental Leave entitles you to take single or up to 3 separate blocks of leave and you may take it at the same time as your partner or at different times.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Before taking leave, a notice of entitlement and intention to take shared parental leave, must be submitted. This may be submitted at the same time as giving notice that you intend to end maternity leave or at a later date but it cannot be later than 8 weeks before the date of the first period of shared parental leave.

The employees notice must include:

- the names of the mother and partner
- The start and end date of any statutory maternity or adoption leave
- The total amount of shared parental leave available
- The child's expected week of birth, actual date of birth or date of placement
- How much parental leave the mother and partner each intend to take
- An indication as to when they intend to take shared parental leave
- A signed declaration from the employee seeking the SPL that:
 - They will be sharing responsibility for the care of the child
 - The mother has given notice to end her maternity leave entitlement
 - They meet the continuity of employment test

- The information they have given is accurate
- Should they cease to be eligible they will immediately inform their employer

The partner of the employee must provide a signed declaration stating:

- Their name, address and national insurance number
- They are the father, mother of the child or partner of the mother of the child
- They meet the criteria for the employment and earnings test
- (if they are the mother) they are entitled to statutory maternity leave, statutory maternity pay or maternity allowance and that they have given notice to end that leave and pay / allowance
- That at the time of birth or placement that have shared responsibility for the care of the child with the employee seeking to take SPL
- They consent to the amount of leave and pay that the employee is seeking to take
- They consent to the employer receiving this declaration to the process and the information contained within it
- (if they are the mother) that the mother will immediately inform their partner should the mother cease to satisfy the eligibility conditions

Requesting blocks of leave

Requests for a single block of leave (continuous leave) must be agreed by your Business manager.

- If a request is for more than a single block (discontinuous leave) we may:
- agree to your request;
- decline your request due to organisational need; or
- propose alternative dates.

Where there is a request for discontinuous leave a meeting will normally be held within 2 weeks of the notification to discuss the request.

Up to three separate requests for periods of shared parental leave and three withdrawal notices may be submitted.

If the child has not yet been born then a booking can specify that it will commence after a period of time following the birth eg two weeks.

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

Responding to a Shared Parental Leave notification

Once your Business 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 the organisation 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 ShPL.

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, the organisation 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.

Keeping in touch

Both parents who are eligible for shared parental leave may take up to a maximum of 20 Shared Parental Leave Keeping in Touch (SPLIT) days between them. This is in addition to the 10 KIT days available during a period of maternity leave. SPLIT days should be approved by your Business manager.

Taking SPLIT days, which are days when you attend work, will not end your entitlement to shared parental leave or statutory pay. On a SPLIT day you will be paid for the number of hours that you work.

Cancelling or Varying Shared Parental Leave

There may be occasions where an employee may need to give notice to cancel or vary their Shared Parental Leave. They must give at least 8 weeks' notice in writing and give details of the change they want to make. This will count as one of their 3 notifications.

If an employee has used up all 3 notifications the Pre School is under no obligation to agree the variation or cancellation but can still consider it.

Where the Pre School asks the employee for a variation to the SPL, this will not count as one of their notifications.

Time off for dependents

All employees have the right to time off during working hours for dependants, this time off is intended to deal with unforeseen matters and emergencies.

The legal right to time off is to deal with emergencies involving a dependent and will be unpaid.

The right is to a reasonable amount of time off - normally a day or two.

A dependant could be a spouse, partner, child, parent, or someone who depends on an employee for care, for example an elderly neighbour.

The leave can be taken for example:

- to deal with a breakdown in childcare
- to put longer term care in place for children or elderly relatives
- if a dependant fall ill or is taken into hospital
- to arrange or attend a funeral.

The right is to a reasonable amount of time off, although it is not stated how much is reasonable.

In most cases a day or two will be sufficient to deal with the immediate crisis, but it will depend on the individual circumstances. The employee must tell the employer as soon as possible the reason for the absence and how long they expect to be absent.

Paid compassionate leave of up to 3 days may be paid at the discretion of the Pre School Manager.

This policy was adopted at a meeting of Trustees held on

And was checked and re-affirmed on

Signed on behalf of The Little Pennies Pre-school

.....(Chairperson)