### Policy 37: Families Leave and Pay

Last updated by: SH, RH

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1. **Introduction**

1 Policy 37 Families Leave and Pay Policy V2
There are three policies concerned with leave arrangements for employees of Age UK York (AUKY):

- Policy 37, Family Leave and Pay Policy, deals with the legislative protection concerning maternity, paternity (also called Parenthood) and adoption and parental leave and pay arrangements and information on combining different types of leave;
- Policy 2, Sickness Absence Management Policy, deals with short and long term sickness absence and return to work arrangements. It also covers compassionate and bereavement leave and dental and GP appointments;
- Policy 4, Special and Annual Leave Policy covers annual leave (for further details of which, employees should consult their own contracts of employment) as well as a range of ad hoc leave needs such as jury service and study leave.

2. Responsibilities

a) The Trustees of AUKY (the Trustees) have overall responsibility for the management and services of AUKY and have devolved day to day responsibility on the Chief Officer (CO);

b) AUKY acknowledges and works within the current legislation relating to maternity, paternity, adoption and parental leave and pay;

c) In any case of doubt concerning eligibility for leave, employees should consult their own line manager or supervisor;

d) Employees must not take any leave without prior permission from their line manager or supervisor or, in particular emergencies, must speak to their line manager, supervisor or other senior manager. Messages by text are not acceptable.

3. Maternity arrangements

a) Early notification and risk assessment

i) You are not legally required to advise your supervisor or manager of your pregnancy before the end of the 15th week before the expected week of the birth of your baby, depending on the role that you undertake. However, AUKY is required to carry out a risk assessment in connection with any risks you may face in the workplace; this may also involve a review of your current duties. It is therefore in your own interests that you advise the Chief Officer as soon as possible that you are expecting a baby;

ii) Your risk assessment and all subsequent recommendations and arrangements will be fully discussed with you before they are carried out;

iii) If a risk to your own health or that of your unborn baby is identified, you will be notified immediately;

iv) Immediately on identification of a health risk and notification to you, arrangements will be made to seek to reduce identified risks as far as possible. These will include arrangements to alter your working conditions or, if this is not possible, you will be offered a suitable alternative job for the duration of your pregnancy. This will not be at a lower rate of pay or on less favourable terms and conditions than your current employment;

v) If there is no alternative work, AUKY reserves the right to suspend you on full pay until you are no longer at risk. These alternative arrangements may continue after the birth of your baby if you are still considered to be at risk;

vi) If you have any concerns about your own health and safety at any time you should consult your supervisor or manager immediately.
b) Time off for ante-natal care

i) You are entitled to take time off during your normal working hours to receive antenatal care although, whenever possible, you should arrange your appointments at the start or end of your working day. Antenatal care includes appointments with your midwife, GP, hospital clinics and relaxation classes;

ii) You should advise your supervisor or manager that you will be absent as far in advance of your appointment as possible. You may be asked to produce your appointment card, or some other confirmation of your appointment;

iii) There will be no deduction from your salary for attendance at authorised antenatal appointments (i.e. an appointment made on the advice of your GP, a registered midwife or health visitor), including any time spent travelling to and from and waiting for the appointment;

iv) Your spouse, civil partner or partner will be able to accompany you to up to two antenatal appointments. This right also applies to surrogate parents who meet the conditions for, and intend to apply for, a parental order for the baby to be born through a surrogate arrangement. This right applies to employees from the first day of working, that is, there is no qualifying period. The antenatal leave is unpaid and is up to a maximum of 6 hours and 30 minutes for each appointment.

c) Maternity leave

i) Ordinary Maternity Leave entitlement consists of 26 weeks’ ordinary maternity leave, no matter how many hours you work each week;

ii) Additional Maternity Leave can be taken immediately after your ordinary maternity leave. This will make your total leave period a maximum of 52 weeks. The additional leave will be unpaid.

iii) Maternity leave can be chosen to start at any time after the start of the 11th week before the week in which your baby is due, unless:

- You are ill for a reason related to your pregnancy at any time after the start of the 4th week before your baby is due, in which case, your maternity leave will automatically start on the first day of your absence;
- Your baby arrives unexpectedly early and before you have started maternity leave, in which case, your maternity leave will start on the day your baby is born;
- If you have a miscarriage or your baby is stillborn before the 25th week of pregnancy, that is, earlier than the 16th week before the start of the expected week of childbirth (the EWC) you have no entitlement to maternity leave and pay;

iv) Notification of pregnancy to your employer is required by the end of the 15th week before the expected week of the birth of your baby (or, if that is not reasonably practicable, as soon as possible thereafter). You should give formal notice to the Chief Officer as follows:

That you are pregnant;
- The week your baby is expected to be born (for these purposes a week begins on a Sunday);
- Provide a Form MAT B1 signed by your GP or midwife;
- The date when you intend to start your maternity leave;

v) To change the intended start date of your maternity leave you must notify the Chief Officer at least 28 days before the new start date or, if that is not reasonably practicable, as soon as possible thereafter. Within 28 days of your notification, the Chief Officer will write to you stating the expected
date of return from maternity leave. This date will be the end of your 52 week maternity leave period;

vi) You are prohibited from working for a period of two weeks commencing with the day on which
the childbirth occurs. This is a compulsory legal obligation intended to benefit both you and your
new baby;

vii) There are two types of legally permitted contact between the employer and the employee while
on maternity leave. These are known as “reasonable contact” and “keeping in touch days”;

viii) The employer and employee may have reasonable contact during maternity leave. The
arrangements and reasons for this will be discussed between the employee and their line manager
before the maternity leave begins, if at all possible. They will include news of changes in the
workplace that affect the employee, and promotion possibilities;

ix) The employee may work up to ten “keeping in touch days” (KIT days) during maternity leave,
and will be paid for such days. The payment will not affect SMP. The employee shall not be
required to work such days and may not work during the first two weeks after the baby is born. KIT
days may be used for attending team meetings, conferences or training sessions, for example.

d) Pay, benefits and pension contributions
i) If you have at least 26 weeks' service with AUKY by the end of the 15th week before yo
your baby is
born, you will be entitled to receive Statutory Maternity Pay (SMP), whether or not you intend to
return to work. Your average earnings (before tax) have to take you over the Lower Earnings Limit.
This amount is normally reviewed upwards annually. If you do not qualify for maternity pay, you
may be able to claim Statutory Maternity Allowance (SMA);

ii) SMP is payable for a maximum of 26 weeks (in line with your ordinary
maternity leave period).
As a general rule you can expect to receive 9/10ths of your salary or average weekly earnings for
the first six weeks, followed by the lower statutory rate set by the government for the remaining
period. These rates are normally reviewed annually. You will be given a statement of your exact
entitlement when you start your maternity leave;

iii) To claim SMP you must give 28 days' notice, in writing, of your planned absence on maternity
grounds or, if that is not reasonably practicable, as soon as possible thereafter. If you intend to take
maternity leave, whether or not you qualify for maternity pay, you must give the written notice referred
to above;

iv) Your maternity pay will be paid into your bank account in the normal way, on the same date that
you would have received your salary. It will be subject to the usual deductions for tax, National
Insurance and pension contributions;

iv) Your ordinary maternity leave period (but not your additional maternity leave period) will be treated
as normal pensionable service and AUKY will therefore continue to make contributions on your
behalf into the pension scheme.

e) Holidays
i) During maternity leave you will continue to accrue holiday entitlement in the usual way, and this
must be taken within twelve months of your return to work;

ii) During ordinary maternity leave you will continue to accrue holiday entitlement in the usual way;

iii) During additional maternity leave you will continue to accrue statutory holiday leave under the
Working Time Regulations, although no contractual holiday leave shall accrue during this period.

f) Returning to work
i) Soon after AUKY receives notification of your intended absence on maternity leave, it will write
to you and advise you of your expected date of return. If you intend returning to work at the end of your leave you are not required to give any further notification to AUKY;

ii) If you wish to return to work before the end of the ordinary maternity leave period or, if you qualify for the additional maternity leave period, then you must give at least 28 days' notice of the return date. Failure to give this notice may result in AUKY having to postpone your return to work;

iii) After ordinary maternity leave you will have the right to return to work in the same job that you left before you started your maternity leave, with your seniority, pension rights and similar rights as they would have been had you not been absent;

iv) After additional maternity leave you will have the right to return to the same job you left before your absence or, if it is not reasonably practicable for you to return to that job, to another job which is both suitable for you and appropriate for you to do in the circumstances. You will have the right to return on terms and conditions that are no less favourable than those which would have been applicable to you had you not been absent from work at any time since the start of your ordinary maternity leave period. Your pension rights will be suspended during additional maternity leave along with the payment of pension contributions.

g) Returning to work on a part-time or flexible basis

i) If you wish to return to work on fewer hours or on conditions other than those when you started your maternity leave, then you have the right to make a formal request for this to be considered. If you make a request for more flexible working then there may be a number of options to be looked at such as, reducing your hours or altering the times of work, or job share. You may want to make this request on either a permanent or a short-term basis. If you make such a request then the following procedure will be followed:

- The request must be in writing and submitted to your supervisor or manager and state what change you want AUKY to consider. You should explain what effect you think this will have on AUKY and how this could be dealt with. You can only make one request in a period of twelve months;

- AUKY will arrange for a meeting to be held with you to discuss your request within a period of 28 days. You have the right to be accompanied at that meeting by a colleague from AUKY, or a trade union representative. After the meeting you will be given the decision, in writing, within 14 days;

- If AUKY agrees to the variation, this will be specified and the start date agreed. Any changes to terms and conditions occasioned by the change will be clearly laid out in the letter. It will also state whether this is to be a permanent or temporary arrangement;

- If AUKY refuses the request, then the letter will set out the reasons why the request has been turned down. Grounds for refusal might be:
  - Burden of additional costs
  - Detrimental effect on ability to meet customer needs
  - Inability to re-organize work among existing staff
  - Detrimental impact on quality
  - Detrimental impact on performance
  - Insufficiency of work during period the employee proposes to work
  - Planned structural changes
ii) You have the right of appeal if you do not agree with the decision made. Any appeal must be submitted, in writing, within five working days, to the appropriate person;

- Your letter should lay out the grounds for your appeal;
- Any arrangements for the appeal hearing will be notified to you within ten working days from receipt of your letter. The appeal hearing would normally be held within twenty working days from the receipt of your letter;
- At the appeal hearing you have the right to be accompanied by a colleague from AUKY or a trade union official;
- The decision of the appeals panel will be notified to you within ten working days from the date of your appeal hearing. This decision will be final;

iii) You will not be able to make any further requests for a period of twelve months. Your right to make requests remains whilst your child is under 6 years of age (or under 18 years of age if they are disabled).

h) If you decide not to return to work

If you decide not to return to work after all, AUKY asks you to notify your supervisor or manager as soon as you reach that decision.

i) Sickness absence

i) If you are absent from work due to sickness during the pregnancy you will receive normal statutory or contractual sick pay in the same manner as you would during any sickness absence. However, if you are absent from work due to a pregnancy related illness after the beginning of the fourth week before your expected week of childbirth, your maternity leave will start automatically;

ii) If you cannot return to work because you are ill you should notify your supervisor or manager immediately, and this period of absence will be treated as sick leave and paid accordingly.

4. Parenthood Leave

a) Heterosexual and same sex parenthood

AUKY recognises that where there are two parents in a partnership carrying out parenthood roles, those partners need not be heterosexual. AUKY prefers the term 'parenthood' to 'paternity'. Statutes continue to use the term 'paternity' as in 'Ordinary Paternity Leave' and so on. In setting out the rights of the parent other than the mother, AUKY uses the statutory term; but where 'Ordinary Paternity Leave' and 'Additional Paternity Leave' are shown, this is taken by AUKY to mean 'Ordinary Parenthood Leave' and so on.

b) Leave entitlements

i) AUKY aims to inform all employees of their entitlements under the law and to ensure that all employees understand these rights. There are two kinds of Paternity Leave: Ordinary Paternity Leave (OPL) that lasts for 2 weeks, and Additional Paternity Leave (APL) that can last between 2 and 26 weeks.

ii) Ordinary Paternity Leave (OPL) is for the purpose of caring for a baby or supporting the baby's mother and has the following requirements and entitlements:

- You must have had at least 26 weeks' continuous employment ending with the week immediately preceding the 14th week before the expected week of the baby's birth;
• You are the parent of the baby and have responsibility for bringing up the child, or you are married to, or are the partner (including same sex partner) of, the child’s mother and you have the main responsibility (apart from the mother) for bringing up the child;

• You will be treated as having satisfied the 26 weeks’ continuous service requirement if you would have done so but for the baby being born prematurely;

• Provided you qualify, parenthood leave will still be available to you should the baby be stillborn after 24 weeks of pregnancy, or die during the possible parenthood leave period;

• You are entitled to take up to 2 weeks’ parenthood leave. This leave must be taken either as a single block of one week or two consecutive weeks;

• Your leave period will be calculated on a “rolling week” basis. This means that if you start your leave on, for example, a Tuesday, the leave period will run to the following Monday (if you choose a single week block) or the Monday after that (if you choose a consecutive two week period);

• The leave of either one week or two weeks must be taken within a period of 56 days beginning with either the baby’s birth date, or the first day of the expected week of its birth. The latter option is designed to help you if the baby is born very prematurely and remains in hospital throughout the first 56 days or longer;

• Following parenthood leave you will have the right to return to the job you were doing before taking the leave, and to the same conditions, without suffering any detriment.

c) Notification

i) Notice of your intention to take parenthood leave must be given to your supervisor or manager in or before the 15th week before the expected week of the baby's birth, or, if this is not reasonably practicable, as soon as possible. You must specify:

◦ The expected week of the baby’s birth (copy of form MATB1)
◦ The length of period of leave that you have chosen to take
◦ The date you have chosen for your leave to start

ii) If, after giving this notice, you change your mind as to the commencement date or the amount of leave, you must inform your supervisor or manager at least 28 days before the change or, if this is not reasonably practicable, as soon as possible thereafter;

d) Pay and pension

i) During this period of leave you will continue to be entitled to the benefit of all of the terms and conditions of your employment including the right to return, except those relating to pay. For clarity, this period of leave is called Ordinary Statutory Paternity Leave (OSPP);

ii) For members of the AUKY pension scheme, contributions will be based on the amount of Statutory Paternity Pay (SPP) that you receive. Any pension contributions payable by AUKY will be calculated on your SPP and paid as if you had been working normally.

e) Additional Parenthood Leave (APL)

i) Employees who are eligible can choose to take between two and 26 weeks APL which must be taken in multiples of complete weeks and as one continuous period. APL can start at any point after the baby is 20 weeks old and must be completed by the baby’s first birthday;

ii) You are entitled to take APL if:

• You have the main responsibility for caring for the baby (apart from the mother) and intend
to care for the baby during APL;

- You are the father, spouse or partner of the baby’s mother;
- You have at least 26 weeks’ continuous employment ending with the 15th week before the expected week of the baby’s birth and continue to work from the qualifying week into the week before you wish to take APL. (Weeks run from Sunday to Saturday);
- You show that the mother is entitled to maternity leave/statutory maternity pay/maternity allowance with at least two weeks of unexpired statutory maternity leave remaining; and
- You comply with the relevant notification provisions.

iii) The extent of APL is as follows:

- You can choose to take between two and 26 weeks’ APL which must be taken in multiples of complete weeks and in one continuous period;
- APL can start at any point after the baby is 20 weeks old and must be completed by the baby’s first birthday;

iv) Notice of intention to take APL must:

- Be in writing and at least 8 weeks before the start of APL;
- State the expected week of childbirth and actual date of birth;
- State the proposed start and end dates of APL;
- State the proposed start and end dates of APL paternity pay (if applicable);
- Include a declaration showing compliance with eligibility requirements for APL in relation to responsibility for the baby, purpose of leave and responsibility for the baby’s upbringing;
- Include a declaration from the baby’s mother stating:
  - Name, address, and NI number;
  - Intended return to work from maternity leave date;
  - Eligibility for SMP, MA or statutory adoption leave or pay and date on which the relevant pay period started;
  - That the information supplied by the employee is correct and that this person is the only person exercising the right to APL in respect of the baby together with consent to AUKY processing this information.

v) AUKY will confirm your entitlement to APL within 28 days of receiving this information;

vi) The employee must give 6 weeks’ notice to change the date of APL;

vii) Additional Statutory Paternity Pay (ASPP) will be paid if you are eligible for APL and the baby’s mother has returned to work with at least two weeks of her entitlement to SMP still remaining;

viii) The maximum period of ASPP is 19 weeks;

ix) Any additional statutory parenthood leave taken after the end of SMP/MA period is unpaid;

x) Your entitlement to ASPP is in addition to any OSPP already received;

xi) Pension contributions will continue to be made during any period when you are receiving SPP but not during any period of unpaid APL. Employee contributions will be based on actual pay while employer contributions will be based on the salary that you would have received had you not gone on APL;

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xii) During APL you are entitled to normal terms and conditions of employment except for terms relating to wages or salary;

f) Contact during APL

Before the beginning of APL your line manager will discuss arrangements for contact during APL. This is intended to keep you updated on developments at work and to discuss plans for returning to work. Keeping in touch days (KIT days), to a maximum of 10 days, may also be made available to you, but you are not obliged to take them. They can be used for team meetings, training or conferences, for example.

g) Returning after APL

i) You are entitled to return to the same job following APL unless this is not reasonably practical in which case you will be offered another job which is both suitable and appropriate unless a redundancy situation has arisen;

ii) You have a statutory right to request flexible working and if you wish to request this you should do so in writing as soon as possible and before your return date;

iii) If you do not wish to return to work after APL you should give notice of your resignation as soon as possible and in accordance with the terms of your service contract.

h) Redundancy during APL

If a redundancy situation arises at any stage during your parenthood leave you are entitled to be offered suitable alternative employment if available, on terms and conditions not substantially less favourable and offered in preference to any other employee.

5. Adoption

a) Entitlement to adoption leave

i) Adoption leave is available to both men and women. Where a couple adopts a child, only one parent will be able to take adoption leave. The other parent may be eligible for 14 days’ statutory adoption leave and pay. The adopting couple can choose which of them takes statutory adoption leave and which takes statutory paternity leave;

ii) There are other ways in which this leave can be arranged between the adopting parents. Any employee considering adoption leave with their partner will be helped by AUKY to consider the best option and AUKY will take advice from their own HR advice agency on the matter;

iii) Ordinary Adoption Leave of up to 26 weeks' paid leave can be taken provided:

- You have been continuously employed by AUKY for 26 weeks;
- You have been matched with the child for adoption;
- You have notified the adoption agency that you agree that the child should be placed with you and have agreed on the date of placement;

iv) Additional adoption leave can be taken at the end of Ordinary Adoption Leave. This period of leave, which will be unpaid, will begin immediately after your ordinary leave and will make your total leave period a maximum of 52 weeks;

b) Starting ordinary adoption leave

i) You may choose to begin your ordinary adoption leave on the date on which the child is placed with you for adoption, or up to 14 days before that date.

ii) If you wish to apply for adoption leave you must follow the following process:
• Inform you supervisor or manager that you will be taking adoption leave when you are approved for adoption;

• Notify your supervisor or manager of your intention to take adoption leave within 7 days of being matched with a child, or as soon as reasonably practicable thereafter;

• Provide your supervisor or manager with a copy of the certificate matching you for adoption, within one week of issue;

• Give your supervisor or manager 28 days' notice of when you wish your adoption leave to start, unless this is not reasonably practicable. If it is not reasonably practicable to give 28 days' notice, leave will start on the date the child is placed for adoption.

c) Adoption pay, benefits and pension contributions

i) To be eligible for Statutory Adoption Pay (SAP) your average weekly earnings have to be at least equal to the Lower Earnings Limit;

ii) In addition, you must have elected to receive SAP (which is only possible if you have not elected to receive statutory paternity pay);

iii) SAP is payable for a maximum of 26 weeks (in line with your ordinary adoption leave period). SAP is payable at a set rate, or 90% of your earnings if they fall below that minimum rate, and provided that your average weekly earnings are at least equal to the Lower Earnings Limit;

iv) Your SAP will be paid into your bank account on the same date that you would have received your salary, and will be subject to the usual deductions for tax, National Insurance and pension contributions.

v) SAP must be claimed by giving 28 days' notice in writing prior to receiving your first due payment or, if that is not reasonably practicable, as soon as possible thereafter. This must be accompanied by notice of the expected date of placement of the adoptive child;

vi) If you are a member of AUKY's pension scheme, during your ordinary adoption leave (but not your additional adoption leave period) your contributions will be based on the amount of SAP that you receive. During the period of ordinary adoption leave, pension contributions payable by AUKY will be calculated from your SAP, and paid as if you had been working normally.

d) Holidays and contract of employment

i) During periods of adoption leave you will continue to accrue holiday entitlement in the usual way, and this must be taken within twelve months after your return to work;

ii) During ordinary adoption leave you will continue to accrue holiday entitlement in the usual way;

iii) During ordinary adoption leave your normal contract of employment will operate;

iv) During additional adoption leave your normal contract of employment will operate with the exception of pay. Periods of additional leave are unpaid;

v) During additional adoption leave you will continue to accrue statutory holiday leave under the Working Time Regulations, although no contractual holiday leave shall accrue during this period.

e) Return to work arrangements

i) Soon after AUKY receives notification of your intended absence on adoption leave, it will write to you and advise you of your expected date of return. If you intend returning to work at the end of your leave you are not required to give any further notification to AUKY;

ii) If you wish to return to work before the end of the ordinary adoption leave period or, if you are
taking the additional adoption leave period, then you must give at least 28 days' notice of the return date. Failure to give this notice may result in AUKY having to postpone your return to work;

iii) When returning to work after Ordinary Adoption Leave you will have the right to return to work in the same job that you left before you started your adoption leave with your seniority, pension rights and similar rights as they would have been had you not been absent;

iv) When returning to work after Additional Adoption Leave you will have the right to return to the same job you left before your absence or, if it is not reasonably practicable for you to return to that job, to another job which is both suitable for you and appropriate for you to do in the circumstances. You will have the right to return on terms and conditions that are no less favourable than those which would have been applicable to you had you not been absent from work at any time since the start of your ordinary adoption leave period;

v) If you wish to return to work on fewer hours or on different conditions other than those when you started your adoption leave, then you have the right to make a formal request for this to be considered. If you make a request for more flexible working then there may be a number of options to be looked at such as, reducing your hours or altering the times of work, or job share. You may want to make this request on either a permanent or a short-term basis. If you make such a request then the following procedure will be followed:

- The request should be in writing and submitted to your supervisor or manager and state what change you want AUKY to consider. You should explain what effect you think this will have on AUKY and how this could be dealt with. You can only make one request in a period of twelve months;
- AUKY will arrange for a meeting to be held with you to discuss your request within a period of 28 days. You have the right to be accompanied at that meeting by a colleague from AUKY, or a trade union representative. After the meeting you will be given the decision, in writing, within 14 days;
- If AUKY agrees to the variation, this will be specified and the start date agreed. Any changes to terms and conditions occasioned by the change will be clearly laid out in the letter. It will also state whether this is to be a permanent or temporary arrangement;
- If the request is declined then the letter will lay out the reasons why the request has been turned down. Grounds for refusal might be:
  - Burden of additional cost
  - Detrimental affect on ability to meet customer needs
  - Inability to re-organise work among existing staff
  - Detrimental impact on quality
  - Detrimental impact on performance
  - Insufficiency of work during period the employee proposes to work
  - Planned structural changes
- If you do not agree with the decision made, then you have the right of appeal. Any appeal must be submitted, in writing, within five working days to the appropriate person. Your letter should lay out the grounds for your appeal;
- Any arrangements for the appeal hearing will be notified to you within ten working days from receipt of your letter. The appeal hearing would normally be held within twenty working days from the receipt of your letter;
- At the appeal hearing you have the right to be accompanied by a colleague from AUKY or a trade union official;
vi) If you decide not to return to work after all, then AUKY asks you to notify your supervisor or manager as soon as you reach that decision.

6. Parental Leave

a) Eligibility

i) Parental leave is for the purposes of caring for the child. This is the only permitted reason for taking this leave;

ii) To be eligible for parental leave, a member of staff must have at least one year’s service with AUKY at the beginning of the period of leave requested. The following criteria must be met:

- You must either be the parent named on the birth certificate of the child born on or after 15th December 1994 in which case you can take leave up to the child’s 5th birthday. Or You have acquired formal parental responsibility on or after 15th December 1994;
- If you are the adoptive parent of children placed for adoption on or after 15th December 1999, you can take leave up to the fifth anniversary of placement (or the child’s 18th birthday if that is sooner);
- Parents from either of the above categories can take leave up to their child’s 18th birthday if the child is disabled. For the purposes of this type of leave, a “disabled child” is one for whom an award of Disability Living Allowance or Personal Independence Payment has been made;

iii) Entitlement for part-time staff is pro rata to the number of hours/days they work a week. On a proportionate basis a member of staff who worked for two days a week would be entitled to 26 days parental leave, or 36 days if they have a disabled child;

b) Leave allowance

i) Parental leave can be taken for a maximum of 13 weeks for each child. In the case of twins this can be 13 weeks for each child. In the case of a disabled child, this can be up to 18 weeks;

ii) You may take parental leave in blocks of a minimum of one week, except in the case of a disabled child, when leave can be taken in multiples of single days;

iii) You may not take more than 4 weeks in any calendar year;

iv) If you take periods of less than one week, i.e. one or two days (except if your child is disabled) then that will be counted as a full week for the purposes of calculating your full entitlement to parental leave;

v) If you work part-time or variable hours, then a week’s leave will be calculated as the average hours worked in a week;

vi) The period of 13 weeks' leave (18 weeks in the case of a disabled child) is the maximum you can take, and periods of leave taken with a previous employer will be taken into account in calculating this period. AUKY will expect you to declare any periods of leave with a previous employer either before or at the time of making a request for leave;
vii) AUKY reserves the right to postpone parental leave where the needs of the business make this necessary. AUKY will attempt to agree with you a suitable alternative date when the parental leave can commence. The leave will not be postponed to a date later than 6 months from the original date requested. AUKY also reserves the right to refuse leave being taken concurrently where we employ both parents;

viii) If AUKY deems it necessary to postpone parental leave you will be notified in writing within 7 days of receipt of your request for parental leave. You will be given the reason for the postponement and the alternative dates on which parental leave can be taken. In the case of a child who is entitled to a Disability Living Allowance or Personal Independence Payment, parental leave will not be postponed beyond the date of the child’s 18th birthday;

ix) AUKY will not postpone leave if you wish to take it immediately following the birth or adoption of a child, providing the appropriate notice has been given as stipulated above.

c) Notification

i) If you wish to take parental leave, you must notify your supervisor or manager, in writing, 21 days before you wish the leave to start, in order that the period of unpaid leave can be entered correctly on payroll. If you wish to take parental leave immediately on the birth or adoption of a child you must request parental leave in the normal way, and give AUKY 21 days’ notice of the expected week of the birth or adoption of the child;

ii) At the time you make any request for parental leave, you should include the following information:

- Identify the reason for the request
- Produce an appropriate birth or adoption certificate or such other documentation as AUKY shall reasonably request
- Declare any periods of parental leave you have taken with previous employer(s)

d) Pay and benefits

i) Your normal contract of employment will operate during your period of parental leave, with the exception of pay, and you will continue to accrue benefits in the normal way. This leave will be treated as normal pensionable service and AUKY will therefore continue to make contributions on your behalf into the pension scheme;

ii) All periods of parental leave are unpaid;

e) Returning to work after parental leave

i) If leave is four weeks or less: You shall return to the job in which you were employed before your absence (unless you took parental leave immediately after taking additional maternity leave);

ii) If leave is four weeks or less and taken immediately after taking additional maternity leave, you may return to the job in which you were employed before the start of your absence unless:

- It would not have been reasonably practicable for you to return to that job if you had returned at the end of your additional maternity leave;
- It is not reasonably practically to for you to return to that job at the end of your parental leave;

iii) if you cannot return to your former job, you are entitled to return to another job which, is both suitable and appropriate in the circumstances;

iv) If leave is more than four weeks, you may return to the job in which you were employed before your absence, or, if it is not reasonably practicable, to another job which is suitable and appropriate and which has the same status, terms and conditions.
f) **Claiming dishonestly**

If you claim parental leave dishonestly it will be treated as a disciplinary offence, and will be dealt with in accordance with AUKY’s Disciplinary Procedure. Behaving dishonestly in connection with requesting parental leave could amount to gross misconduct, which could result in summary dismissal.

7. Combining parental leave with maternity leave

a) Your right to take parental leave is not affected by your right to take maternity leave. If you satisfy the criteria for each, then you can take a combination of maternity leave and parental leave;

b) Where a child is born or adopted after 5th April 2015, an employee can share her maternity leave and pay with her partner;

c) Up to 50 weeks’ leave and up to 37 weeks pay can be shared;

d) Care of the child must be shared with the employee’s spouse, civil partner, joint adopter, the child’s other parent, the employee’s partner if living with the employee and the child;

e) The employee must have 26 weeks’ service by the end of the 15th week before the due date of birth or placement date;

f) The employee must be employed until the week before taking any period of SPL;

g) In the 66 weeks before the baby is due, the employee’s partner must have been working for 26 weeks (which need not be continuous) and have earned at least £30 per week on average in 13 weeks of the 66 weeks.