

Reviewed: June 2023

LEAVE POLICY AND PROCEDURE

PURPOSE

This document covers the Age UK Cambridgeshire & Peterborough (AUKCAP) policy and procedure on leave from work. This policy has been approved by the Trustees of AUKCAP in order to:

- Give guidance to staff.
- Operate alongside the terms of employment document issued to all staff.
- Explain the reporting procedure.
- Identify the responsibilities of staff.
- Identify decisions to be reported to or decided by your Manager or Trustees.

SCOPE

The topics covered include:

1. Paid holiday entitlement
2. Bank holidays
3. Qualifying periods
4. Accruals of holiday and carry forward arrangements
5. Time-off in lieu (TOIL)
6. Notification of holidays
7. Unpaid leave
8. Compassionate leave
9. Emergency Leave
10. Time off for dependents
11. Parental Leave
12. Maternity Leave
13. Paternity Leave
14. Adoption Leave
15. Shared Parental Leave
16. Membership of outside bodies and public duties

POLICY AND PROCEDURES

1 PAID HOLIDAY ENTITLEMENT

- 1.1 All staff are entitled to a minimum of 28 working days paid holiday plus Bank Holidays (pro rata for part time employees).
- 1.2 Holiday entitlement will be calculated in hours rather than days to recognise our many part-time workers.

2 BANK HOLIDAYS

Part time staff will receive pro rata Bank Holiday entitlement in lieu, calculated using average daily working hours..

3 QUALIFYING PERIODS

AUKCAP's annual holiday period runs from 1st April to 31st March. New employees will receive an apportioned holiday entitlement from their starting date to 31st March. Holiday can be booked from date of appointment.

4 ACCRUALS OF HOLIDAY AND CARRY FORWARD ARRANGEMENTS

- 4.1 Unless there are exceptional circumstances no more than 5 days (pro rata) can be carried forward to the new leave year. Exceptional circumstances must be agreed by a senior manager.
- 4.2 AUKCAP will not authorise any payment in lieu of outstanding holidays at the end of the holiday year.
- 4.3 Any leave carried forward must be used within the first 3 months of the new holiday year.

5 TIME-OFF IN LIEU (TOIL)

- 5.1 TOIL is accumulated when a member of staff is required to work outside (their) normal hours e.g. non usual working day, evenings or weekends. Individual staff job descriptions state if staff are expected to work flexibly.

- 5.2 TOIL can be accrued for additional time worked over 15 minutes. Time up to 15 minutes will not be counted. TOIL should be agreed with your line manager prior to accumulating where possible and leave claimed as TOIL must be properly recorded and approved by your Manager before it is taken. TOIL should be logged, approved and managed on Breathe.
- 5.3 TOIL must be taken within 2 months of accrual and must be agreed with their manager via Breathe. Larger accruals of TOIL must be by prior agreement with your line manager and in exceptional circumstances only.
- 5.4 AUKCAP reserves the right to pay staff for any extra hours worked rather than agree for time off in lieu to be taken.
- 5.5 Accrued TOIL not taken within the required time (5.3) or by prior agreement will be lost.

6 NOTIFICATION OF HOLIDAYS

- 6.1 All staff are required to give 10 days' notice of holiday requests. Their manager can waive this notice period for short absences (less than 3 days in length) or in exceptional circumstances.
- 6.2 All staff are required to make the appropriate request via Breathe and obtain approval from their line manager, before leave is taken.
- 6.3 Managers have the right to withhold approval of a leave request but only if there are reasonable grounds for doing so, for example, there will not be adequate cover, an urgent task cannot be completed by the deadline or inadequate notice has been given.
- 6.4 A record of all leave will be held within the HR Database (Breathe HR) which is accessible by line managers. Managers must ensure that all approved leave for staff is recorded accurately and updated on the database accordingly.

- 6.5 Cancellations and changes to leave requests must be reported to your line manager and updated on the HR Database.
- 6.6 If any member of staff is sick while they are on holiday, they will be entitled to reclaim their leave from the first day of certificated sickness by a GP. The reclaim must be requested of their line manager within one week of returning to work, and relevant updates made within the HR Database.

7 UNPAID LEAVE

All staff are entitled to request unpaid leave. This might be requested for example, for personal reasons, following a family crisis or for an extended holiday.

All requests for unpaid leave must be in writing to your Line Manager and in the case of an emergency, confirmed in writing. Your Service Manager must approve all unpaid leave.

8 COMPASSIONATE LEAVE

AUKCAP will give sympathetic consideration to any requests for absence from work on compassionate grounds or hardship or difficulty, for example bereavement or severe illness of a close dependent relative or partner. Each request for Compassionate Leave will be considered on its merits without re-course to any precedent. Paid leave can be granted for up to 3 working days. All paid leave must be approved by a Senior Manager.

9 EMERGENCY LEAVE

There may be occasions when staff will request time off at short notice because of urgent or unforeseen circumstances such as a domestic emergency or because of bad weather. Any time off taken for such eventualities must either be taken as annual holiday, TOIL, or unpaid leave, in agreement with your manager.

10 TIME OFF FOR DEPENDENTS

As an employee, you are allowed reasonable time off to deal with an emergency involving a dependent. A dependent could

be a spouse, partner, child, grandchild, parent or someone who depends on you for care. This leave is unpaid, and there is no set amount of time as it depends on the situation. Time off should be discussed and agreed with your line manager.

11 PARENTAL LEAVE

Eligible employees can take unpaid parental leave to look after their child's welfare. Parents are entitled to 18 weeks leave for each child & adopted child up to the child's 18th birthday

An employee may wish to take parental leave to:

- stay with a child who is in hospital
- spend more time with a child
- make school/childcare arrangements and to help them settle in

The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

Parental leave should usually be taken in blocks of a week (except in the case of parents of children with a disability who may take Parental Leave one day at a time).

11.1 In order to qualify for Parental Leave an individual must:

- have a child who is under 18
- have been employed continuously by their employer for at least twelve months.
- Be named on the child's birth or adoption certificate or have parental responsibility

11.2 To request Parental Leave an employee should give at least 21 days' notice in writing to your line manager before intended start date.

12 MATERNITY LEAVE

All employees can take up to 52 weeks maternity leave, consisting of 26 weeks Ordinary Maternity Leave (OML) followed

by 26 weeks Additional Maternity Leave (AML). There must be no gap between the two.

The earliest that leave can be taken is 11 weeks before the expected week of childbirth. It is up to the employee to decide how much maternity leave to take but a minimum of 2 weeks maternity leave must be taken after giving birth, this is called Compulsory Maternity Leave.

The definition of childbirth, for the purpose of determining eligibility means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.

12.1 Notification Procedures for Maternity Leave

To qualify for Maternity Leave the employee must notify us by the end of the 15th week before the expected week of childbirth (Qualifying Week) stating:

- that you are pregnant;
- the expected week of childbirth (EWC), to be confirmed with a MATB1 certificate.
- the date on which you intend to start your maternity leave.

You are not obliged to let us know you are pregnant before the end of the 15th week before EWC, but it would be helpful to know early so that your manager can arrange:

- H&S risk assessment
- Notify HR and payroll of pregnancy and maternity plans
- Plan any paid time off to attend antenatal care
- Arrange cover during your absence

Once confirmed, HR will write and confirm within 28 days setting out:

- Your entitlements to maternity leave & pay
- Date on which you are expected to return to work (assuming you take full maternity leave entitlement)
- Your duty to notify us of any change to your plans

The earliest the employee may start her maternity leave is 11 weeks before the EWC. An employee may change their mind about when they want to start their leave, providing they give their employer at least 28 calendar days' notice of the change.

12.2 Returning to work following maternity leave

The employee does not need to give notice of her return to work if they simply return at the end of the maternity leave period. However, if they wish to return to work before their full entitlement to maternity leave has ended, they must give their employer a minimum of 8 weeks' notice of the date of their earlier return.

If the employee fails to give the required 8 weeks' notice of an earlier return to work, the employer may postpone the employee's return until the end of the 8 weeks' notice they should have given, or until the end of their maternity leave period, whichever is earlier.

It would be helpful if you inform your line manager and HR as early as possible if you decide you do not want to return to work after maternity leave.

12.3 Statutory Maternity Pay

You will receive statutory maternity pay when both of the following apply:

- You've been working continuously for 26 weeks for the same employer before your 'qualifying week'.
- You earn at least the Lower Earnings Limit for National Insurance purposes for the 8 weeks before your qualifying week.

To work out your qualifying week, use a calendar to count 15 weeks back from the week you're due to have your baby.

All employees who have been continuously employed for at least 26 weeks ending with the 15th week before the expected week of childbirth (EWC), and who satisfy the following conditions, are entitled to receive Statutory Maternity Pay (SMP) from their employer. The employee must:

1. still be pregnant at the 11th week before their expected week of childbirth or have had the child by that time;

2. have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight week period up to and including the Notification Week;
3. give their employer notice that they intend to be absent from work because of their pregnancy at least 15 weeks before the expected week of childbirth; and
4. provide their employer with medical certification of their expected week of childbirth, normally using form MAT B1.

SMP for eligible employees is payable for up to 39 weeks, usually as follows:

- The first 6 weeks: 90% of their average weekly earnings (AWE) before tax.
- The remaining 33 weeks: Standard Rate ([Maternity pay and leave: Pay - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/maternity-pay-and-leave-pay) or 90% of the AWE (whichever is lower)

Tax and National Insurance need to be deducted. The remaining 13 weeks are unpaid.

Normal earnings are calculated based on the eight week period before the qualifying period. However, any pay rises made by the employer up to the end of the employee's Maternity Leave must be taken into account and SMP adjusted accordingly.

Employees who do not qualify for Statutory Maternity Pay should claim Maternity Allowance, you can apply with the Department for Work and Pensions (DWP). [Maternity Allowance: How to claim - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/how-to-claim-maternity-allowance)

12.4 Terms & conditions during Maternity Leave

It is a legal requirement that all the terms and conditions of your employment remain in force during maternity, except for term relating to pay.

You have the right to return to the same job after Ordinary Maternity Leave.

If you have taken more than 26 weeks which is Additional Maternity Leave (AML), you still have the right to return to your

job on the same terms as before you left, but if it's not possible because there have been significant changes to the organisation, you could be offered a similar job. The job cannot be on worse terms than before.

12.5 Pension Contribution during Maternity Leave

Where the employee is enrolled into the Workplace Pension Scheme, contributions made by the employer will continue to be paid at the full rate up to the end of the period when SMP is payable.

Where the employee is required to make pension contributions, these will be based on the pay she receives during Maternity Leave.

12.6 Contact with the employee during Maternity Leave

The employer may make reasonable contact with the employee during Maternity Leave.

Before you go on maternity leave, a meeting should take place to talk about how you would like to stay in touch.

Employees are entitled to be informed about the following:

- If jobs are being advertised
- Of any promotion opportunities
- If they're planning redundancies or reorganisation

Keeping in Touch Days

Employees on Maternity Leave may do up to 10 days' work for the employer to help stay in touch with the organisation, these are called keeping in touch (KIT) days.

Neither the employee nor the employer is under any obligation to agree to Keeping in Touch days. If you work more than 10 KIT days, your maternity leave and pay automatically ends.

12.7 Antenatal Care

All pregnant employees are entitled to take time off with full pay during working hours to receive antenatal care. The employer may require an employee, who wishes to take time off for these purposes, to provide medical certification of their pregnancy and

an appointment card, except in connection with the first appointment.

12.8 Annual Leave during maternity leave

Annual leave may be taken before or after but not during maternity leave. If you wish to take some annual leave before going on maternity leave to extend the period you are paid, you should agree this with your line manager in the normal way. Similarly, you may also take annual leave at the end of the paid or unpaid maternity leave, subject to agreement.

Annual leave continues to accrue during both OML and AML. If you are on maternity leave at the end of the annual leave year you may carry over any untaken annual leave days to the following leave year.

12.9 Pregnancy Related Absence

An employee's maternity leave and SMP will automatically start if the employee is absent from work for a pregnancy related illness in the 4 weeks before the baby is due, it does not matter what has been previously agreed.

13 PATERNITY LEAVE

Eligible employees are entitled to take up to two weeks' paid Paternity Leave following the birth of their child in order to care for the child or support its mother. During Paternity Leave, most employees will be entitled to Statutory Paternity Pay (SPP), which will be the same as the standard rate of Statutory Maternity Pay (SMP) or 90% of your average weekly earnings (whichever is lower). They can choose to take 1 or 2 weeks.

13.1 Eligibility for statutory paternity leave

In order to qualify for paternity leave and SPP the employee must have or expect to have responsibility for the child's upbringing, or care of their partner. They must be one or both of the following:

- The child's father

- Married to, the civil partner or partner of the mother or both parents – this includes same sex partners.

They must have been continuously employed for the employer for at least 26 weeks up to any day in the qualifying week (to work out qualifying week, use a calendar to count back 15 weeks from the week the baby is expected to be born).

Employees must complete the Paternity Leave form, which is available from either HR or Payroll & give the correct notice (see Appendix 2).

13.2 Taking Paternity Leave

An employee is permitted to take Paternity Leave in units of either one whole week or two consecutive whole weeks. Leave may start on any day of the week on or following the child's birth and must be completed within 56 calendar days of the actual date of birth of the child (or due date if the baby is early)

An employee does not have to give a precise date when they want to take leave (e.g. 1st February), instead employees can give a general time, such as the day of the birth or 1 week after the birth.

You can change the general start date of your leave providing you give 28 days' notice of change.

13.3 Notification Procedures for Paternity Leave

An employee who wishes to take Paternity Leave must notify the employer by the 15th week before the expected week or childbirth, stating:

- the week the child is due;
- whether the employee wishes to take one week or two weeks' leave; and
- when the employee wants the leave to start.

13.4 Employment rights during paternity leave

An employee on paternity leave is entitled to enjoy normal terms and conditions of employment, with the exception of pay. The

employee is entitled to return to the same job following Paternity Leave.

An employee can get time off to accompany a partner to 2 antenatal appointments, you can take up to 6 and a half hours per appointment.

14 ADOPTION LEAVE

Employees who adopt a child may be entitled to Adoption Leave and Statutory Adoption Pay. This right applies to both parents.

Employees can take up to 52 weeks Statutory Adoption Leave, the first 26 weeks is known as 'Ordinary Adoption Leave', the last 26 weeks as 'Additional Adoption Leave' (final 13 weeks are unpaid). Leave can start:

- on the date the child starts living with the employee or up to 14 days before the expected placement date
- when an employee has been matched with a child to be placed with them by a UK adoption agency
- when the child arrives in the UK or within 28 days of this date (overseas adoption)
- the day the child's born or the day after (parents in surrogacy arrangements)

To qualify for adoption leave, an employee must;

- be newly matched with a child for adoption by an approved adoption agency; and
- have worked continuously for the same employer for 26 weeks leading into the week in which the employee is notified of being newly matched with a child by an approved adoption agency for adoption.

14.1 Terms & conditions during Adoption Leave

It is a legal requirement that all the terms and conditions of your employment remain in force during Maternity or Adoption Leave, except for term relating to pay.

You have the right to return to the same job after Ordinary Adoption Leave.

If you have taken more than 26 weeks which is Additional Adoption Leave, you still have the right to return to your job on the same terms as before you left, but if it's not possible because there have been significant changes to the organisation, you could be offered a similar job. The job cannot be on worse terms than before.

14.2 Notification Procedures for Adoption Leave

To qualify for adoption leave, an employee must give the employer the matching certificate from the adoption agency as evidence of entitlement to adoption leave. The employee must also comply with the following rules and procedures;

1. Within seven calendar days of being matched for a child, the employee must give their employer notice of:
 - The date the placement is expected to take place; and
 - The date on which the employee intends to start adoption leave. This must be in writing if requested by the employer.
2. Within 28 calendar days of the employee giving notice, the employer must respond in writing to the employee confirming his or her full entitlement to adoption leave (both 39 weeks' Ordinary Adoption Leave and if applicable, 26 weeks' Additional Adoption Leave) and the date when the employee is expected to return to work.
3. An employee who is adopting may choose to start adoption leave;
 - From the date of the child's placement; or
 - From a fixed date which can be up to 14 calendar days before the expected date of the placement.

An employee will be able to change their mind about the start date of adoption leave, providing the employee tells his or her employer at least 28 calendar days in advance.

4. The employee does not need to give notice of a return to work if they simply return at the end of the adoption leave period. However, if the employee wishes to return to work before the full entitlement to adoption leave has ended, the employee must give his or her employer a minimum of 28 calendar days' notice of the earlier return date.
5. If the employee fails to give the required 28 calendar days' notice of an earlier return to work, the employer may postpone the return until the end of the 28 calendar days' notice the employee should have given, or until the end of the adoption leave period, whichever is earlier.
6. An employee does not lose the right to return to work if they do not follow the correct notification requirements. However, the employer may take appropriate disciplinary action if the employee fails to return to work at the end of his or her adoption leave period.

14.3 Statutory Adoption Pay

Statutory Adoption Pay (SAP) for eligible employees is payable up to 39 weeks, usually as follows:

- 90% of their gross average weekly earnings (AWE) for the first 6 weeks
- The remaining 33 weeks: Standard Rate ([Statutory Adoption Pay and Leave: employer guide: Entitlement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/statutory-adoption-pay-and-leave-employer-guide-entitlement)) or 90% of the AWE (whichever is lower)

Tax and National Insurance need to be deducted.

To qualify for SAP, the employee must;

- Have been continuously employed for at least 26 weeks up to any day in the week they were matched with a child
- Have average weekly earnings equal to or above the lower earnings limit for National Insurance Purposes over the 8 week period leading up to the date the employee is matched with a child

- Give the employer the required minimum notice that he or she intends to be absent from work because of adoption
- Provide the employer with proof of the adoption

14.4 Paternity Leave and Adoption

The partner of an individual who adopts, or the other member of a couple adopting jointly, may be entitled to Paternity Leave and Paternity Pay.

When a couple adopts, they can choose who will take Adoption Leave and who will take Paternity Leave. However, the same employee may not choose to take both entitlements.

A qualifying employee may take either one whole week's or two consecutive whole weeks' paid Paternity Leave to care for a newly adopted child or to support their partner on adoption.

In cases of adoption, an employee must have worked continuously for the employer for at least 26 weeks leading into the week in which the adopter is notified of being matched with a child.

The employee may decide to start Paternity Leave either from the date of the child's placement, from a chosen number of days or weeks after the date of the child's placement or from another chosen date.

In all cases Paternity Leave must be completed within 56 calendar days of the child's placement.

15 SHARED PARENTAL LEAVE

Employees and their partner may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if they are:

- Having a baby
- Using a surrogate to have a baby
- Adopting a child
- Fostering a child who they're planning to adopt

You can share up to 50 weeks of leave and up to 37 weeks of pay between you. You need to share the pay and leave in the first year after your child is born or placed with your family. You can use SPL to take leave in blocks separated by periods of work, or take it all in one go. You can also choose to be off work together or to stagger the leave and pay.

To get SPL and ShPP, employees and their partner need to:

- Meet eligibility criteria (there is different criteria for birth parents and for adoptive parents or parents by surrogate)
- Give correct notice to your employers
- Give up some of the maternity or adoption leave and pay

To get SPL and ShPP, employees and their partner need to take less than the 52 weeks of maternity or adoption leave and use the rest as SPL and take less than 39 weeks maternity or adoption pay and use the rest as ShPP.

16 MEMBERSHIP OF OUTSIDE BODIES AND PUBLIC DUTIES

Staff are entitled under the Employment Rights Act 1996 to reasonable unpaid time off during working hours for performing any public duties or for trade union meetings. The amount of time off should be agreed between the employee and employer beforehand.

An employer can refuse a request for time off if they think it is unreasonable.

16.1 Jury Service

All employees must be allowed to take time off for jury service, this cannot be refused.

Employees will not be paid during their absence for jury service, they can claim a loss of earnings allowance from the court. A certificate should be provided to HR and payroll to complete, provided with the jury service letter.

POLICY, IMPLEMENTATION AND REVIEW

The policy will be reviewed in not more than 24 months.

Any alterations to the policy will be subject to consultation, unless these changes are not material.

Leave policy approved July 2023 (Date)

A handwritten signature in black ink that reads "Hazel Williams". The signature is written in a cursive style with a long horizontal stroke at the end.

Signed by Chair of Trustees

APPENDIX 1 -

Request for Maternity Leave

Your leave date:

The baby is due on:

If the baby has been born, please enter the Actual date of birth and also give the date The baby was due in the box

I want to be away from work for 39 weeks / weeks (please delete)

I have arranged with my line manager to have Keeping in Touch days on the following dates:

.....
.....
.....

Your declaration

Surname.....

First name(s).....

National Insurance Number.....

Signature

Line Managers Signature
.....

Date

APPENDIX 2 -

Request for Paternity Pay / Leave

The dates you wish your Paternity Leave to start

The baby is due on

If the baby has been born, please enter the actual date of birth and also give the date the baby was due in the box

The date you will be returning to work

Your declaration

Surname.....

First name(s).....

National Insurance Number.....

You must be able to tick both boxes below to be entitled to Paternity Pay and Paternity Leave.

I declare that

- I am
 - The baby's biological father or
 - Married to the mother, or
 - Living with the mother in an enduring family relationship but am not an immediate relative

- I have responsibility for the child's upbringing

Signature:.....Date:.....

Line Managers Signature :.....Date:.....