



FAMILY LEAVE POLICY (INCLUDING MATERNITY, PATERNITY, ADOPTION AND PARENTAL LEAVE)

POLICY STATEMENT

1. PHSO's employees are its most valuable resource in delivering excellent services to our customers. PHSO is keen to recruit and retain high performing and talented employees through supporting them where possible and appropriate in balancing the needs of home and work life. To reflect this commitment PHSO provides good maternity, paternity, adoption and other family related leave arrangements which, in places, exceed what the law requires.

PURPOSE AND SCOPE

2. This policy and procedure:
 - sets out the procedures to be followed for taking maternity, paternity or adoption leave and other family related leave;
 - sets out expectations, benefits and entitlements to ensure that employees and managers have a clear understanding of, and comply with the relevant procedures and PHSO expectations.
3. This policy applies to all PHSO employees and workers, including those on secondment to other organisations, provided they meet the service requirements for eligibility.
4. The policy does not apply to inward secondees, as they are not employees of PHSO.

PRINCIPLES

5. The principles of this policy are:
 - requests for leave will be considered in line with current statutory guidelines, and timelines where applicable;
 - decisions will be applied fairly and consistently across the Office;
 - when considering discretionary aspects of this policy the requirements of our work will always be paramount. However, PHSO will be as flexible as possible when considering such requests.

PROTECT

OUTCOMES

6. The outcomes of this policy are that:
 - PHSO demonstrates the value it places on the diversity of its employees;
 - employees are assisted in achieving a home and work life balance; and
 - PHSO complies with relevant statutory requirements.

MONITORING AND REVIEW

7. HR, People & Talent will monitor the implementation of this policy for consistency.
8. A formal review of this policy will take place every 3 years unless there is a significant change in relevant legislation or business need which triggers a review before then.

Maternity Leave

1. Leave and pay entitlements

1.1 Compulsory Maternity Leave

There is a 2-week period known as Compulsory Maternity Leave which a new mother is required to take by law immediately after the birth of a child and which is included in the Ordinary Maternity Leave period.

1.2 Ordinary Maternity Leave and Additional Maternity Leave

- **Ordinary Maternity Leave (OML)** - This is the first period of 26 weeks leave after the birth of the child.
- **Additional Maternity Leave (AML)** - This is the second period of 26 weeks leave; it follows OML.

1.3 Expected Week of Childbirth (EWC)

This is the week calculated by a GP or Midwife as the expected date of the birth of the child. In calculating an expectant mother's length of service and entitlement to maternity leave and pay, the week is counted backwards from the EWC. Any length of service requirement must be met by the 15th week before EWC (see the Table below).

1.4 PHSO enhanced provision - OML

PHSO pays OML at full pay for 26 weeks to qualifying mothers, in line with our commitment to support a work-life balance through family-friendly policies.

In order to qualify, an expectant mother must have been employed continuously by PHSO for one year or longer by the 15th week before the EWC. The Mat B1 form issued by a GP or Midwife to the expectant mother provides the date of the EWC.

1.5 Antenatal care

1.5.1 All expectant mothers (irrespective of qualifying service), are entitled to paid time off during working hours for antenatal care. Reasonable notice must be given to their line manager and evidence of the appointment may be required. (e.g. the MAT B1 form).

1.5.2 Employees may request unpaid leave to accompany their partner to up to two ante-natal appointments. The time off is limited to 6.5 hours for each appointment. The employee will be expected to confirm that they qualify for the time off through their relationship with the mother or child and that the time off is for the purpose of attending an appointment that has been made on the advice of a registered medical practitioner, nurse or midwife. As with other time away from work, the line manager should be given reasonable notice of the appointment.

PROTECT

1.6 Repayment of PHSO enhanced provision

The enhanced maternity provision is payable to expectant mothers who intend to return to PHSO following their maternity leave. .

1.7 Summary of leave and pay

Length of Service	Maternity Leave Entitlement	Maternity Pay Entitlement
One year or more continuous employment at PHSO by the 15 th week before the EWC.	52 weeks	Ordinary Maternity Leave 26 weeks on full pay - enhanced provision
		Additional Maternity Leave 13 weeks at lower rate SMP 13 weeks' unpaid leave
Between 26 weeks' and one year's continuous employment at PHSO by the 15 th week before the EWC	52 weeks	Ordinary Maternity Leave 6 weeks at higher rate SMP (90% of the employee's average weekly pay) 20 weeks at lower rate SMP
		Additional Maternity Leave 13 weeks at lower rate SMP 13 weeks' unpaid leave.
Less than 26 weeks' continuous employment at PHSO by the 15 th week before the EWC	52 weeks	Entitlement to Ordinary and Additional Maternity Leave but both are unpaid. The Employee may apply for maternity allowance from Jobcentre Plus.

2. Notification procedures

2.1 An expectant mother must provide the following written information to her line manager by the 15th week before the EWC or as soon as is reasonably practicable:

- the date she intends to start her maternity leave;
- the number of weeks of maternity leave she wishes to take; and
- her MATB1 certificate.

2.2 The line manager should send a copy of the above to HR, People & Talent along with the original MATB1 certificate. HR, People & Talent will write to the expectant mother within 28 days, confirming the relevant dates for her maternity leave.

PROTECT

2.3 Should the expectant mother decide to change either the start or end date of her maternity leave she must notify her line manager in writing. The line manager will then seek advice from HR, People & Talent. Any proposed change should be requested as soon as possible but no later than:

- 28 days before the new start date; and
- 8 weeks before a new return date (or the due date of return) whichever is earlier.

3. Commencing Maternity Leave

3.1 An expectant mother may start her maternity leave from the 11th week before the EWC.

3.2 However, she will automatically be considered to be on maternity leave if:

- the birth of the baby occurs before the intended start of her maternity leave. Maternity leave will then start on the day following the birth of the child. In order to preserve her rights to maternity leave, the employee must notify PHSO of the date of birth and provide a MATB1 certificate, if she has not already done so;
- she is absent due to pregnancy-related illness at any time in the 4 weeks before her EWC. Maternity leave will start from the first day of absence.

3.3 In the unfortunate event of the death of the baby the mother's entitlement to maternity leave continues. Such circumstances include:

- the baby is stillborn from the 24th week of pregnancy onwards;
- the baby dies during child birth; or
- the baby dies at any time during the maternity leave.

3.4 However, following the death of a baby, as described above, the mother may decide that she wishes to return to work before the end of her maternity leave. In such circumstances the employee should contact her line manager, who will arrange a meeting in order to discuss a possible new return date to work.

4. Entitlements relating to Maternity Leave

4.1 Continuity of employment

The employee's contract of employment with PHSO continues uninterrupted throughout their maternity leave, regardless of whether they receive any pay during the leave period.

4.2 Right to return to the same job.

The following rights are extended to an employee returning from:

- **OML** - If the employee returns to work during or at the end of OML, she has a right to return to the **same job** on the same terms and conditions. The exception to this is if her post has been affected by redundancy

PROTECT

during her absence in which case PHSO will offer her a suitable alternative vacancy, if one exists;

- **AML** - If the employee returns to work during or following AML, she has a right to return to the **same job wherever possible**. However, if this should prove not to be practicable, PHSO will offer her a suitable alternative on terms and conditions that are no less than would have been applied if she had not been absent.

4.3 If the employee decides not to return to work after additional maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after additional maternity leave has ended, PHSO may require the employee to return to work for the remainder of the notice period.

4.4 Terms and conditions

Employees on maternity leave are entitled to benefit from all normal terms and conditions of employment during their leave period. However, the entitlement to remuneration (monetary salary) is only for certain periods of maternity leave (see the table at 1.7).

4.5 Pay awards

Employees on maternity leave are eligible to receive pay awards made in their absence, either:

- during their absence, if they are on either enhanced PHSO pay or the higher rate of SMP, effective from the date of the pay award;
- on their return (or when they take their accrued annual leave, if this is after unpaid maternity leave), if they are on the lower rate of SMP or no pay. In this case, there is no entitlement to backdated pay.

4.6 Annual leave

4.6.1 Employees on paid and unpaid maternity leave continue to accrue annual leave in line with their contractual entitlement.

4.6.2 Expectant mothers are encouraged to take any outstanding accrued annual leave **before** commencing their period of maternity leave. Annual leave accrued during the period of maternity leave should normally be taken before the employee returns to work unless there is a specific business need to return at the end of the maternity entitlement.

4.6.3 The accrual of pension rights during maternity leave continues as usual during paid maternity leave, either enhanced PHSO pay or SMP.

5. Sickness absence during or following pregnancy

5.1 If an expectant mother is absent from work before the start of her maternity leave (due to illness which is unrelated to pregnancy) or is unable to return following her maternity leave (whether related to the pregnancy and/or birth or not), the usual PHSO sickness absence procedures will apply.

PROTECT

5.2 Periods of pregnancy-related sick absence that occur before the expectant mother's maternity leave starts, will be paid according to their remaining sick pay entitlement but will be disregarded for the purpose of sickness absence monitoring and management action. Also see 3.2 above if the expectant mother is absent due to a pregnancy-related illness at any time in the 4 weeks before her EWC.

6. Health and Safety

6.1 Once the expectant mother has notified PHSO of her pregnancy, she is entitled to be protected from certain risks in the workplace. As soon as the line manager is informed that the employee is pregnant they should notify Service Desk who will carry out a risk assessment for the employee. The line manager should discuss with the employee whether they wish their pregnancy to remain confidential and inform Service Desk accordingly. PHSO will take measures to ensure that new and expectant mothers are not exposed to any risk that may harm them or their baby.

6.2 Employees who wish to breastfeed at work should provide written notification of their intention before they return to work. There are quiet rooms available in Millbank and The Exchange for both breastfeeding and expressing milk and these can be booked in the usual way. Toilets should not be used for either expressing milk or breastfeeding.

7. Keeping in Touch scheme

7.1 Employees on maternity leave will be added to PHSO's Keeping in Touch (KIT) scheme. Additionally, the employee and her line manager may, if they so wish agree a level of reasonable contact to be maintained. Line managers must ensure that employees are kept informed about any business changes, especially if these impact on their role.

7.2 Employees on maternity leave (other than during paid Ordinary Maternity Leave) also have the option of agreeing up to 10 KIT days. On KIT days the employee can come into work to catch up with developments, undertake training or work. This must be arranged by mutual agreement and there is no compulsion on either side to offer or accept KIT days. If such days are arranged then the employee will still be considered to be on maternity leave but will be paid at her usual rate of pay for the days she attends work.

8. Fertility treatment

8.1 Employees may request paid leave if they or their partner are undergoing IVF treatment. PHSO offers up to 10 days' paid leave to an employee actually receiving IVF treatment and up to 5 days' paid leave for employees accompanying a partner who is receiving IVF, in any 12 month period. As with other time away from work, the line manager should be given reasonable notice of the appointment, evidence of the appointment may be required.

PROTECT

9. Paternity leave and pay

- 9.1 The partner or spouse of a woman eligible for maternity leave may be entitled to paternity leave. See Paternity Leave section for further information.

PROTECT

Adoption Leave

1. Adoption Leave and pay entitlements

1.1 This procedure applies to PHSO employees where they are the primary adopter of a child and where they meet the eligibility criteria below.

1.2 Adoption leave rights also apply to partnerships of the same sex.

1.3 Ordinary Adoption Leave and Additional Adoption Leave

- **Ordinary Adoption Leave (OAL)** - This is the first period of 26 weeks following the placement of a child;
- **Additional Adoption Leave (AAL)** - This is the second period of 26 weeks leave; it follows OAL.

1.4 Adoption Matching

The term "matched" is when the adopting parents are formally notified by an approved adoption agency that they have a child for adoption. The adoption agency will provide a Matching Certificate and will set out a Matching Week which is when the primary adopter will be placed with a child.

1.5 Qualifying for Adoption Leave

An employee is eligible for adoption leave if:

- they have been newly matched with a child for adoption by an approved adoption agency; and
- they have been continuously employed at PHSO for at least 26 weeks in the week they are notified that they have been matched for adoption.

1.6 PHSO Enhanced Provision - OAL

PHSO pays OAL at full pay for 26 weeks to qualifying employees, in line with our commitment to support a work-life balance through family-friendly policies.

In order to qualify an employee must meet the above qualification criteria and have been employed continuously by PHSO for one year or longer by the week in which the primary adopter is notified of being matched with a child.

1.7 Repayment of PHSO enhanced provision

The enhanced adoption provision is only payable to employees who intend to return to PHSO following their adoption leave. Therefore, before commencing adoption leave the employee must agree to repay the PHSO enhanced provision of 26 weeks of salary paid during the OAL (less the amount for SAP) if they do not return to work for a minimum period of 3 months following their adoption leave.

The amount repayable by the employee in these circumstances is the difference between 26 weeks' full pay (PHSO enhanced provision) and 26 weeks' Statutory Adoption Pay.

PROTECT

1.8 Summary of leave and pay

Length of Service	Adoption Leave entitlement	Adoption Pay Entitlement
One year or more continuous employment at PHSO, by the week in which the primary adopter is notified of being matched with a child	52 weeks	<u>Ordinary Adoption Leave</u> 26 weeks on full pay - enhanced provision
		<u>Additional Adoption Leave</u> 13 weeks at lower rate Statutory Adoption Pay (SAP) 13 weeks' unpaid leave
Between 26 weeks and one year's continuous employment at PHSO by the week in which the primary adopter is notified of being matched with a child	52 weeks	<u>Ordinary Adoption Leave</u> 6 weeks at higher rate SAP (90% of the employee's average weekly pay) 20 weeks at lower rate SAP
		<u>Additional Adoption Leave</u> 13 weeks at lower rate SAP 13 weeks' unpaid leave
Less than 26 weeks' continuous employment at PHSO in the matching week, by the week in which the primary adopter is notified of being matched with a child	52 weeks	Entitlement to Ordinary and Additional Adoption Leave but both are unpaid The employee may apply for adoption allowance from Jobcentre Plus

2. Notification procedures

- 2.1 Prospective adoptive parents are expected to provide as much notice of their intention to take adoption leave as is reasonably practicable. Employees must inform their line managers within 7 days of being notified by their adoption agency that they have been matched with a child for adoption.
- 2.2 Once they know the exact date that the child is expected to be placed with them they should provide their line manager with the following information:
- the date they want their adoption leave to start;
 - a completed Adoption notification form;
 - a Matching Certificate from the adoption agency.
- 2.3 The line manager should send a copy of the above to HR, People & Talent along with the original Matching Certificate. HR, People & Talent will write to the employee within 28 days confirming the relevant dates for the adoption leave.

PROTECT

2.4 Should the employee decide to change either the start or end date of their adoption leave they must notify their line manager in writing. This should be as soon as possible but no later than:

- 28 days before the new start date; and
- 8 weeks before a new return date (or the due date of return) whichever is earlier.

3. Entitlements relating to Adoption Leave

3.1 Continuity of Employment

The employee's contract of employment with PHSO continues uninterrupted throughout their adoption leave, regardless of whether they receive any pay during the leave period.

3.2 Right to return to the same job

3.2.1 The following rights are extended to an employee returning from:

- **OAL** - If the employee returns to work during or at the end of OAL, they have a right to return to the **same job** on the same terms and conditions. The exception to this is if their post has been affected by redundancy during their absence in which case PHSO will offer them a suitable alternative vacancy, if one exists;
- **AAL** - If the employee returns to work during or at the end of AAL, they have a right to return to the **same job wherever possible**. However, if this should prove not to be practicable, PHSO will offer them a suitable alternative on terms and conditions which are no less favourable than would have applied if they had not been absent.

3.2.2 If the employee decides not to return to work after additional adoption leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after additional adoption leave has ended, PHSO may require the employee to return to work for the remainder of the notice period.

3.3 Terms and conditions

Employees on adoption leave are entitled to benefit from all normal terms and conditions of employment during adoption leave period. However, the entitlement to remuneration (monetary salary) is only for certain periods of adoption leave (see the table at 1.8).

3.4 Pay awards

Employees on adoption leave are eligible to receive pay awards made in their absence, either:

- during their absence, if they are on either enhanced PHSO pay or the higher rate of SAP, effective from the date of the pay award; or

PROTECT

- on their return (or when they take their accrued annual leave, if this is after unpaid adoption leave), if they are on the lower rate of SAP or no pay. In this case, there is no entitlement to backdated pay.

3.5 Annual leave

- 3.5.1 Employees on paid and unpaid adoption leave continue to accrue annual leave in line with their contractual entitlement.
- 3.5.2 Employees are encouraged to take any outstanding accrued annual leave due to them before commencing their period of adoption leave. Annual leave accrued during the period of adoption leave should be taken before the employee returns to work unless there is a specific business need to return at the end of the adoption entitlement.
- 3.5.3 Accrual of pension rights during adoption leave continue as usual during paid adoption leave, (either enhanced PHSO pay or SAP).

4. Keeping in Touch scheme

- 4.1 Employees on adoption leave will be added to PHSO's Keeping in Touch (KIT) scheme. Additionally, the employee and their line manager may, if they so wish agree a level of reasonable contact to be maintained.
- 4.2 Employees on adoption leave (other than during paid Adoption Leave) also have the option of agreeing a maximum of 10 KIT days. On KIT days the employee can come into work to catch up with developments, undertake training or work. This must be arranged by mutual agreement and there is no compulsion on either side to offer or accept KIT days. If such days are arranged then the employee will still be considered to be on adoption leave but will be paid at their usual rate of pay for the days they attend work.

5. Paternity leave and pay for primary adopters

- 5.1 The partner or spouse of an individual who adopts a child may be entitled to paternity leave. See Paternity Leave section for further information.

Paternity Leave

1. Leave and pay entitlements

1.1 Paternity leave is an entitlement for an employee whose wife, civil partner or partner gives birth to a child/children or adopts a child/children. It is only applicable within the first year of the child's life or adoption and is in order for the employee to care for the child or to support their wife, civil partner or partner.

1.2 Ordinary Paternity Leave and Additional Paternity Leave

- **Ordinary Paternity Leave (OPL)** is a maximum of two weeks. It may be taken in a one or two week block, following the birth or placement of a child for adoption;
- **Additional Paternity Leave (APL)** may be available to qualifying employees if the mother/primary adopter of the child has returned to work before using all their full maternity/adoption leave entitlement, then the father/partner may take Additional Paternity Leave.

1.3 PHSO enhanced provision for OPL

1.3.1 PHSO offers enhanced OPL to qualifying employees and will pay OPL at full pay. This is in line with our commitment to support a work-life balance through family friendly policies. The entitlement to OPL is fixed regardless of the number of babies born/adopted in any one maternity/adoption process.

1.3.2 To qualify for enhanced OPL an employee must:

- be the biological father of the child, or the primary carer/adopter's spouse or partner;
- have worked continuously at PHSO for 12 months by the 15th week before the expected week of childbirth or by the week when the primary adopter is notified of being matched with a child; and
- have, or expect to have, responsibility for the child's upbringing.

1.3.3 OPL must be taken:

- within eight weeks (56 days) of the birth or placement of the child;
- in a single block of one week or two consecutive weeks (leave cannot be taken as single days).

1.4 Additional Paternity Leave

1.4.1 To qualify for APL an employee must:

- be in continuous employment with PHSO until the week before the first week of APL; and
- meet the criteria for OPL.

In addition the primary carer of the child must have returned to work before their statutory entitlement to maternity/adoption pay/maternity allowance has been exhausted and be entitled to one or more of the following:

- Maternity/adoption leave;

PROTECT

- Statutory maternity/or statutory adoption pay (and has at least two weeks' that remains unexpired); and/or
- Maternity allowance.

1.4.2 Additional Paternity Leave must:

- be taken at any time from 20 weeks after the child is born or after the date of adoption placement;
- end no later than 12 months after the child is born/adoption placement;
- be between 2 and 26 weeks. The exact length of APL will depend on when the child's mother or primary adopter returns to work after the birth or the placement of the child;
- be one continuous period (a minimum of two consecutive weeks and a maximum of 26 consecutive weeks);
- be taken in full weeks.

1.4.3 PHSO enhanced provision for APL

PHSO will pay full pay to qualifying employees during weeks 20-26 of APL, in line with our commitment to support a work-life balance through family friendly policies.

1.5 Summary of leave and entitlements

Length of Service	Paternity Leave entitlement	Paternity pay entitlement
ORDINARY PATERNITY LEAVE		
One year or more continuous employment at PHSO, by the 15th week before the EWC or the week the primary adopter is notified of being matched with a child	2 weeks (in a one week or two week block)	2 weeks on full pay
Between 26 weeks and one year's continuous employment at PHSO, by the 15th week before the EWC or the week the adopter is notified of being matched with a child	2 weeks (in a one week or two week block)	2 weeks paternity pay at statutory rate

ADDITIONAL PATERNITY LEAVE		
One year or more continuous employment at PHSO, by the 15th week before the EWC or the week the primary adopter is notified of being matched with a child	Up to 26 weeks (can only be taken after the 20 th week of the original maternity/adoption leave and if the mother/primary adopter has returned to work)	Full pay - enhanced provision between 20 th and 26 th week of the mother's maternity/primary carer's adoption leave, only if they have returned to work 27 th to 39 th week paid at Statutory Paternity Pay (SPP) Unpaid leave from the end of the 39 th week of the mother/primary adopter's original maternity or adoption leave period
Between 26 weeks and one year's continuous employment at PHSO by the 15th week before the expected week of childbirth or the week	Up to 26 weeks (can only be taken after the 20 th week	20 th to 39 th week on Statutory Paternity Pay (SPP) or a rate equivalent to 90% of average

PROTECT

<p>the primary adopter is notified of being matched with a child</p>	<p>of the original maternity/adoption leave and if the mother/primary adopter has returned to work)</p>	<p>weekly earnings, if less than the statutory amount, per week</p> <p>Only paid for the period of entitlement which depends upon the mother/primary adopter's remaining statutory maternity/adoption pay/maternity allowance which she has effectively "transferred".</p> <p>39th week - Unpaid leave from the end of the 39th week of the mother/primary adopter's original maternity or adoption leave period</p>
--	---	--

2. Notification procedures - OPL and APL

2.1 Ordinary Paternity Leave

Employees applying for ordinary or additional paternity leave must provide the following written information to their line manager by the 15th week before the expected week of childbirth (EWC) or within 7 days of being notified by their adoption agency that they have been matched with a child for adoption:

- a completed Paternity leave form;
- a copy of their partner's MATB1 or Adoption Matching certificate; and
- the anticipated start date of paternity leave.

2.2. Additional Paternity Leave

In addition to the above, employees applying for APL, must provide their line manager with the following:

- written notification with no less than eight weeks notice of the date they intend to start the APL;
- the date they wish the additional statutory paternity pay to commence (if applicable);
- the actual date of birth of the child or the date of placement for adoption;
- a completed and signed self-certification form.

2.3 An application for APL must be supported by documentation which demonstrates the individuals' eligibility for APL, in particular that the mother/primary adopter was entitled to maternity/adoption leave, maternity/adoption pay, and has now returned to work. Therefore, the mother/primary adopter must submit a written and signed declaration form to PHSO stating:

- name, address and national insurance number;
- the start date of their maternity or adoption pay period;
- the date that they intend to return to work;
- that they have given notice to their employer of returning to work;
- that they are entitled to statutory maternity pay, maternity allowance or statutory adoption pay;

PROTECT

- confirmation that the PHSO employee satisfies the relationship eligibility conditions;
- that they consent to PHSO processing the information contained in the declaration form; and
- that the employee is, to their knowledge the only person exercising the entitlement to additional paternity leave in respect of the child and the sole applicant for additional statutory paternity pay.

3. Commencing Paternity Leave

The employee may bring forward the APL start date, provided that they advise PHSO in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone the APL start date, or cancel their APL, provided that they advise PHSO in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

4. Returning to work after Additional Paternity Leave

4.1 The employee will have been formally advised in writing by PHSO of the end date of their APL. The employee is expected to return on the next working day after this date. If they are unable to attend work at the end of APL due to sickness or injury, the PHSO's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

4.2 If the employee wishes to return to work earlier than the expected return date, they must give PHSO at least six weeks' notice of their date of early return, preferably in writing. If they fail to do so, PHSO may postpone their return date for up to six weeks.

4.3 If the employee decides not to return to work after additional paternity leave, they must give notice of resignation as soon as possible and in accordance with the terms of their employment contract. If the notice period would expire after additional paternity leave has ended, PHSO may require the employee to return to work for the remainder of their notice.

5. Entitlements relating to Paternity & Additional Paternity Leave

5.1 Continuity of employment

The employee's contract of employment with PHSO continues uninterrupted throughout their paternity leave, regardless of whether they receive any pay during the leave period.

5.2 Right to return to the same job

The following rights are extended to an employee returning from:

- **OPL** - If the employee returns to work during or at the end of OPL, they have a right to return to the **same job** on the same terms and conditions. The exception to this is if their post has been affected by

PROTECT

redundancy during their absence in which case PHSO will offer them a suitable alternative vacancy, if one exists;

- **APL** - If the employee returns to work during or following APL, they have a right to return to the **same job wherever possible**. However, if this should prove not to be practicable, PHSO will offer them a suitable alternative on terms and conditions that are no less than would have been applied if they had not been absent.

5.3 Terms and conditions

Employees on paternity leave are entitled to benefit from all normal terms and conditions of employment during their paternity leave period. Entitlement to remuneration (monetary salary), during their paternity leave will depend upon the type of paternity leave they are currently taking and the length of service.

5.4 Pay awards

Employees on paternity leave are eligible to receive pay awards made in their absence, either:

- during their absence, if they are on either paid (2 week period) or Statutory Paternity Pay (SPP) effective from the date of the pay award; or
- on their return (or when they take their accrued annual leave, if this is after unpaid paternity leave) if they are on the lower rate of SPP or no pay. In this case, there is no entitlement to backdated pay.

5.5 Annual leave

5.5.1 Employees on paid and unpaid paternity leave continue to accrue annual leave in line with their contractual entitlement.

5.5.2 Employees are encouraged to take any outstanding accrued annual leave before commencing their period of APL. Annual leave accrued during the period of APL should be taken before the employee returns to work unless there is a specific business need to return at the end of the paternity entitlement.

5.5.3 Accrual of pension rights during paternity leave continue as usual during paid paternity leave (either enhanced PHSO pay or SPP).

6. Keeping in Touch Scheme

6.1 Employees on APL will be added to PHSO's Keeping in Touch (KIT) scheme. Additionally, the employee and their line manager may, if they so wish agree a level of reasonable contact to be maintained.

6.2 PHSO employees on APL also have the option of agreeing a maximum of 10 KIT days. On KIT days the employee can come into work to catch up with developments, undertake training or work. This must be arranged by mutual agreement and there is no compulsion on either side to offer or accept KIT days. If such days are arranged then the employee will still be considered to

PROTECT

be on APL but will be paid at their usual rate of pay for the days they attend work.

PROTECT

Shared Parental Leave

1. Definitions

1.1 The definitions below apply to Shared Parental Leave:

- **Expected week of childbirth (EWC):** This is the week calculated by a GP or Midwife as the expected date of the birth of the child.
- **Parent:** one of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- **Partner:** spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- **Qualifying Week:** the fifteenth week before the EWC.

PROTECT

Parental leave

1. Leave and pay entitlements

1.1 Parental leave allows employees to take **unpaid** leave from work for up to 18 weeks to spend time to care for, or make arrangements for, the welfare of their child. Examples of parental leave include:

- taking time to settle a child in a new nursery or when starting school;
- managing a change or breakdown in childcare arrangements;
- accompanying children on school trips.

1.2 Parental leave can be taken in multiples of single days or in blocks, to a maximum of 4 weeks, in one year. The year is calculated on a rolling year basis from the first day of parental leave taken by the employee.

1.3 Parental leave may be combined with annual leave or added to the end of a period of maternity, adoption or paternity leave with the agreement of the employee's line manager.

1.4 The employee's terms and conditions remain unchanged during parental leave with the exception that unpaid leave is not counted as reckonable service for pension purposes.

2. Qualifying for parental leave

2.1. Employees are eligible to apply for parental leave if they:

- have been continuously employed at PHSO for one year or more;
- have or expect to have responsibility for a child because they:
 - are the parent of a child no older than 5 years old;
 - have adopted a child (parental leave must be taken until the fifth anniversary of the adoption or until the child's 18th birthday, whichever occurs sooner);
 - have acquired formal, legal parental responsibility for a child no older than 5 years old; or
 - have responsibility for a child who is entitled to disability allowance and is under 18 years old.

2.2 The entitlement to parental leave is in relation to each child and does not "renew itself" when people change jobs. An employee applying for such leave will be asked to declare how much parental leave they have already taken in other organisations, prior to joining PHSO.

3. Notification procedures

3.1 Employees should apply for parental leave with as much notice as possible and not less than 21 days in advance. However, PHSO recognises that sometimes parental leave may have to be taken in response to an emergency, in which case the employee should notify their line manager as soon as they realise they have to take parental leave.

PROTECT

- 3.2 Other than in the event of an emergency, applications for parental leave will be considered in the same way as other leave applications, with due regard for operational requirements and business needs. Employees applying for parental leave should complete the notification form available on the intranet. Further information is available from HR, People & Talent.

PROTECT

Time off for dependants

1. Leave and pay entitlements

1.1 This procedure allows employees the right to take a reasonable amount of **unpaid** time off work to deal with emergencies or to make arrangements for long term care for dependants. For the purpose of this leave dependants are defined as:

- a spouse or partner;
- a child;
- a parent;
- someone living in the same house as part of the family, but not as their employee, tenant, lodger or boarder; or
- in exceptional cases, a person who does not fit the above categories but relies on the employee for assistance or care arrangements (e.g. an elderly neighbour living alone).

1.2 Examples of circumstances in which short periods of time off can be taken under this procedure are:

- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for an ill or injured dependant;
- the death of a dependant;
- an unexpected incident involving the employee's child at an educational establishment;
- an unexpected disruption in care arrangements for a dependant.

2. Qualifying criteria and notification

2.1 There is no length of service requirement and all PHSO employees are entitled to request to take a reasonable amount of time off for dependants.

2.2 Time off for dependants is for emergency needs and is not available to cover childcare or other caring needs that are planned or expected.

2.3 When requesting the time off, an employee should:

- apply in writing to their line manager, giving the reason and likely length of their absence; and
- provide as much notice as possible.

2.4 In an emergency the employee should contact their line manager by telephone as soon as is reasonably practicable and inform them of the reason for, and likely length of, their absence.

2.5 The reasonableness of an employee's request to take time off will usually involve consideration of factors such as:

- whether and how often the problem has occurred before;
- whether there is another way of resolving the problem;
- PHSO's operational requirements and business needs.

PROTECT

Family leave at a glance

Family Leave	Length of Service Requirement	Entitlement	Leave & Pay Entitlement
Maternity Leave	One year or more continuous employment at PHSO by the 15 th week before the EWC	52 weeks	<u>Ordinary Maternity Leave</u> 26 weeks on full pay - enhanced provision
			<u>Additional Maternity Leave</u> 13 weeks at lower rate Statutory Maternity Pay (SMP) 13 weeks' unpaid leave
	Between 26 weeks' and one year's continuous employment at PHSO by the 15 th week before the EWC	52 weeks	<u>Ordinary Maternity Leave</u> 6 weeks at higher rate SMP (90% of the employee's average weekly pay) 20 weeks at lower rate SMP
			<u>Additional Maternity Leave</u> 13 weeks at lower rate SMP 13 weeks' unpaid leave
	Less than 26 weeks' continuous employment at PHSO by the 15 th week before the EWC	52 weeks	Entitlement to Ordinary and Additional Maternity Leave but both are unpaid Employee may apply for maternity allowance from Jobcentre Plus
Adoption Leave	One year or more continuous employment at PHSO by the week the primary adopter is notified of being matched with a child	52 weeks	<u>Ordinary Adoption Leave</u> 26 weeks on full pay - enhanced provision
			<u>Additional Adoption Leave</u> 13 weeks at lower rate Statutory Adoption Pay (SAP) 13 weeks' unpaid leave
	Between 26 weeks and one year's continuous employment at PHSO by the week the primary adopter is notified of being matched with a child	52 weeks	<u>Ordinary Adoption Leave</u> 6 weeks at higher rate SAP (90% of the employee's average weekly pay) 20 weeks at lower rate
			<u>Additional Adoption Leave</u> 13 weeks at lower rate SAP

PROTECT

			13 weeks' unpaid leave
	Less than 26 weeks continuous employment at PHSO by the week the primary adopter is notified of being matched with a child	52 weeks	Entitlement to Ordinary and Additional Adoption Leave but both are unpaid. The employee may apply for SAP from Jobcentre Plus
Ordinary Paternity Leave	One year or more continuous employment at PHSO by the 15th week before the EWC or the week the primary adopter is notified of being matched with a child	2 weeks (in a one week or two week block)	2 weeks on full pay - enhanced provision
	Between 26 weeks and one year's continuous employment at PHSO	2 weeks (in a one week or two week block)	2 weeks' paternity pay at statutory rate

Additional Paternity Leave	One year or more continuous employment at PHSO by the 15th week before the EWC or the week the primary adopter is notified of being matched with a child	Up to 26 weeks (can only be taken after the 20 th week of the original maternity/adoption leave and if the mother/primary adopter has returned to work)	Full pay - enhanced provision between 20 th and 26 th week of the mother's maternity/primary adopter's adoption leave, only if they have returned to work 27 th to 39 th week paid at Statutory Paternity Pay (SPP) Only paid for the period of entitlement which depends upon the mother/primary adopter's remaining statutory maternity/adoption pay/maternity allowance which she has effectively "transferred". Unpaid leave from the end of the 39 th week of the mother/primary adopter's original maternity or adoption leave period.
	Between 26 weeks and one year's continuous employment at PHSO by the 15th week before the EWC or the week the primary adopter is notified of being matched with a child	Up to 26 weeks (can only be taken after the 20 th week of the original maternity/adoption leave and if the mother/primary adopter has returned to work)	20 th to 39 th week on Statutory Paternity Pay (SPP) or a rate equivalent to 90% of average weekly earnings, if less than the statutory amount, per week Only paid for the period of entitlement which depends upon the mother/primary adopter's remaining statutory maternity/adoption pay/maternity allowance which she has effectively "transferred". Unpaid leave from the end of the 39 th week of the mother/primary adopter's original maternity or

PROTECT

			adoption leave period
Parental Leave	One year or more continuous employment at PHSO - by the birth of a child	Up to 18 weeks for each child to the child's 5 th birthday or Up to 18 weeks to the child's 18 th birthday for a child with a disability	Unpaid
	One year or more continuous employment at PHSO by the adoption of a child	Up to 18 weeks unpaid leave to the 5 th anniversary of the date of adoption or until the child's 18th birthday, whichever is sooner	
Time off for dependants	No length of service requirement	Reasonable amount of time off for emergency caring needs	Unpaid

Useful Links

[Ordinary Paternity Leave Form \[insert link\]](#)
[Additional Paternity Leave Form \[insert link\]](#)
[Ordinary Adoption Leave Form \[insert link\]](#)
[Additional Adoption Leave Form \[insert link\]](#)