

## Pay Scale, Pay and Leave Policy

### 1. Pay scale

Growing Hope will pay employees according to the following pay scale which is adapted from the NHS Agenda for Change pay bands for health care professionals. A Lead Therapist/Clinical Manager is expected to be working at the equivalent NHS band 7 or 8a. Pay will be decided by the Growing Hope local trustees in a discussion without the Lead Therapist/Clinic Manager dependent on their experience at the level they will be working at and setting.

Growing Hope trustees must ensure that the initial level of pay takes into consideration all aspects of experience. Within the table below years of experience at a particular level is provided as a guide – this should be treated as a guide only and it should be noted that some therapists may demonstrate a higher level of skills than the number of years they have been in a position. Please reference the Training and Development policy with regards to pay review and incremental increases, all employees are eligible for a pay review annually, in line with meeting their personal development goals (as agreed by their line manager/supervisor).

Pay bands and opportunities for incremental increases are outlined for therapists per annum (PA) below. Pay should be calculated at the number of days employed (e.g. 0.6 for three days working, 0.8 for four days working per week). The local churches' contribution should then be used as a contribution to this salary.

Growing Hope Increments	Guide to increments according to years of experience	Admin/ Officer roles	Specialist therapist/ Officer	Senior therapist/ Manager	Lead therapist and Clinic manager/ Director
Increment A	<1 year	£18,525	£26,500	£32,000	£39,000
Increment B	1-2 years	£19,500	£27,000	£33,000	£41,000
Increment C	2-3 years	£21,700	£27,500	£34,000	£42,000
Increment D	3-4 years	£22,500	£28,000	£35,000	£44,000
Increment E	4-5 years	£23,500	£28,500	£36,000	£46,000
Increment F	5-6 years	£24,500	£29,000	£37,000	£48,000
Increment G	6 years +	£25,500	£29,500	£38,000	£50,000



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Please note for those working within London pay is subject to London weighting as follows:

Pay scale according to level of experience	Additional salary		
	Inner London	20% of basic salary	£4,200 minimum, £6,499 maximum
	Outer London	15% of basic salary	£3,553 minimum, £4,528 maximum
	Fringe	5% of basic salary	£971 minimum, £1682 maximum

## 2. Role descriptions

Please see the tables below for an outline of the skills expected for each pay scale level of working. This should be considered to understand the level of experience a member of staff should be paid at.

Work area	Admin Support/ Support role	Junior therapist/ Junior role	Senior therapist/ Senior role	Lead therapist and clinic manager/ Management role
<b>Communication and relationship skills</b>	<p>Responsible for day to day enquiries that come via phone, email or written communications.</p> <p>Ability to respond sensitively and confidentially with requests where appropriate.</p> <p>Good communication skills with a range of individuals.</p> <p>Judgements involving facts or situations, some of which require analysis.</p> <p>Providing and receiving routine information orally, in writing or electronically to inform work colleagues, patients, clients, carers, the public or other external contacts.</p>	<p>Responsible for day to day enquiries that come via phone, email or written communications and appropriate responses with a range of individuals.</p> <p>Judgements involving a range of facts or situations, which require analysis or comparison of a range of options.</p> <p>Providing and receiving routine information which requires tact or persuasive skills or where there are barriers to understanding or providing and receiving complex and sensitive information.</p>	<p>Judgements involving complex facts or situations, which require the analysis, interpretation and comparison of a range of options.</p> <p>Providing and receiving complex, sensitive or contentious information, where persuasive, motivational, negotiating, training, empathic or re-assurance skills are required. This may be because agreement or cooperation is required or because there are barriers to understanding.</p>	<p>Judgements involving highly complex facts or situations, which require the analysis, interpretation and comparison of a range of options.</p> <p>Providing and receiving highly complex, highly sensitive or highly contentious information where there are significant barriers to acceptance which need to be overcome using the highest level of interpersonal and communication skills, such as would be required when communicating in a hostile, antagonistic or highly emotive atmosphere.</p>

Work area	Admin Support/ Support role	Junior therapist/ Junior role	Senior therapist/ Senior role	Lead therapist and clinic manager/ Management role
<b>Knowledge, training and experience</b>	<p>Provides general non-clinical advice, information, guidance or ancillary services directly to patients, clients, relatives or carers.</p> <p>Understanding of a range of routine work procedures possibly outside immediate work area, which would require job training and a period of induction.</p>	<p>Provides basic clinical advice. Implements clinical care/care packages or provides clinical technical services to patients/clients.</p> <p>Understanding of a range of work procedures and practices, which require expertise within a specialism or discipline, underpinned by theoretical knowledge or relevant practical experience.</p>	<p>Regularly responsible for providing training in own discipline/practical training or undertaking basic workplace assessments.</p> <p>Develops programmes of care/care packages or provides specialist clinical technical services or provides specialised advice in relation to the care of patients/clients.</p> <p>Specialist knowledge across the range of work procedures and practices, underpinned by theoretical knowledge or relevant practical experience.</p>	<p>Regularly responsible for providing training in own discipline/practical training or undertaking basic workplace assessments.</p> <p>Develops programmes of care/care packages or provides specialist clinical technical services or provides specialised advice in relation to the care of patients/clients.</p> <p>Highly developed specialist knowledge across the range of work procedures and practices, underpinned by theoretical knowledge and relevant practical experience.</p>
<b>Planning and Organisational skills</b>	<p>Planning and organisation of straightforward tasks, activities or programmes, some of which may be ongoing.</p>	<p>Planning and organisation of a number of complex activities or programmes, which require the formulation and adjustment of plans.</p>	<p>Planning and organisation of a broad range of complex activities or programmes, some of which are ongoing, which require the formulation and adjustment of plans or strategies.</p>	<p>Formulating long-term, strategic plans, which involve uncertainty and which may impact across the whole organisation.</p>

Work area	Admin Support/ Support role	Junior therapist/ Junior role	Senior therapist/ Senior role	Lead therapist and clinic manager/ Management role
<b>Responsibility areas</b>	<p>Responsible for data entry, text processing or storage of data compiled by others, utilising paper or computer based data entry systems and maintaining these.</p> <p>Taking and transcribing meeting minutes.</p> <p>May involve assisting with financial data or handling and processing petty cash.</p>	<p>Responsible for ensuring high quality day to day clinical practice in accordance with clinical expertise.</p> <p>Responsible for accurately keeping accurate records and ensuring confidentiality for client.</p>	<p>Responsible for day-to-day supervision or coordination of a small number of junior staff within the service.</p> <p>Responsible as line manager for a single function or department.</p> <p>Responsible for ensuring high standards of clinical delivery to clients they are working with.</p> <p>Responsible for accurately keeping accurate records and ensuring confidentiality for client.</p>	<p>Responsible for the allocation or placement and subsequent supervision of qualified staff or students.</p> <p>Responsible as manager for multiple functions within the service. Responsible for the management and development of systems across the clinic/ organisation.</p> <p>Responsible for the delivery of core HR advice on a range of subjects.</p> <p>Monitors or contributes to the drawing up of department/service budgets and service development plans.</p> <p>Responsible for accurately keeping accurate records and ensuring confidentiality for client.</p>
<b>Physical skills</b>	The post requires physical skills which are normally obtained through practice over a period of time or	The post requires developed physical skills to fulfil duties where there is a specific requirement for speed or	The post requires highly developed physical skills where a high degree of precision or speed and high levels of	The post requires highly developed physical skills where a high degree of precision or speed and high levels of

	during practical training e.g. standard driving or keyboard skills, use of some tools and types of equipment.	accuracy. This level of skill may be required for keyboard use; advanced sensory skills or manipulation of objects or people with narrow margins for error.	hand, eye and sensory co-ordination are essential.	hand, eye and sensory co-ordination are essential.
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### 3. Sick leave

#### Long Term sickness payment

Growing Hope has a responsibility for the health, safety and welfare of its employees. Growing Hope recognises that a certain level of sickness absence is inevitable in any organisation and that factors affecting sickness levels can vary widely. Growing Hope aims to promote a positive and supportive payment policy in order to reduce absence and support staff returning to work.

A continuous absence of 28 days or more constitutes long term sickness.

Growing Hope will endeavour to assist in any reasonable way that it can to facilitate a return to work and take such measures as are reasonably practicable to ease the medical condition if possible.

#### Entitlements

A staff member is entitled to Statutory Sick pay of £96.35 per week while off sick provided that they meet the qualifications laid down by the government. Please see <https://www.gov.uk/statutory-sick-pay/eligibility> for the relevant qualifications.

Growing Hope’s Occupational Sick Pay is made up of Statutory Sick Pay (the rate of SSP is usually set by the government to take effect from 1<sup>st</sup> April each year) and the difference between that and the employee’s normal salary or half pay, as appropriate. It will be paid to staff members at the following rates:

Week 1-8 – SSP and OSP equal to full pay

Week 9-12 – SSP and OSP equal to half of normal pay

Week 13 onwards – SSP only, up to the maximum of 28 weeks

This entitlement will take into consideration any sickness absence over a rolling year. A rolling year is the 12-month period prior to the first day of the current absence.

Statutory sick pay isn’t usually paid for the first three days you’re off unless you’ve received SSP in the last eight weeks and are now eligible for it again.

Statutory sick pay is paid for a maximum of 28 weeks for one or more linked periods of Incapacity to Work (PIW) in a three-year period. Two or more linked periods which are separated by eight weeks or less are said to be linked and are counted as one period.

### **Sickness and annual leave**

Staff who are off work due to sickness may apply to take annual leave whilst they are absent but must follow the normal request and authorisation procedures. Annual leave will be paid at the full rate of pay. Members of staff cannot request annual leave retrospectively.

### **Short term sickness**

- If you are absent from work owing to sickness (physical or mental health) or injury, you must report this to your line manager before 9am the first day of leave.
- You should continue to report to your line manager each day if you need to remain off sick.
- If you require more than 7 days sick leave you must present a 'fit note' from a doctor. Failure to report sickness may result in disciplinary action being taken and payments which would otherwise be made to you during sickness absence being withheld.
- Employees may take sick leave if they become ill on or before a period of annual leave. This must be discussed with your line manager
- Growing Hope employees will receive up to 7 days full pay of sick leave in any period of sickness. If non-continuous sick leave totals more than 21 days in a year then further sick pay will be discussed and decided by an individual's line manager in consultation with trustees. If employees are declared not fit to work pay will be reduced to Statutory Sick Pay for up to 28 weeks. Employees will be required to present a letter from a health care professional and will then receive written confirmation from Growing Hope of Statutory Sick Pay.

## **4. Leave policy- adoption, maternity, paternity and shared parental leave**

This Policy is intended to give the employee relevant information and is not an exhaustive account of all the regulations. Growing Hope has made reference to the Agenda for Change (NHS document) Terms and Conditions of Service handbook on Maternity, Paternity, Adoption, Parental and related leave in order that it matches the leave expectations health care professionals would receive elsewhere. This policy also considers the following:

- Employment Rights Act 1996 as amended by the Employment Relations Act 1999 and the Employment Act 2002.
- The Health & Safety Executive (HSE) Pregnancy guide.
- Paternity Leave regulations of April 2011

Maternity/Adoption leave is the right to time off work to have the employees baby/baby placed with the employee and the right to return to the employees post, or an alternative post, on no less favourable conditions.

The employee's entitlement to maternity provision will vary according to the employee's length of service within Growing Hope. The employee's personal decision of whether to return to work or not after maternity leave will also affect the employee's benefits.

**ORDINARY MATERNITY/ADOPTION LEAVE (OML/OAL)** The entitlement to a period of 26 weeks leave regardless of how long an employee has worked for the NHS. This will be unpaid unless an employee qualifies for Statutory Maternity Pay or Maternity allowance.

**ADDITIONAL MATERNITY/ADOPTION LEAVE (AML/AAL)** The entitlement to a further period of up to 26 weeks unpaid leave regardless of how long an employee has worked for the Trust.

National Insurance (NI) contributions

**STATUTORY MATERNITY/ADOPTION PAY (SMP/SAP)** The minimum level of Maternity/Adoption Pay that an employee is entitled to through State provision if an employee has 26 weeks continuous with a Growing Hope clinic by the 15th week before their expected week of childbirth/adoption (EWC/EWA) and paid sufficient National Insurance (NI) Contributions.

**STATUTORY MATERNITY/ADOPTION ALLOWANCE (SMA/SAA)** Allowance paid by Department of Work and Pensions to those employees, who do not qualify for Statutory Maternity Pay. Eligibility is determined by the above Government Departments.

**OCCUPATIONAL MATERNITY/ADOPTION PAY (OMP/OMA)** Based on eligibility. Maternity/Adoption Pay, which is payable by your Employer.

**QUALIFYING WORK (QW)** Qualifying week: 15th week before the EWC.



**MAT B1 FORM** The certificate provided by the employee's GP or Midwife, anticipating the potential date of the birth of their baby. Usually issued to employee's between 24-26 weeks into pregnancy.

**KIT DAYS** The employees entitlement to Keep in Touch days.

**DEPARTMENT FOR WORK AND PENSIONS (DWP)**

**ORDINARY PATERNITY LEAVE (OPL)** The entitlement of a father, or mother's partner, to take 2 weeks leave up to 56 days from the birth of the child.

**ADDITIONAL PATERNITY LEAVE (APL)** The entitlement of a father, or mother's partner, to take a further period of between 2 to 26 weeks leave, provided the mother has returned to work with maternity leave remaining.

### 3.1. Duties and responsibilities

#### Employee

- Employees are responsible for co-operating in the Maternity, Paternity, Adoption and Parental leave procedures and should make every effort to attend any meetings arranged by management.
- Employees are responsible for arranging their own trade union representation or support throughout the Maternity, Paternity, Adoption and Parental leave procedures.

#### Manager

- Requests for Maternity, Paternity, Adoption and Parental leave should be addressed without any undue delay on the part of the manager.
- The manager must view any applications with an open mind and follow a fair and justifiable decision making process.
- Where it is decided that a refusal to grant a Maternity, Paternity, Adoption and Parental leave application is to be referred to a grievance hearing the manager must prepare a thorough management case outlining their decision making rationale for consideration by the grievance panel.

#### Growing Hope Local trustee board

- The trustees are responsible for the creation and maintenance of records of applications for Maternity, Paternity, Adoption and Parental leave within Growing Hope in line with best practice for information governance.
- The trustees should support, where necessary, managers through the Maternity, Paternity, Adoption and Parental leave procedures, including the grievance stage if required.

### 3.2. Health and Safety

Staff who are pregnant are encouraged to disclose their pregnancy to their line manager as soon as they are comfortable to do so, to allow Growing Hope to provide full support. However, staff must inform their line manager that they are pregnant no later than the 15th week before the Expected Week of Childbirth (EWC) and state their intentions by completing the application for maternity leave (Appendix A). This application form should be passed onto the Growing Hope trustees.

The MATB1 Certificate confirms the Expected Week of Childbirth (EWC), and it will be available after the 20th week before the EWC, from a GP or midwife. The original must be submitted with the date that maternity leave is expected to start and a confirmation about whether the staff member is opting to receive occupational maternity pay if eligible. For Adoption, a Matching Certificate should be attached, (please note that Maternity and Adoption pay cannot be processed without the MAT B1 or Matching Certificate). Following the receipt of these forms Growing Hope local trustees will respond with a written letter confirming the entitled leave and start date of this leave for the employee.

The employee's line manager will undertake a risk assessment in order to ascertain whether there are any significant risks to the employee's health and safety which may affect the employee's pregnancy. Growing Hope is obliged to assess the physical, biological, chemical risks, working conditions and processes. These risks will vary depending on an employee's health, and at different stages of their pregnancy.

The actual risk to the employee depends on the 'nature, degree and duration of the exposure' in each case. Therefore each case will be looked up on its own merits. Some of the more common risks might be:

- lifting/carrying of heavy loads;
- standing or sitting for long lengths of time;
- exposure to infectious diseases;
- work-related stress;
- workstations and posture;
- exposure to radioactive material;
- threat of violence in the workplace;
- long working hours; excessively noisy workplaces.

An employee will be asked to help with the risk assessment. It is important that any advice an employee has received from their doctor or midwife, which could impact on the assessment, is passed on to the employee's line

manager. The risk assessment will be monitored and reviewed on a regular basis to ensure the employees' health and safety needs are being met.

Once the assessment has taken place, the Growing Hope local trustees must decide what appropriate measure to take in response to the results of the assessment. The results and measures which we decide to take will be communicated to the employee and/or the employee's representative.

Assessment will take place in respect of 'all activities liable to involve a specific risk of exposure to the agents, processes or working conditions.

Where the assessment reveals a risk to the employee's health and safety, the Growing Hope local trustee board must make a temporary adjustment to the employees working condition and/or hours of work so that the employee is not exposed to the risk.

However, if having ascertained that there is a risk, it is in fact not, 'technically and/or objectively feasible or cannot reasonably be required on duly substantiated grounds', the employee should be moved to another job to avoid exposure to the risk. If this is not possible, the employee will be suspended on pay for such a period as is necessary for the employee's health and safety. During this period of absence, the employee's contractual rights subsist. However, if the employee unreasonably refuses an offer of suitable alternative employment, the employee will lose the right to remuneration.

If an employee is returning back to work they can still breastfeed and this does not mean an employee needs to stop. It is for an employee to decide for how long you wish to breastfeed and returning to work does not mean an employee has to stop.

On returning to work an employee should provide their employer with written notification that they are breastfeeding and if possible ideally let their employer know before they return. The employee's line manager must then conduct a specific risk assessment.

An employer is required to provide somewhere for pregnant and breastfeeding mothers to rest. HSE recommends to employers that it is good practice to provide a private, healthy and safe environment for nursing mothers to express and store milk (but this is not a legal requirement). It is not suitable to use toilets for this purpose.

### **3.3. Maternity/Adoption Leave**

**Maternity & Adoption Leave and Pay** When the employee receives medical confirmation that the employee is pregnant, the employee should notify the employees manager of this, the expected week of childbirth (EWC) and the date on which the employee wants to commence Maternity and Adoption leave, (which must not be a date earlier than the 11th week before the EWC or more than 14 days before the child is placed with the family).

Growing Hope undertakes to ensure that Maternity and Adoption leave does not cause staff any long-term disadvantage in relation to training needs and/or self-development.

Employees returning to work during or at the end of the first 26 weeks (Ordinary maternity/adoption leave, or Paternity Leave) are entitled to return to the same job on the same terms and conditions.

Employees taking more than 26 weeks (Additional maternity/adoption leave) are also entitled to return to the same job on the same terms and conditions. However, if that isn't reasonably practicable the employee is entitled to return to a suitable job on terms and conditions, which are no less favourable.

The employee is entitled to take up to a maximum of 52 weeks Maternity/Adoption Leave. This is made up of two parts;

- *Ordinary Maternity and Adoption Leave (OML)* The first 26 weeks of Leave is referred to as Ordinary Maternity /Adoption Leave. Employees are entitled to take 26 weeks ordinary Maternity or Adoption leave irrespective of their length of service or the number of hours worked each week, provided they comply with certain notification requirements.
- *Additional Maternity and Adoption Leave (AML)* Employees who qualify for ordinary Maternity or Adoption leave will also qualify for Additional Maternity Leave (AML). This is a further 26 week period that starts the day after the OML ends.

Compulsory Maternity leave Legislation prohibits mothers from returning to work during the two week period immediately after the birth of their child.

*Antenatal Care*

All pregnant women have a statutory right to paid time off for antenatal care, regardless of length of service or the number of hours worked. Antenatal care may include relaxation and parent craft classes recommended by the employee's doctor, midwife or health visitor.

After the employee's first antenatal appointment, the employee should show the employees manager the employees appointment card and discuss the employees need for time off, so that the employees manager has time to make any necessary arrangements to cover the employees absence. In exceptional circumstances, the employees manager may ask the employee to change the time of their appointment, if it will be inconvenient to the department and the employee should comply with this if practical.

#### *Commencement of Maternity Leave*

The employee may commence maternity leave at any time from 11th week before the expected week of confinement up to the date of birth, provided that the notification procedures have been complied with.

Maternity leave will automatically commence in the event of absence from work for any pregnancy related illness during the four weeks prior to the commencement of the EWC, regardless of when maternity leave was actually planned to begin. Maternity leave will begin automatically on the day after the first day of the employee's absence from work in such cases.

If an employee gives birth before the employee's maternity leave period was due to commence, she must notify Growing Hope in writing as soon as is reasonably practicable of the date on which she gave birth. In this instance, the maternity leave period will commence automatically on the day after the date of birth.

Once Growing Hope has been notified of the date on which the Maternity or Adoption leave is due to commence (see below), it is still possible to vary this date provided notification of the variation is given to their manager at least 28 days before the new date, (unless this is not reasonably practicable).

**Sickness during pregnancy** If the employee is sick for a pregnancy related reason at any time during the four weeks before the expected week of childbirth, the employees maternity leave will automatically begin on the day after the first day of the absence, even if that day is before the date the employee has notified as the date on which the employees intends the employees maternity leave to begin. If the employee is sick earlier than

this, or as a result of a reason other than the employees pregnancy, the absence will be recorded in the normal manner.

Special consideration will be given to managing the health and attendance of pregnant women and pregnancy related absences in relation to discussing sickness and work absences.

#### *Premature and Stillbirth*

Where an employee's baby is born alive prematurely i.e. at least 11 weeks before the baby is due, the employee can agree with the line manager for the Maternity and Adoption leave to be split, taking a minimum of two weeks leave immediately after the childbirth and the rest of the leave when the baby is discharged from Hospital.

In the event of a stillbirth occurring from the beginning of the 25th week of pregnancy, the employee will be entitled to the same amount of Maternity Leave and pay as if her baby was born alive.

Where an employee has a miscarriage before the end of the 24th week of pregnancy, normal sick leave provisions will apply.

#### *Maternity and Adoption Pay*

##### Statutory Pay

If an employee has at least 26 weeks' continuous service at the start of the 15th week before their child is born, they will normally be entitled to receive Statutory Maternity and Adoption pay (SMP & SAP) whether or not they intend to return to work.

Statutory Maternity and Adoption pay is payable at two rates for a maximum of 39 weeks. For the first six weeks the higher rate of either Statutory Maternity pay or 90% of salary will be paid.

After this time employees will be paid at the rate of Statutory Maternity Pay or 90% of their earnings, whichever is less. Statutory pay rates can be found on the HM Revenues and Custom website:

[www.hmrc.gov.uk/paye/employees/statutory-pay/smp-overview.htm#1](http://www.hmrc.gov.uk/paye/employees/statutory-pay/smp-overview.htm#1)

##### Occupational Pay

All employees who have 26 weeks of continuous service with Growing Hope before the child is expected to be born, or placed in Adoption, are entitled to Occupational Paternity Pay. Employees who intend to return to work for a minimum of 3 months after their leave are also entitled to Occupational Maternity and Adoption Pay. This is paid at 8 weeks full pay inclusive of

Maternity and Adoption Allowance or Statutory Maternity and Adoption Pay, 18 weeks half pay plus Maternity and Adoption Allowance or Statutory Maternity and Adoption Pay.

Full pay is calculated by taking the average over the eight week period prior to the qualifying week. For monthly paid staff this will include all the pay the employee receives in the 2 months up to and including the last normal pay day before the end of the qualifying week. The qualifying week is 15 weeks before the expected week of childbirth.

Should the employee opt to receive Occupational Maternity/Adoption pay and then not return to undertake the 3 months of work required within this policy, they will be liable to repay the difference between Statutory Pay and the Occupational Pay received within 6 months.

Maternity and Adoption pay will be paid into the employee's bank account on the same date that they would have received their salary and will be subject to the usual deductions for tax, National Insurance (NI) and pension contributions.

#### *Maternity/Adoption Allowance*

Those who have less than 26 weeks continuous service at the start of the 15th week before their child is born/adopted will need to contact the Department for Work and Pensions to apply for payment of Maternity/Adoption Allowance. The Department for Work and Pensions website is:- [www.dwp.gov.uk](http://www.dwp.gov.uk)

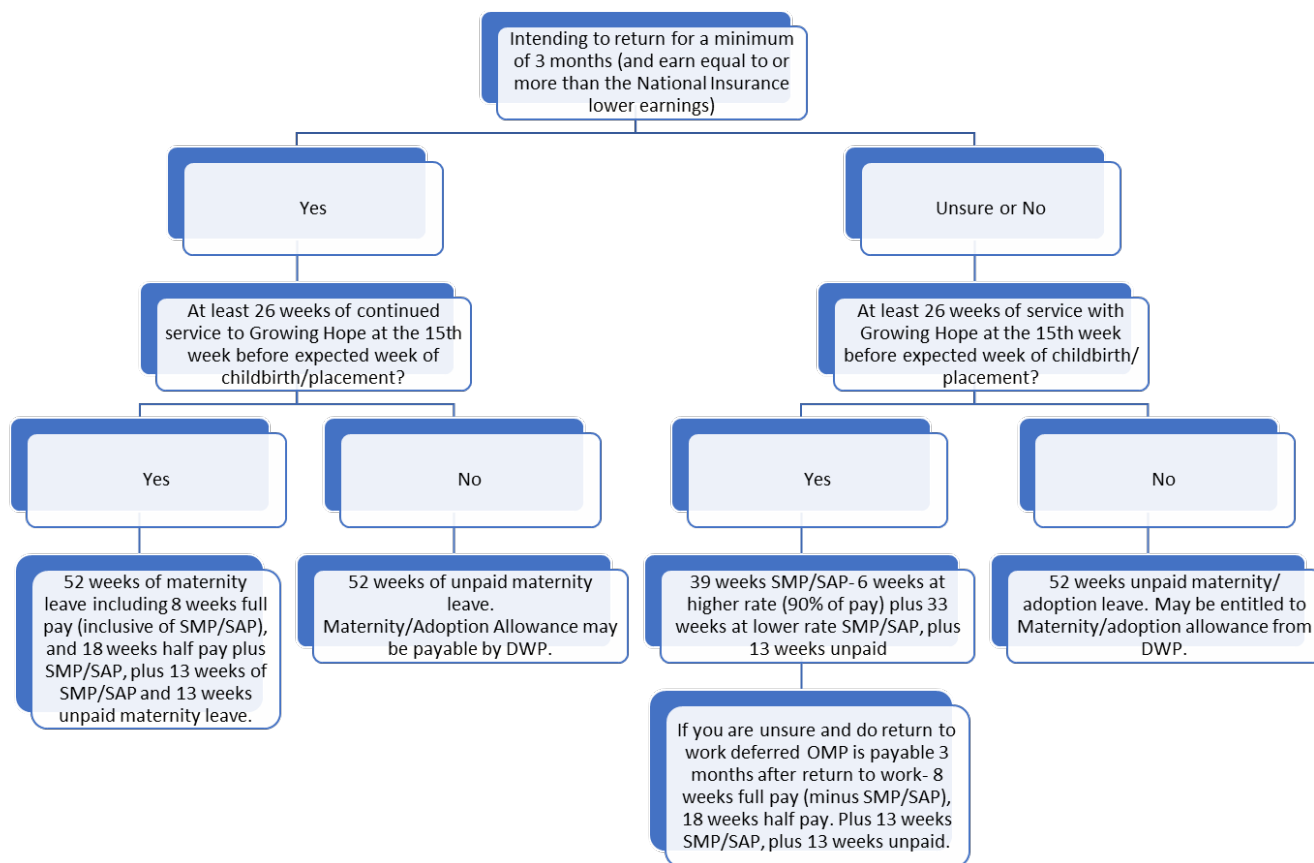
If an employee is not eligible for Maternity or Adoption pay they may be entitled to claim Maternity Allowance direct from the Department for Work and Pensions by completing an SMP1 form, which, the payroll department will provide if the employee is not eligible for any maternity pay scheme.

If an employee is unsure as to what maternity/adoption leave they are entitled to it is their responsibility to contact the Department for Work and Pensions.

Where the employee's contract expires during the employees maternity/adoption leave, the employee will not be entitled to return to work.

A flowchart summarising the potential pay is found below





### *Working and keeping in touch (KIT) days during maternity/adoption leave*

Before starting maternity/adoption leave, the employee’s manager will discuss voluntary arrangements for keeping in touch if the employee is planning to return to work. The employee may also agree to receive occasional work-related updates. The employee is under no obligation to keep in touch or to maintain any contact discussed before the maternity/adoption leave begins.

The employee may not work by law during the two weeks immediately following the birth of a child.

The law allows women to attend work on a maximum of 10 ‘Keeping in Touch’ (KIT) days during their maternity/adoption leave to facilitate a smooth return to work. These days can be consecutive, can be shorter than a normal working day and can include training sessions etc. Working for a part of any days counts as one of the 10 KIT days. Any such KIT days



and the arrangements for them must be agreed by both the employee and her manager and neither can insist on KIT days being used.

KIT days will be paid at the normal hourly rate as if the employee were at work if taken during the unpaid part of the employees maternity/adoption leave. If a KIT day is taken during paid maternity/adoption leave the employee will be paid at the normal hourly rate with an adjustment made to the SMP and OMP calculation for that week. Payment of KIT days will be given on the return from maternity/adoption leave. The employees manager should complete a e- changes form on the employees return stating the number of KIT days and the dates.

Professional Registration must be maintained or renewed if this has expired whilst an employee is on maternity/ adoption leave, if the employee wishes to work and be paid for KIT days.

Normally, KIT days would include for example:

- For training
- Away or development days with the team
- To communicate significant changes within a department, i.e. if a formal consultation is happening in line with organisational change.

### *Return to work*

The employee will be asked to confirm on submission of their MatB1 form and confirmation of maternity leave start date in writing, whether they intend to return to work for Occupational Maternity/Adoption Leave purposes. Once the employee has submitted this form the local Growing Hope Trustees will write to the employee within 28 days to confirm the employees return to work date and entitlement to maternity/adoption leave and pay.

- If the employee wants to return to work before the end of the stated maternity/adoption leave period, the employee must give their manager 8 weeks' notice of the date they wish to return to work. This notification does not have to be in writing and may be given before the period of maternity/adoption leave begins. We would encourage the employee to discuss the employees return to work date with their manager at the earliest opportunity, so that suitable arrangements are put in place.
- If the employee does not give the required notice of an early return to work the Trust may postpone the employees return until a date that would secure the 8 weeks' notice. If the employee still returns

to work before this date, the Trust is under no obligation to pay the employee during the period of postponement.

- If the employee is unable to return to work on the date notified because of sickness, the Trust's normal procedures for managing sickness absence will apply and the employee should notify their manager in the usual way.
- If the employee wishes to resign during or after a period of maternity/adoption leave, the employee should give written notice in the usual manner to their manager (please note repayment of Occupational maternity pay received during the leave period will then be required).
- If the employee wishes to apply for a period of unpaid parental leave or a flexible working arrangement after a period of maternity/adoption leave, the employee should refer to the parental leave section of this policy.
- There is no automatic right for the employee to reduce their hours or return to work on different conditions, but the employee's manager will consider the employee request in line with the Flexible Working section of this policy and give the employee objective reasons in writing, if it cannot be granted.
- On the employees return to work after a period of maternity/adoption leave, subject to any organisational change, the employee has the right to return to the same job, on no less favourable terms and conditions. If there is no right of return because the contract of employment would have ended if pregnancy and childbirth had not happened, the repayment provisions set out above will not apply.
- When the employee returns to work, the employee's manager will update the employee on developments in their absence, including new and amended policies and arrange an induction appropriate for the length of the employee's absence from work.
- The employee has the right to paid time off for post-natal care. The employee should show their manager their appointment card and discuss the need for time off, so that their manager has time to make any necessary arrangements to cover the employee's absence. In exceptional circumstances, the employees manager may ask the employee to change the time of their appointment, if it will be inconvenient to the department, and the employee should comply with this if practical.
- A fact sheet on maternity rights can be found on the Working and Families website: [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

### 3.4. Paternity leave

Birth/Adoption of a child Paternity leave applies to biological and adoptive fathers (or adoptive mothers if the Father is the primary care giver), nominated carers and same sex partners.

There are two types of Paternity Leave

- Ordinary Paternity Leave - OPL (taken within 56 days of baby's birth date)
- Additional Paternity Leave - APL (to be taken at least 20 weeks after the baby's birth date).

#### Ordinary Paternity Leave

Employees who meet the eligibility criteria are entitled to two weeks paid leave and reasonable paid time off to attend ante-natal classes (the line manager may request sight of the appointment card). The Contract of Employment continues throughout Paternity Leave and an employee is entitled to return to the same job.

Ordinary Paternity leave should be taken within 56 days of the date of the child's birth, Adoption placement, or start of the expected week of childbirth. This can be taken as one week or two consecutive weeks. Managers should ensure that requests for paternity leave are dealt with as quickly as possible and that all requests are honoured where possible. All requests must be considered in line with individual needs and service requirements.

#### Process for obtaining paternity leave

A request for ordinary Paternity Leave and Paternity Pay should be made by completing the Maternity/Paternity/Parental Leave Application form as detailed in Appendix A and submitted to the employee's line manager at least 28 days before the date they expect the leave to start. The manager may ask for evidence i.e. Copy of MAT B1/Matching Certificate. Employees are entitled to reasonable time off to attend ante natal classes or official Adoption meetings.

Employees must also complete a SC3 form or SC4 form if adopting, 'Becoming a Parent' at least 28 days before the date they expect the leave to start. The SC3/SC4 forms can be obtained from the HR Department or from the following website: <http://www.hmrc.gov.uk/forms/sc3.pdf>

Paternity Leave cannot start until after the birth or placement of the child.

### Statutory Paternity Pay during Ordinary Paternity Leave

An employee is entitled to 2 weeks paid Statutory Paternity leave if they;

- 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
- Have worked continuously for Growing Hope 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.
- Statutory Paternity leave is paid at the rate of statutory pay or 90% of their earnings, whichever is less.

### Occupational Paternity Pay during Ordinary Paternity Leave

All employees who have twelve months continuous service with Growing Hope before the child is expected to be born, or placed in Adoption, are entitled to Occupational Paternity Pay. This is paid at full pay for two weeks, inclusive of Statutory Paternity Pay.

### Additional Paternity Leave

Additional paternity leave allows employees who are eligible to take up to 26 weeks leave to care for their new baby (in addition to the current 2 weeks Ordinary Paternity leave). It must be taken in one block of time for a period of between 2 weeks and 26 weeks and cannot start earlier than 20 weeks after the birth and must end before the child's first birthday.

Additional paternity leave and pay may be available to employees if they meet the requirements for Ordinary Paternity leave.

In addition, the child's mother must be entitled to statutory maternity leave, maternity pay or allowance or statutory adoption leave or pay. At the point that Additional Paternity leave is to be taken the child's mother or adopter must have returned to work. If the mother or primary adopter takes annual leave, sick leave or parental leave at the end of the maternity leave pay period, this does not count as a return to work.

If the additional Paternity Leave is taken during the mother's 39 week statutory maternity pay (SMP) period then it can be paid and this would be at the pay rate of statutory paternity pay.

In the case of adoption additional Paternity Leave can start anytime between 20 weeks and 52 weeks after the child starts living with the adopter.

A request for Additional Paternity Leave and Paternity Pay should also be made in writing by completing the Maternity/Paternity/Parent Leave Application form as detailed in Appendix A and submitted to the employee's line manager (and then the local clinic trustees) at least 8 weeks before the start of leave. This must include:

- the expected date of the baby's birth or date of notification of being matched for adoption or the actual date of baby's birth, or placement of adoption;
- The start date of the Additional Paternity leave and pay;
- Confirmation of the relationship to the mother and that the leave is to be taken to care for the child;
- Mother of the child's name and place of work;
- The date the child's mothers maternity/adoption pay commenced;
- The date the child's mother intends to stop receiving maternity/adoption pay;
- The date the child's mother intends to return back to work.

Additional Paternity Pay will be at the statutory rate of pay (or 90% of the employee's average weekly earnings, whichever is lower), only up to the point where the child's mothers Statutory Maternity/Adoption pay would have ended. Following this, the entitlement will be unpaid. Statutory pay rates can be found on the HM Revenues and Custom website:

[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

#### Stillbirths

If a stillbirth occurs after the start of the 16th week before the expected week of birth, Paternity leave is still applicable provided that all the other conditions have been met.

#### Return to Work

Employees are entitled to return to the same job following Paternity Leave.

### 3.5. Parental Leave

#### *Unpaid Parental Leave*

Employees who are either natural or adoptive parents, or who have parental responsibility under the Children Act, and who have one year's continuous service with Growing Hope may take up to eighteen weeks of unpaid parental leave to look after or to make arrangements for the good of a child or children.

Unpaid parental leave must be taken before a child's 5th birthday (18<sup>th</sup> in cases of disabled children). Where a child is adopted parental leave must

be taken before their 18th birthday or the 5th anniversary of their adoption (whichever comes first).

The entitlement is for each child and so is doubled for twins. Foster parents do not have the right to Parental Leave.

A record of parental leave taken will be kept by the manager and retained on the employee's personal file for future confirmation. A parental leave request form is found in Appendix A.

In cases where a father or the partner of a mother wishes to take parental leave immediately after the birth of a child, a copy of the MAT B1 certificate should be provided as supporting evidence. A copy of the child's birth certificate should be forwarded to the manager at the earliest convenience. Such parental leave would be in addition to any entitlement to paternity leave.

Employees wishing to take parental leave should discuss their request with their manager as early as possible to facilitate cover arrangements.

An employee should make a request for parental leave on the form attached to this policy and send it his or her manager at least 21 days before the proposed start of the leave. The Growing Hope local trustees will confirm in writing the dates of the parental leave requested and whether or not it has been granted.

Parental leave must be taken in periods of not less than one working week. It may be taken as a single period of thirteen weeks or eighteen weeks in the case of a child with a disability, or shorter periods. One week of unpaid parental leave is equivalent to an employee's normal working week.

Parents of children with a disability may take parental leave in periods shorter than one working week, including individual days.

Managers will act reasonably in considering all requests for parental leave and will, where possible, grant the leave requested. If managers wish to turn down a request for parental leave they must be able to demonstrate a significant reason, e.g. serious disruption to the department.

#### *Postponing parental leave*

There may be exceptional circumstances in which it is not possible to grant a request for parental leave at the time requested by the individual. This may be due to operational requirements (e.g. peak absence time, difficulty in finding cover). In these circumstances the leave requested

may be postponed by the manager for up to six months. Parental leave cannot be postponed by a manager for more than six months.

Growing Hope will not postpone any period of unpaid parental leave immediately after the birth or adoption of a child if 21 days' notice has been given. Provided the employee has given 21 days' notice of the expected week of birth, a period of unpaid parental leave will start on the day the child is born, regardless of whether the child is born early or late.

An entitlement to parental leave is not lost if it is postponed by Growing Hope beyond the child's 18th birthday.

When parental leave has been postponed by Growing Hope, the manager will write to the employee stating the reasons for the postponement.

Parents may request a change to the dates for which parental leave has been agreed, provided they give as much notice as possible. Managers may allow a change to or the cancellation of a period of parental leave, if reasonably practicable.

#### *Return to work*

At the end of a period of unpaid parental leave, an employee is entitled to return to the same job.

#### *Pension contributions*

When an employee is on a period of unpaid parental leave, occupational pension rights are preserved until the employee returns to work. If the employee wishes the period to be counted for pensionable service, he or she will need to make up the necessary employer's and employee's contributions via the Authority's pensions office. It is the responsibility of the employee to make any necessary arrangements.

Employees not wishing to return to work after a period of parental leave should resign in writing to their manager in the usual way.

### **3.6. Shared parental leave**

An employee and their partner are entitled to Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if they are having a baby or adopting a child.

Up to 50 weeks of leave and up to 37 weeks of pay can be shared between parents.

This needs to be shared in the first year after the child is born or placed with the family.



SPL can be used to take leave in blocks separated by periods of work, or it can be taken all in one go. Parents can choose to be off work together or to stagger the leave and pay.

Shared parental leave (SPL) is a form of leave available to working parents following the birth or adoption of a child.

In the case of adoption, it provides a more flexible alternative to the default system whereby one parent may qualify for up to 52 weeks' adoption leave and the other parent may qualify for up to two weeks' ordinary paternity leave.

In the case of adoption, under the SPL system, up to 50 weeks of the adoption leave entitlement may be designated as SPL. (The adopter can end their adoption leave once they have taken it for two weeks).

Assuming you are both eligible, you and the other parent can choose how you split that leave between you. You may be able to take this leave at the same time or at different times. You may also be able to take it in more than one block.

In birth cases, SPL allows parents to take up to 52 weeks leave in total (two of which has to be Maternity Leave) on the birth of a child. They can take this leave at the same time, or at different times.

#### ENTITLEMENT TO SHARED PARENTAL LEAVE

In relation to the birth of a child, you are entitled to SPL if:

- you are the child's mother and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- You are the child's father and share the main responsibility for the care of the child with the child's mother; or
- You are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

In relation to the adoption of a child, you may be entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption and you intend to share the main responsibility for the care of the child with your partner.

The following conditions must also be fulfilled:



- You must have at least 26 weeks of continuous employment with Growing Hope.
- In birth and adoption cases the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC or Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
- In birth cases, you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.
- In adoption cases, you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).
- In adoption cases, either you or your partner must also qualify for statutory adoption leave and/or SAP, and must take at least two weeks of adoption leave and/or pay.

In birth cases, the total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

In the case of adoption, the total amount of SPL available is also 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave).

In birth cases, if you are the mother, you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

In adoption cases, the adopter cannot start SPL until 2 weeks of adoption leave has been taken.

In birth cases, if you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement. However, if you are not entitled to Paternity Leave, Shared Parental Leave can start from the date of birth.

ENDING MATERNITY/ADOPTION LEAVE

In birth cases, if you are the child's mother and are still on maternity leave, you must give us at least eight weeks' written notice to end your maternity leave before you can take SPL.

In adoption cases, this is the same if you are taking or intend to take adoption leave and want to opt into the SPL scheme.

The notice must state the date on which your maternity/adoption leave will end. You can give the notice before or after you give birth, or after adoption leave starts, but you cannot end your maternity / adoption leave until at least two weeks after birth, or in the case of adoption you must take at least two weeks' adoption leave. Once the child's mother ends maternity leave she cannot go back onto maternity leave once she or her partner have started Shared Parental Leave. In both cases the leave form in appendix A must be completed as notice of curtailment.

The other parent or your partner may be eligible to take SPL from their employer before your maternity or adoption leave ends, but they cannot start it until you have given us notice of your leave finishing (through the form in appendix A).

The curtailment notice is usually binding and cannot be revoked. You can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies:

- If you realise that neither you nor the other parent / your partner are in fact eligible for SPL or ShPP, you can revoke the curtailment notice in writing up to eight weeks after it was given;
- If you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- If the other parent / your partner has died.

In birth cases, once you revoke a curtailment notice you cannot submit a second curtailment notice unless there are exceptional circumstances. In adoption cases, once you have revoked a curtailment notice you will be unable to opt back in to the SPL scheme.

In birth cases, if you are the child's father or the mother's partner, you will only be able to take SPL once the mother has either:

- returned to work;
- Given her employer a curtailment notice to end her maternity leave;
- Given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or

- Given a curtailment notice to the Department of Work and Pensions to end her MA (if she is not entitled to maternity leave or SMP).

In adoption cases, if your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:

- Returned to work;
- Given their employer a curtailment notice to end adoption leave; or
- Given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

#### OPTING IN TO SHARED PARENTAL LEAVE AND PAY

When you complete the form in Appendix A you need to confirm that the other parent has given an opt-in notice to their employer. This must be submitted no less than eight weeks before the date you intend your SPL to start.

#### EARLY BIRTH AND SPECIAL CIRCUMSTANCES – EFFECT ON SHARED PARENTAL LEAVE

##### Early Birth

If the child is born before the expected due date and you had booked to take SPL within the first eight weeks of the due date, you may take the same period of time off after the actual birth without having to provide eight weeks' notice, by submitting a notice to vary your leave as soon as is reasonably practicable. Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave.

If the child is born more than eight weeks before their expected due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give eight weeks' notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

##### Death of the Child

In the unfortunate circumstance that a child dies and the parents have submitted a notice of entitlement to take SPL, then the parents cannot opt into SPL because a qualifying condition is caring for a child. The mother will remain entitled to maternity leave and the mother's partner may still qualify for paternity leave.

If the parents' have opted into SPL and have already requested leave, they will still be entitled to take this leave. No further notice request for leave

can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

In these circumstances, if you are absent on SPL, you may cancel the agreed SPL and return to work by giving your employer eight weeks' notice of your return to work.

In these circumstances employees are encouraged to discuss their needs with their line manager.

#### Partner No Longer Caring for the Child

If your circumstances change and you have already booked SPL and are no longer responsible for caring for the child (unless it is because the child has died), your entitlement to both SPL and ShPP will immediately cease and you must tell your line manager. Please note that if you have any SPL arranged within eight weeks of your entitlement ceasing, you may still be required to take it as SPL if it is not reasonably practical for you to return to work, for example because cover has been arranged. Any weeks of SPL arranged after eight weeks of your entitlement ceasing must be cancelled.

If the remaining parent will be continuing to care for the child, this person may be eligible to take your SPL entitlement. If the other parent, who is no longer caring for the child had any SPL leave entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

#### Death of a Parent

If either parent dies and the other parent is taking, or is entitled to SPL, then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL.

#### EVIDENCE OF ENTITLEMENT

You must provide, with your form and opt-in notice (see Appendix A), the following:

- In birth cases, a copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth) or MATB1 certificate;
- In the case of adoption, one or more documents from the adoption agency such as the Matching Certificate showing the agency's name and address and the expected placement date;

and

- the name and address of the other parent's employer, or a declaration that they have no employer, or that they are self-employed.

#### NOTIFYING US OF YOUR SPL DATES

Having opted into the SPL system, you will need to give a period of leave notice telling us the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim shared parental pay, if applicable.

If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

You can give up to three periods of leave notices. This may enable you to take up to three separate blocks of shared parental leave. In exceptional circumstances we may agree to accept more than three periods of leave notices but there is no obligation for us to do so.

#### PROCEDURE FOR REQUESTING SPLIT PERIODS OF SPL

In general, a period of leave notice should set out a single continuous block of leave. However, in some cases, we may be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your line manager in advance of submitting any formal period of leave notices. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start. During a period of Shared Parental Leave and Pay you will not be able to carry out any work.

You must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period with your line manager. At the end of that period, your line manager will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave).

Alternatively, you may:

- Choose a new start date (which must be at least 8 weeks after your original period of leave notice was given), and notify us of this new date within 5 days of the end of the two-week discussion: or
- Withdraw your period of leave notice within 2 days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

### SHARED PARENTAL PAY

The amount of Statutory Shared Parental Pay available can be up to 39 weeks, less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay claimed by you or the other parent or your partner. This is providing you have at least 26 weeks' continuous employment with Growing Hope at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. Statutory Shared Parental Pay is paid at a rate set by the government each year.

You may also qualify for Occupational Shared Parental Pay if you have been continuously employed with Growing Hope during the 12 month period ending with the Qualifying Week. It is not a requirement that your partner is also employed by Growing Hope.

The number of weeks of full or half Occupational Shared Parental Pay to which you are entitled as described in the following paragraphs, will be subject to deduction of the number of weeks of full or half occupational maternity or maternity support (paternity), or adoption pay as appropriate, which may already have been paid to you or your partner by us, in respect of the child.

Subject to any deductions which will apply, pay will occur as follows:

- The first eight weeks of your SPL, Occupational Shared Parental Pay is full pay. Any statutory Shared Parental Pay that may be due for that period is included within the amount of the full pay.
- For the next eighteen weeks of SPL, occupational Shared Parental Pay is half pay, plus any statutory Shared Parental Pay that may be due for that period. However, the combined total will not exceed full pay. If required, the amount of Occupational Shared Parental Pay will be reduced in order to achieve this limit.

In birth cases:

- If you both work at Growing Hope, or b) you are the mother and the other parent does not work at Growing Hope, then in both cases, after the first 2 weeks of compulsory maternity leave, there remains an entitlement to 6 weeks full pay followed by 18 weeks of half pay, which can either be used on further maternity leave or SPL.

(It is important to note that if the mother and father or partner both work with Growing Hope the entitlement to 8 weeks at full pay should not be subject to the deduction of any weeks of full pay which the father or partner takes as maternity support (paternity), as that would mean that the couple would be worse off by 2 weeks pay by taking SPL.)

- If either a) both of you, or b) you, opt into SPL, then the number of weeks of Occupational Shared Parental Pay to which you are entitled is the same as the number of weeks of Occupational Maternity Pay which is unused at the point in time when you start SPL.

It is important to note that if you have taken maternity leave prior to the birth, then it will only be the balance of the leave that is left that will be due and not necessarily the full amount as outlined above.

If you are the father or mother's partner, and the mother does not work for an Growing Hope, then your entitlement to Occupational Shared Parental Pay is up to 8 weeks full pay and 18 weeks half pay. However, if you have taken maternity support (paternity) leave, then the 8 weeks full pay is reduced by the number of weeks of paid maternity support (paternity) leave which you have taken.

In adoption cases entitlement is the same as above, but based on the parent with primary caring responsibilities for the child and Adoption Support Leave:

For both birth and adoption cases, payment of Occupational Shared Parental Pay is conditional upon you confirming in writing, before starting SPL that you intend to return to work for at least six months after the end of your SPL. If you later decide not to return to work for this minimum period, you must repay any Occupational Shared Parental Pay (but not Statutory Shared Parental Pay) which you have received. In cases where we consider that to enforce this provision would cause undue hardship or distress, we will have the discretion to waive our rights to recovery in line with local Board policies.



Shared Parental Pay for the mother working for Growing Hope will be calculated on the same basis as her maternity pay. Shared Parental Pay for the father or partner will also be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements.

#### OTHER TERMS OF EMPLOYMENT DURING SHARED PARENTAL LEAVE

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual leave and public holidays will continue to accrue during Shared Parental Leave, whether paid or unpaid, provided for by this agreement. Where the amount of accrued annual leave and public holidays would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and employer.

If you are a member of the pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Your employee contributions will be based on the amount of any Shared Parental Pay you are receiving.

#### SHARED PARENTAL LEAVE IN TOUCH DAYS (SPLIT) DAYS

We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may ask or be asked to work on up to 20 Shared Parental Leave in Touch Days (SPLIT) during your SPL. This is in addition to any Keep in Touch (KIT) days that you may work during maternity or adoption leave. There is no obligation on Growing Hope to offer these days or for you to agree to them. SPLIT days can be used in situations where both parties feel it would be beneficial for you to attend a work-related activity, for example a training session or a team meeting, or to work part of a week to help you to return to your role in a gradual way. You should complete a SPLIT Day Payment Request Form and have this signed by your line manager to ensure payment for any hours worked.

During a period of Shared Parental Leave and Pay, payment for the Shared Parental Leave will be offset by the amount of pay for work done on any



SPLIT days to ensure that you do not receive any more than your full pay for any period worked.

#### RETURNING TO WORK

If you want to end a period of SPL early, you must give us eight weeks' prior notice of the return date. You must give this notice in writing using the form in this policy.

If you want to extend your SPL, where you still have unused SPL entitlement remaining, you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, providing you have not already submitted three period of leave notices. If you are unable to request more SPL, you may be able to request annual leave or ordinary parental leave using the Parental Leave Policy. The decision on whether to grant this request will be subject to service need.

#### The impact of extending leave

You are entitled to return to work in the position you held before starting SPL, and on the same terms of employment providing your total leave does not add up to more than 26 weeks. If you take more than 26 weeks and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- If your SPL and any adoption, maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- If you took SPL consecutively with more than four weeks of ordinary parental leave (under our Parental Leave Policy).

If you want to change your hours or other working arrangements on return from SPL, you should make a request under the flexible working section of this policy. It is helpful if such requests are made as early as possible.

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

#### RESOLUTION OF DISAGREEMENTS

No request for leave under this policy will be unreasonably refused. Should a disagreement arise, the individual is encouraged to resolve the disagreement with the Growing Hope local trustees in the first instance but ultimately has the right to raise a formal grievance with the Growing

Hope Umbrella charity and trustee board. It is preferable in such circumstances, for an employee and/or manager to seek advice on resolving the matter informally from their line manager.

## EQUALITY & DIVERSITY

Growing Hope is committed to 'equality and diversity' in respect of the 'protected characteristics' covered by the Equality Act 2010. These protected characteristics are age, disability (which includes mental health and people diagnosed as clinically obese), race, religion or belief, sex, sexual orientation, gender reassignment (people who are having or who have had a sex change, transvestites and transgender people), marriage and civil partnership, and pregnancy and maternity.

Equality is about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. It is mostly backed by legislation designed to address unfair discrimination based on membership of a particular group.

Diversity is about recognising and valuing difference in its broadest sense. It is about creating a culture and practices that recognise, respect, value and harness difference for the benefit of the patients, carers, members of the public and members of staff.

Shared parental leave is available to all staff who attain the eligibility criteria, to meet their individual needs and responsibilities, as their circumstances change throughout their working life, thus promoting equality across the workforce.

This policy has been equality and diversity impact assessed.

### **3.7. Continuous service**

A period of parental leave, paid or unpaid will count as continuous employment with Growing Hope although pay and most contractual benefits are suspended.

#### Annual Leave and Bank Holidays

An employee's entitlement to annual leave and bank holidays accrues during the employees maternity/adoption/parental leave, whether it is paid or unpaid. If the employee has any outstanding annual leave before the start of the employees maternity/adoption leave, the employee should discuss and agree with the employee's manager whether it would be a good idea to take some or all of it before the employees maternity/adoption leave starts. If this is not possible, the employee should

discuss and agree with the employee's manager the possibility of taking accrued annual leave when the employee returns from maternity/adoption leave, either in a single period or to allow a short period of part-time working, especially where the employee may be carrying annual leave/bank holidays over into a new leave year.

If the employee declares their intention not to return to work at all, any outstanding annual leave for the entire period of maternity leave will ideally need to be taken prior to the employee's leave start.

The employee cannot take annual leave directly after paid maternity/adoption leave, if it is the employee's intention to take unpaid maternity/adoption leave, as it would amount to the employee returning to work. If the employee does so, the unpaid maternity/adoption leave would be treated as normal unpaid leave, which the employee's manager is under no obligation to grant. However, the employee may make an application for a period of unpaid leave in line with Growing Hope's Flexible Working and Leave Policy or for a period of statutory unpaid parental leave.

#### *Pension Scheme*

Pension rights and contributions are dealt with in line with the provisions of the Pension Scheme used by the local Growing Hope. During periods of paid maternity/adoption leave, Growing Hope will continue to make pension contributions as if the employee is working and earning the employee's normal pay. The employee will continue to make contributions at the usual percentage rate of the employee's maternity/adoption pay.

During periods of unpaid parental leave, the employee's occupational pension rights will continue to accrue. If the employee decides to take the option of unpaid maternity/adoption leave, the employee will be required to pay the accumulated contributions to their pension scheme to cover the period of unpaid maternity/adoption leave. The accumulated contributions are taken over a period of time from the employee's salary when the employee returns to work.

If the employee decides that they do not wish to return to work when they previously stated that it was their intention to do so, then the employee will still be liable for contributions to the scheme and arrears may be payable if the employee has taken a period of unpaid leave.

#### **4. Flexible Working (appendix B)**

#### **5. Serious illness/ Bereavement Leave**

##### *Definition*

To provide reasonable support to members of staff at times of distress due to the unforeseen illness, or the death, of a spouse or civil partner, child, parent, close relative or other dependent who relies on the employee for assistance.

#### *Entitlement*

Managers have the discretion to award up to one working week's paid leave in each occurrence of serious difficulty. In particularly distressing circumstances, the manager may extend this by up to a further week of paid or unpaid leave.

#### *Duration*

In considering the amount of leave, the manager should take into account the specific circumstances, e.g. the relationship between the member of staff and the person in question, whether the member of staff has a responsibility for the estate of the deceased, the availability of other relatives or friends and the distance to be travelled in dealing with such matters.

#### *Notification*

Members of staff must make their manager aware of the potential need for leave at the earliest opportunity and should keep in regular contact throughout that period. Leave should be recorded within the canopy system and trustees of the local charity should be notified.

## **6. DOMESTIC EMERGENCIES**

#### *Definition*

Leave under this heading can be defined as arrangements granted when members of staff need to be absent from work under circumstances not covered by sick leave, annual leave, bereavement leave, maternity leave, paternity leave, parental leave, adoption and fostering leave, or flexible working arrangements. It is urgent and unforeseen.

#### *Entitlement*

Up to one working week's paid leave can be allocated by the manager, taking into consideration of the amount of time reasonably required to attend to the situation which has arisen.

In cases of exceptional difficulty, the managers can extend this period for up to a further working week and has the discretion to determine

whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual leave under circumstances where the situation, while still important, has ceased to be an emergency.

In exceptional circumstances, a member of staff may be faced with long-term difficulties and the manager should consider other options to assist in the situation. This may include a reduction in working hours, an alteration to the employee's shift pattern, a move to another post etc.

There is no requirement for the approved number of days to be taken in one block

#### *Notification*

Members of staff must make their manager aware of their potential need for leave at the earliest opportunity and should keep in regular contact throughout this period. Leave should be recorded within the canopy system and trustees of the local charity should be notified.

## **7. CARER LEAVE**

### *Definition*

Where members of staff are responsible for caring for a spouse or civil partner, child, parent, close relative or other dependent who relies on the employee for assistance and where work and home life can cause conflicting pressures. Carer leave is designed to encourage managers to adopt flexible working practices at times when employees need assistance to balance their caring responsibilities with their working commitments. This provision is primarily for those who are required to provide care for a dependant.

### *Local Arrangements*

The needs of staff who care for a spouse or civil partner, child, parent, close relative or other dependent who relies on the employee for assistance, can often be very simple e.g. knowing that they will be able to leave work on time each day, or being able to make a telephone call home during the day to check that all is well. Alternatively, a variation in the working pattern, such as altered shifts, or earlier/later starting and stopping times, may provide an adequate solution. Needs such as these may be relatively easy to satisfy and it is expected that the individual's manager will provide sympathetic support and strive to reach a mutually acceptable solution to the employee's requirements that balances these with the needs of the service.

Short periods of time off There may be circumstances when an employee needs a short period of time off e.g. to accompany a dependent to hospital in an emergency situation, etc.

Short Term Carer Leave allows for up to one working week's paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave or unpaid leave.

#### *Long-term Arrangements*

There may, however, be times when the caring demands on the employee are such that the individual is forced to consider more extreme measures, such as, altering contractual work patterns, a long-term reduction in working hours etc, in order to meet their caring commitments. While each case must, quite obviously, be judged on its individual merits, Growing Hope is committed to ensuring that where the reason for an employee requesting a reduction in contracted hours is for the provision of care, the individual's case will be considered sympathetically and will not be unreasonably denied.

Employees with caring responsibilities, who recognise the need to alter their contracted working hours on a long-term basis, should discuss the matter with their manager in the first instance. Where the manager feels unable, because of the needs of the service, to agree to the employee's request, other alternatives should be considered such as secondment or redeployment.

## **8. OTHER TYPES OF SPECIAL LEAVE**

### *Definition*

Another type of special leave is where an organisation is required to make available special leave with pay for staff to be absent from work to perform 'essential civic and public duties'. The legislative requirement for this is contained within the Employment Rights Act 1996 and covers a wide range of circumstances, a number of which are given below as examples

- Justice of the Attendance at court as a witness
- Jury service
- Requests by members of a variety of public bodies including Children's Services

This list is illustrative, not exhaustive.

Up to one working week's paid leave per year can be allocated by the manager taking into consideration the amount of time reasonably required to devote to the issue. In exceptional circumstances the manager can extend this period for up to a further working week and has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual or unpaid leave.

Whilst Growing Hope is under no legal obligation to pay employees who undertake jury service, any staff called to fulfil the role of a juror will be paid their normal basic pay with enhancements for unsocial hours.

Members of staff must make their managers aware of the potential need to leave at the earliest opportunity and, where appropriate should keep in regular contact throughout the period.

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance.

## 9. Annual leave

Each employee of Growing Hope local charity will receive 25 days of annual leave at their part time equivalent (20 days if an individual works four days a week) plus bank holidays. Each employee will also receive an additional one week of leave (at their FTE) they may take for volunteering each year.

Leave should be discussed and agreed by the pastoral line manager from the local church, volunteer leave should be agreed by the charity trustees and fall in line with the values of Growing Hope. The lead therapist should keep a record within the team google drive in order that the trustees can see and monitor this.

## 10. Flexible Working Requests

### *Everyday flexibility*

Growing Hope is committed to enabling employees to work flexibly and each Growing Hope local trustee board will reasonably consider all requests for flexible working.



As a general principle Growing Hope will enable employees to use flexible working time (i.e. TOIL) to take back overtime where this is due (for example if they have attended an afterschool meeting, trustee meeting or committee outside of working hours). Growing Hope will also enable employees to flex their time if they need to for necessary medical appointments or other unavoidable appointments which fall within working hours. Growing Hope trusts its employees to where possible avoid this occurring within working hours. Growing Hope expects employees to make up all time taken and to make sure their work is not diminished by any flexible working (whether this is in time or in working from home).

All flexible working hours and working from home requests must be informally discussed prior to taking them with the employees line manager. No more than one day of flexible working time can be taken at once. Flexible working must be recorded in the employees calendar.

#### *Statutory rules for Flexible Working*

The statutory rules are set out in the Employment Rights Act 1996, and extended in the Flexible Working (Procedural Requirements) Regulations 2002 and the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002. The Flexible Working (amendment) Regulations 2010, Employment Act 2002, Work and Families Act 2006 further extended these provisions to caring for disabled and sick adults. Under these rules, employees with caring responsibilities who have at least 26 weeks' continuous service are entitled to make a written request for flexible working: that is to request changes to hours of work, times of work and the location of work. The right is designed to give employees the opportunity to adopt working arrangements that help them to balance their commitments at work with their need to care for a child or an adult. In practice this may mean:

- Part-time working, term-time working or home working
- Adjusting the start and finish times of work
- Adopting a particular shift pattern or extended hours on some days with time off on others.

Employers have a duty to consider a request for flexible working arrangements within specified timescales, and can refuse only on one of the following business-related grounds:



- the burden of additional costs – the employer will consider if it will cost more to replace the hours of work e.g. agency cost
- detrimental effect of the ability to meet customer demand
- inability to reorganise work amongst existing staff; or to fill the hours
- detrimental impact on quality; e.g. continuity of care, skill mix
- detrimental impact on performance; e.g. ability to retain clinical skills
- insufficiency of work during the periods the employees propose to work
- planned structural changes.

When a flexible work request is agreed, staff should be given written confirmation of a contractual change to their terms and conditions of employment.

#### *Growing Hope flexible working*

If employees wish to submit a request for flexible working they must complete the form in Appendix B. This should then be passed onto their line manager and the Growing Hope Local trustees who will consider the request at the next quarterly trustee meeting. Growing Hope will accept requests for flexible working due to childcare but also due to other personal reasons (such as work/life balance, volunteer opportunities etc.).

Employees may only submit one request in any rolling 12-month period.

Since the benefits of Flexible Working are more likely to arise from arrangements that are discussed, resolved and self-managed by teams, the

Line Manager may instigate and facilitate a team discussion when individuals

or groups of employees request a change to their working pattern(s).

This approach ensures that any work pressure displaced by Flexible Working

being adopted by one employee is not transferred to other employees who

have more traditional working patterns. A member of the local Growing Hope trustee board may attend.

Each employee submitting a request must have a discussion with their line manager prior to submission of the form to the Growing Hope local trustees. Discussion must include a general discussion on the feasibility of the arrangements proposed, as well as any contractual issues, effects on pay and pension (if hours are being reduced) rest breaks (in line with the Working Time Regulations), health and safety issues, training requirements, changes to annual leave entitlement and any other terms or conditions. Amendments or alternative proposals may be suggested to overcome any difficulties identified, or an adjournment agreed to consider further implications.

The local Growing Hope trustee board will discuss a flexible working request at their next quarterly trustee meeting and then will send a written response and amended contract to the employee within a two week period. A verbal notification can be given to the employee on the day of the trustee meeting.

In all cases, agreement of Flexible Working arrangements is conditional upon an employee:

- Attending meetings as appropriate in the workplace, as and when required within core hours or as agreed.
- Participating in appraisal, training and supervision.
- Satisfactorily completing the initial three-month trial period that will apply in all cases.
- Meeting the required statutory minimum qualifying service of 26 weeks.

If the Flexible Working request is approved by the local trustee board, the start date and three month review dates must be set and relevant colleagues informed. The agreement must be confirmed in writing to the individual(s) concerned, with a copy to Personal File, and Payroll notified if appropriate. Subsequently, satisfactory completion of the three-month trial period must be confirmed in writing.

Once agreed, and after satisfactory review at the three-month stage, the new Flexible Working arrangements will continue to apply (unless a fixed term has been specifically agreed), and are to be reviewed annually, taking business needs into consideration. There is no automatic right of reversion to the original arrangements. Any subsequent change will be considered in its own right under this policy.

#### 11. Pension policy

Each Growing Hope local clinic will provide 5% employer pension contributions which will be supplemented by an opt-in 3% employee contribution. The Growing Hope Local clinic has a responsibility to set this up with a pension provider.

#### 12. Other policies

This policy should be considered in line with other Growing Hope policies (e.g. safeguarding, faith policy, Data protection policy).

Date Adopted: 15<sup>th</sup> November 2017

Date Updated: 15<sup>th</sup> March 22