

## **HR Policy Review**

### **1. INTRODUCTION**

- 1.1 The purpose of this report is to present the Committee with a copy of the proposed Hybrid Working policy attached as **Appendix 1** to this report and provide an update on the wider annual HR policy review.

### **2. BACKGROUND**

- 2.1 As we move towards the next phase of recovery from the Covid-19 pandemic there will be a requirement for staff to adopt a hybrid way of working, where their working week is split between remote and onsite working. The draft Hybrid Working Policy sets out guidance to support managers and staff with a return to the workplace for office-based staff who have been predominantly working from home for a significant period of time.
- 2.2 The Committee should note access to the SEStran office is in compliance with the Safe and Secure Workplace protocols issued by our landlords, Scottish Government and that all government issued advice and guidelines will be monitored and the policy amended as required, to mitigate any risk to staff.

### **3. HYBRID WORKING POLICY**

- 3.1 The proposed policy sets out the approach to the following:
- Workstyle descriptions and definitions
  - Tax relief and home insurance
  - Meetings/locations
  - When work can be carried out
  - Equipment
  - Working in the office
  - Terms and conditions
  - Health and safety

### **4. HR POLICY CHANGES**

- 4.1 An annual review of the HR policies commenced over summer with a report presented to the September meeting of this committee. The review continues and the following policies were identified as requiring revision.
- Recruitment Policy
  - Family Leave Policy

The following is a summary of the changes made to those policies:

#### **4.1.1 Recruitment Policy (Appendix 2)**

- Amendments made to the Eligibility to Work in UK section.
- Guidance added on carrying out pre-employment checks under the Asylum and Immigration Act.
- Offer of employment letter amended for OH screening being conducted online.

4.1.2 **Family Leave Policy (Appendix 3)**

- Adapted to include family bereavement guidance.

**4. FUTURE UPDATES**

4.1 The Committee should note that the Health and Safety Policy is currently being reviewed by the Health and Safety Adviser at Falkirk Council and any proposed amendments will be subject of a future report to the Committee.

**5. RECOMMENDATIONS**

It is recommended that the Partnership's Performance and Audit Committee:

- 5.1 Approves the Hybrid Working Policy for implementation
- 5.2 Approves the amendments made to the Recruitment Policy for implementation;
- 5.3 Approves the amendments made to the Family Leave Policy for implementation;
- 5.3 Notes that a further update will be provided to the Committee subject to review of the Health and Safety Policy.

Angela Chambers  
**Business Manager**  
 November 2021

**Appendices:**

- 1 Hybrid Working Policy
- 2 Recruitment Policy
- 3 Family Leave Policy

Policy Implications	As outlined in the report
Financial Implications	Cost of providing home working equipment/furniture
Equalities Implications	None
Climate Change Implications	None



## Hybrid Working Policy

### Document Version Control

Date	Author	Version	Status	Reason for Change
Sept 2021	SEStran	1.0	DRAFT	
Nov 2021	SEStran	1.1	DRAFT	Presented to Performance & Audit Committee

### **Introduction**

SEStran recognises that not all roles require to be worked the traditional 9am – 5pm. Flexibility in working hours and locations improves work life balance, which in turn improves performance and ultimately should provide a better service to our customers and stakeholders.

Using the right technology allows you to work from any location. The concept of hybrid working is wider than just location and can bring flexibility in working hours/patterns, reduce commuting costs and allow for a better work/life balance.

Not all jobs will lend themselves to hybrid working due to the nature of the services being delivered. This policy applies to staff who work in posts that historically were predominantly office based.

This policy will be subject to ongoing review.

### **Workstyles and where you can work from**

All employees who were historically predominantly office based will be considered to be either a hybrid/flexible worker or an office based worker.

If you are a hybrid/flexible worker your working base will remain as the SEStran offices although you may work from another location, as directed by SEStran, or your home, using appropriate technology supplied by SEStran. Please be aware of your surroundings when working out with SEStran premises as not all work tasks will be appropriate to be undertaken in another location.

### **Workstyle Descriptions:**

#### **Hybrid/Flexible Worker**

Predominantly working from home, other locations could include meetings in partnership council offices or stakeholder offices. There will be the need to attend the SEStran office on a weekly basis to catch up with paperwork and to maintain contact/relationships with team members. The amount of time spent working from home/office/other locations will vary depending on job tasks and also personal circumstances i.e. available space at home. Out with any government issued advice on working from home, only in exceptional circumstances, and for a prescribed period, will working from home for all working hours be considered, this would be in consultation with your line manager and subject to approval by the Partnership Director.

#### **Office Based**

All working time spent in the office

Fully office based as the tasks of the job are unable to be undertaken in any other mobile/flexible way.

#### **Tax Relief when working from home**

Any employee working from home can claim tax relief. This is something that you need to claim as an individual and is not processed by SEStran. To find out more information and whether you are eligible please visit the Government website:

<https://www.gov.uk/tax-relief-for-employees/working-at-home>

### **Appropriate Insurance when working from home**

Any employee working from home should ensure that their Home Insurance provider is aware that they are working from home for a percentage of their working week. SEStran equipment is insured by SEStran and your home should not be used for meetings, therefore there should be no impact on your premiums.

### **Attending meetings**

Where possible, you should use technology to engage/communicate and avoid mileage, travel time or expenses. Where a meeting is required you should use MS Teams or other approved application.

It is acknowledged that for some meetings, and for some individuals/groups, the preference may be to meet face to face and consideration needs to be given to doing so, where considered appropriate, for example; interviews, line management support/good conversations, team meetings.

### **Reasonable working locations**

If working within public areas or space, consideration must always be given to confidentiality and data protection and security of data or discussions. Not all roles/tasks will lend themselves to working in public areas/spaces, for example a café.

### **When can you work?**

Hours of work and working patterns will be worked within the parameters of the Flexible Working Policy (Link to policy in Useful Links section]. For some posts hours can change and won't be worked in the same pattern every week. Agreeing hours with your manager will:

- ensure that managers know when their team members are working and contactable
- assist when planning staffing if there is an element of office cover required from the overall team
- assist when approving leave requests from team members
- help reduce risk of lone working
- ensure work can be allocated/managed and outputs can be monitored
- support health and wellbeing including when you can be contacted.

You **must** also update your electronic diary to ensure it is clear when you are due to work, when you are in meetings, and any other commitments you may have during the normal working week. You can add your lunch break into your diary to ensure you are not disturbed.

Your out of office email message should detail your working pattern if it's not the traditional Monday to Friday, 9am – 5pm. During non-working times, when working from home, please put your laptop away to ensure you have a separation between work and home life.

### **Office Based**

Working hours are within the building opening hours and as agreed with your line manager.

### **What Equipment is provided?**

Your manager will ensure you have appropriate equipment to undertake your role in a hybrid/flexible manner. This can include: a laptop, monitor, keyboard, mouse and headphones. It may also include a mobile telephone although 'teams' calls should normally be used. Printers will not be provided for use at home as we are working more digitally than ever before, however if you do need to print you will need to attend the office to do so.

Prior to being provided with any electronic equipment it is essential that you have read and understood the Acceptable Use Policy.

SEStran IT equipment is solely for the use of SEStran employees only. You must not connect any privately owned equipment to the SEStran network or IT equipment.

It is your responsibility to ensure the equipment is kept safe and charging of equipment is your responsibility. You must bring the equipment to the office when requested for PAT checking.

If you are a permanent employee and a hybrid/flexible worker, you can purchase a desk and chair to support working from home and reclaim this through staff expenses (£100 maximum allowance). Where appropriate a replacement desk/chair can be provided every 5 years or earlier in specific circumstances on a case by case basis. Temporary employees and casuals should discuss any requirements with their line manager in the first instance.

Some workers may require specific equipment to support the working arrangement. Specific needs will be considered on an individual basis, and with guidance from Occupational Health.

Paper diaries should be avoided, instead, you should use outlook to record meetings etc. Your outlook diary will be open for colleagues to view and you must allow full access to your diary for your manager, this is to support lone working, safety, availability and workload.

You should carry out a home working risk assessment when you begin using new equipment. Where you are using standard workstation equipment this self-assessment does not need to be repeated every time you require to work within the office. You should only complete another self assessment if you experience issues using your workstation equipment or there is a change to the equipment provided. You need to make sure you tell your manager immediately of any issues you are experiencing. Reasonable adjustments will be made where appropriate.



### **Working in the Office**

#### **Desks**

Designated desks will be available for use by hybrid/flexible and office based workers as required.

For arrangements to be successful, appropriate behaviours and principles must be in place. As a minimum, the following list of behaviours and principles support good mobile and flexible working arrangements.

- Clear desk policy applies to all categories. You should leave any desk you use clean and tidy after you use it and leave it how you would want to find the desk.
- Teams may be given a designated bank of desks. Where possible, you should sit within your designated bank of desks when at your working base location
- A locker or personal storage facility will be provided at your working base location
- Eating at desks should be avoided where possible
- Use the wipes available to clean desks and equipment after use.
- Heating/lighting – everyone needs to recognise the different needs and wants of colleagues and be tolerant of others

### **Terms and Conditions**

Terms and conditions of employment are not altered when working in a hybrid/flexible manner. You will still have the SEStran office noted as your base location.

Some workers may have fixed working hours, others will have more flexibility. The working hours of the post will not alter, however the working pattern may become more flexible, as hours can be worked at a time that suits the employee (subject to line manager/Partnership Director approval). Your line manager should know your working hours so they know when they can or can't contact you. You should also update your online diary so your colleagues know too. If you choose to work during unsocial hours, no enhancements are payable, as this is a personal choice.

If you are currently eligible for the Flexitime scheme this will continue.

Travel expenses cannot be claimed for travel between your home and base location.

Employees in all categories can apply to work more flexibly through part-time work, job-sharing or compressed hours. (Refer to the Flexible Working Policy under Useful Links)

Normal Calling in Sick procedures apply to hybrid/flexible workers. Working from home is not to be used as an alternative to childcare or care for dependents and requests for carers leave should follow normal procedures.

Time recording should be completed using the relevant system, where appropriate.

Arrangements should be reviewed regularly to ensure there are no issues that require to be addressed

Arrangements are subject to change to meet service delivery requirements, employee wellbeing and the needs of customers, which will always take priority.

### **Outputs**

It is essential that you agree outputs with your manager. This means that you must agree the tasks and actions that need to be completed within an agreed timescale. Subject to exigencies of service it is up to you to determine when your tasks will be done within the timescales set.

- You need to agree with your manager when you will be available or in the office
- Clear expectations, standards and timescales for each piece of work is essential and must be agreed on a regular basis to ensure productivity is maintained

### **GDPR/Data Protection**

You must ensure that any confidential information, either paperwork or electronic files are kept secure. For example, if working from home any confidential information should not be accessible to family members or visitors to the house. Similarly if working from another location, please ensure any time you leave your work station that you lock your screen and secure any confidential paperwork.

Confidential waste should be returned to the SEStran office as soon as practically possible for destruction and not disposed of with household rubbish or in other locations e.g. cafés.

### **Communication**

Managing a team working flexibly brings challenges. In moving to a more flexible way of working there needs to be an acceptance that an immediate response will not always be possible as individuals may work different patterns to suit their circumstances/work commitments. Hybrid and flexible working requires an element of trust between you and your manager. Communication between you and your manager is key to success.

- Effective communication is critical and it is important that this takes place on at least a weekly basis
- There needs to be an agreed process/mechanism of monitoring performance and assessing output
- You are expected to attend team meetings, 1-1s, and other appointments as necessary in connection with the duties of your post
- More frequent 1-1's may be required to ensure good communication and productivity.

### **Health and Safety**

You should work with your manager to ensure your safety at all times. It is important that managers ensure that:

- Emergency contact information is kept up to date
- Working patterns are agreed
- Lone working arrangements and wellbeing are considered and adequate arrangements and support are in place.
- Any necessary risk assessments are in place and reviewed as required
- A [workstation self-assessment](#) is completed by employees
- Diaries must be open to all of your team and your manager at all times to ensure availability and location is known whilst working.
- Regular contact including 1-1's and team meetings are in place to ensure ongoing support



## Useful Links

HSE Toolbox – Guidance for Home Workers

[https://www.hse.gov.uk/toolbox/workers/home.htm?utm\\_source=hse.gov.uk&utm\\_medium=refferal&utm\\_campaign=coronavirus&utm\\_term=home\\_workers&utm\\_content=home-page-popular](https://www.hse.gov.uk/toolbox/workers/home.htm?utm_source=hse.gov.uk&utm_medium=refferal&utm_campaign=coronavirus&utm_term=home_workers&utm_content=home-page-popular)

Flexible Working Policy

<https://sestran.gov.uk/wp-content/uploads/2021/10/SEStran-Flexible-Working-Policy-Procedure.pdf>

Home Working Policy

<https://sestran.gov.uk/wp-content/uploads/2021/10/SEStran-Home-Working-Policy-FINAL-Aug-2021.pdf>

Portable Devices User Agreement Form

<https://sestran.gov.uk/wp-content/uploads/2019/01/Portable-Devices-User-Agreement-Form.pdf>

DRAFT



RECRUITMENT POLICY

DOCUMENT VERSION CONTROL

Date	Author	Version	Status	Reason for Change
July 2008	SEStran	1.0	FINAL	Policy Adopted
Oct 2017	SEStran	1.1	FINAL	Adoption of version control
Oct <a href="#">2021</a>	HR Adviser	1.2	FINAL	Amendments to Eligibility to Work in UK section, guidance added on Asylum & Immigration Act checks and OH screening checks moved to online.

## **Introduction**

SESTRAN aims at all times to recruit the person who is most suited to the particular job. Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, experience and skills will be assessed at the level that is relevant to the job.

SESTRAN is committed to applying its equal opportunities policy at all stages of recruitment and selection. Shortlisting, interviewing and selection will always be carried out without regard to gender, sexual orientation, marital status, colour, race, nationality, ethnic or national origins, religion or belief, age or trade union membership.

Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of their disability.

## **Recruitment process**

It is SESTRAN's policy that vacancies will normally be advertised externally in appropriate media as well as being notified to existing employees who will be encouraged to apply for vacant posts if they have the appropriate qualifications, experience and skills.

All posts to be advertised will be agreed in advance by the Partnership Director and, where appropriate, the Partnership Board.

Before beginning to recruit to a post, the person responsible for the process must ensure that there is an up-to-date job description and a clearly drafted person specification. The job description will describe the duties, responsibilities and level of seniority associated with the post, whilst the person specification will describe the type of qualification(s), training, knowledge, experience, skills, aptitudes and competencies required for effective performance of the job.

Application packs to be issued to candidates will include: an application form, equal opportunities monitoring form, job description, copy of advert and SESTRAN information.

Copies of job description and person specification templates are attached at Appendices A and B respectively.

## **Selection process**

The shortlisting process will be undertaken only on the basis of the information provided on each person's application form and with regard to whether or not they meet the essential criteria noted in the person specification and job description.

Candidates will be advised whether or not they are being invited for interview in writing as soon as possible after the closing date. As much notice of interviews

will be given as possible, normally at least 5 working days. If a candidate is unable to attend for interview alternative arrangements will be made if practical.

Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of any disability they may have.

Interview panels will ensure that the questions they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview will focus on the needs of the job and skills needed to perform it effectively, taking account of the information contained in the person specification and job description. A record of every recruitment interview must be made and retained in a confidential basis for a period of six months and thereafter confidentially destroyed. On no account should any job offer be made during or at the end of an interview.

Psychometric testing may be used as part of the recruitment process. Any test used must have been validated in relation to the job, be free of any bias, and be validated, administered, scored and feedback and by a suitably trained person.

All applicants invited for interview must be advised that, if successful at interview, they will be expected to complete an Occupational Health questionnaire.

Once the preferred candidate has been selected, the Occupational Health questionnaire should be sent to the candidate.

If the Occupational Health Adviser has any queries regarding the questionnaire, they may invite the candidate for a medical interview or a medical examination. If the candidate refuses to complete the questionnaire, or attend an Occupational Health interview or examination, this would mean that conditions of the appointment had not been satisfied, and the manager must obtain advice from the Service HR Adviser.

It is SESTRAN's practice to seek the successful candidate's consent to seek two written references and to ask for documentary proof of qualifications.

Information regarding attendance, ill health or disability must not be requested from previous employers prior to interview. However, two appropriate and satisfactory employment references will be required prior to confirming any conditional offer of employment, and the conditional offer letter will advise the candidate that references will be sought at that point. A template offer letter is attached at Appendix C.

On no account should any job offer be made during or at the end of an interview. Offers of employment may only be made on condition that all checks have been received and are satisfactory.

Candidates who have been unsuccessful at interview will normally be advised in writing within two weeks of the interview date.

## Eligibility to work in the UK

~~Under the Immigration, Asylum and Nationality Act 2006, specific documents must be checked and copied to establish that an individual has the right to work in the UK. Please see Appendix D for guidance on steps that must be taken to comply with the Act. introduces Civil Penalties for employers who illegally employ someone who is subject to immigration control. An 'on the spot fine' will be introduced of up to £10,000 per illegal employee. This fine will be enforced regardless of whether the employer is aware that they are employing someone illegally. In addition employers who knowingly allow illegal working are at risk of prosecution, and a criminal conviction carries a threat of imprisonment and/or a fine.~~

~~Therefore to avoid a penalty notice of a fine or imprisonment employers are required to;~~

- ~~○ See, validate and retain copies of certain original documents for not less than 2 years after employment has ended~~
- ~~○ If document contains photograph, the employer must satisfy him/herself that the photo is of the prospective employee or employee~~
- ~~○ If document contains date of birth, the employee must satisfy him/herself that it is consistent with the appearance of the prospective employee~~
- ~~○ Employees who have restrictions on their time in the UK may be subject to repeat checks, and managers are responsible for monitoring and following up on this~~

~~A list of documents which should be considered for the purposes of validating eligibility to work in the UK is attached at Appendix D.~~

~~When candidates are invited for interview they must be asked to bring along with them the appropriate documentation. The chair of the panel must ensure that original documents are checked and copied from List A or List B as attached, before employing that person. Where candidates are not from the UK, advice should be sought from SESTRAN's Human Resources Adviser before any offer of employment is made.~~

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## Baseline Personnel Security Standard (BPSS)

BPSS is the minimum standard required to ensure the identity and integrity of an employee with access to official information/systems. It involves a number of checks:

- Identity check;
- Nationality and Immigration Status;
- Employment History (past 3 years);
- Verification of Criminal Record (unspent convictions only);
- References covering previous 3 year period;
- Checks relating to time spent living or working abroad;

~~The c~~Checks relating to gaps in employment history or additional references covering a 3 year period are not mandatory but are considered good practice.

## Induction

All employees will undergo an induction appropriate to the duties of their post. An induction checklist should be used to keep a record of the induction process and retained in the employee's personal file.

## Review

This policy will be reviewed annually, to take account of developments within SESTRAN and legislative requirements.

**Appendix A** - Job Description Templates

**Appendix B** - Person Specification Templates

**Appendix C** - Draft Offer Letter

**Appendix D** - List of documents which should be considered for the purpose of validating eligibility to work in the UK

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**Appendix A**

**JOB DESCRIPTION**

**Section A Job definition**

**Section B Organisational relationship**

**Section C Key Responsibilities**

**Section D Knowledge, Skills & Experience**

Knowledge

Skills

Experience

**Section E Communications and Contacts**

Appendix B

PERSON SPECIFICATION

TITLE OF POST:

POSTHOLDER'S ATTRIBUTES	<u>ESSENTIAL</u>	DESIRABLE	TO BE IDENTIFIED BY:
Qualifications/Training			
Special Knowledge			
Circumstances / Personal			
Disposition/Attitude			
Practical and Intellectual Skills			
Experience			



## Appendix C

Enquiries to: Chair of Interview Panel  
Direct Dial: Extn. No.  
Date:

### **CONFIDENTIAL**

Name  
Address  
Town  
Postcode

Dear Name,

Post: {Job Title}

Following a successful interview, the Interview Panel will be making recommendations to the Partnership Director in regard to your appointment, but any recommendation will be subject to satisfactory completion of various pre-employment checks.

This post requires that Occupational Health clearance is obtained. A questionnaire will be emailed to you using our Occupational Health system. Please complete this as quickly as possible. ~~and a questionnaire is attached. Please complete the questionnaire and ensure confidentiality by sealing it in a plain envelope with your name written on the top left hand corner. You should then return it to the Chair of the Interview Panel, who will forward it unopened to Occupational Health for assessment.~~

References will now also be requested.

It is important that you note that this letter is a conditional offer of appointment, and will only be confirmed after consideration of such pre-employment checks as may be conducted and considered necessary by the SESTRAN. SESTRAN reserves the right not to proceed with an appointment for any reason.

As we are not in a position to confirm a formal offer of employment to you at this stage of the recruitment process you are advised not to hand in your notice to your present employer. Please wait until such time as you receive a letter from SESTRAN formally offering you an appointment.

Yours sincerely,

**TITLE**

## How to conduct a right to work check - The 3 Step Check

All internal and external candidates are legally required to evidence that they are allowed to work in the UK.

### You must know your employee's right to work

You may conduct a manual document check or perform an online check to establish a right to work. If applicants are not from the UK you can use the toolkit at <https://www.gov.uk/legal-right-work-uk> to confirm whether they have the right to work in the UK.

You must keep a record of which document(s) have been checked.

### Home Office online right to work checking service:

For those with a biometric residence permit, a biometric residence card or have status issued under the EU settlement scheme, the online right to work check can be used <https://www.gov.uk/view-right-to-work>

There are three basic steps to conducting an online right to work check:

1. Use the Home Office online right to work checking service for an applicant and only employ the person, or continue to employ an existing employee, if the online check confirms they are entitled to do the work in question;
2. Satisfy yourself that any photograph on the online right to work check is of the individual presenting themselves for work; and
3. Retain a clear copy of the response provided by the online right to work check (storing that response securely, electronically or in hardcopy) for the duration of employment and for two years afterwards.

### Manual document check:

<u>Step 1</u>	<u>Step 2: Check</u>	<u>Step 3: Copy</u>
<u>You must obtain original documents from either List A or List B (see below) for a manual right to work check.</u>	<u>You must check that the documents are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering.</u>	<u>You must make a <b>clear copy</b> of each document in a format which cannot later be altered, and retain the copy securely; electronically or in hardcopy. <b>You must also retain a secure record of the date on which you made the check.</b></u>
<u><b>List A</b> You have a <b>continuous statutory excuse</b> for the full duration of that person's employment with you. You do not have to carry out any repeat right to work checks on this person.</u>  <u><b>List B (Part 1)</b> You have a</u>	<u>The photographs must be consistent across documents and with the person's appearance</u> <u>1. The dates of birth are consistent across documents and with the person's appearance</u> <u>2. The expiry dates for time-limited permission to be in the UK are in the future (ie</u>	<u>You must copy and retain:</u> <u>1) <b>Passports:</b> any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating</u>

<p><u>time-limited statutory excuse</u> which expires when the person's permission to be in the UK expires. <b>You must carry out a follow-up check</b> when the document evidencing their permission to work expires.</p> <p><b>List B (Part 2)</b> You have a <u>time-limited statutory excuse</u> which expires 6 months from the date specified in the Positive Verification Notice. <b>You must carry out a follow-up check</b> when this notice expires.</p>	<p>they have not already passed)</p> <p>3. The work restrictions to confirm if the person is able to work for Sustran and do the type of work you are offering (for students who have limited permission to work during term-times, you must also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed).</p> <p>4. All documents are genuine, have not been tampered with and belong to the holder</p> <p>5. Reasons for any different names across documents (eg marriage certificate, divorce decree, deed poll). Supporting documents should also be photocopied and a copy retained.</p>	<p>the holder has an entitlement to enter or remain in the UK and undertake the work in question (the front cover no longer has to be copied).</p> <p>2) <b>All other documents:</b> the document in full, including both sides of a Biometric Residence Permit. You must retain the copy or copies securely for not less than two years after the employment has come to an end.</p>
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**Lists of acceptable documents for manual right to work checks from 1 July 2021**

<p><b>LIST A - Documents which confirm that you have an on-going right to work in the UK - ONE document only is required.</b></p>
<p>1. A passport (current or expired) showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK</p>
<p>2. A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.</p>
<p>3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.</p>
<p>4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.</p>
<p>5. A <b>current</b> Bio-metric Immigration document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.</p>
<p>6. A <b>current</b> passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or have no time limit on their stay in the UK.</p>
<p>7. A <b>current</b> Immigration Status Document issued by the Home Office to the holder with an endorsement indicating the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.</p>
<p>8. A birth or adoption certificate issued in the UK, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.</p>
<p>9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.</p>
<p>10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.</p>

**LIST B (Group 1) - Documents which confirm that you have a time limited right to work in the UK – ONE**

**document only is required**

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, on or before 30 June 2021.
6. A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
7. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

**LIST B (Group 2) - Documents which confirm that you have a time limited right to work in the UK but where TWO documents are required. Documents where a time limited statutory excuse last for 6 months.**

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
- 2.
3. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
5. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer which indicates that the named person may stay in the UK and is permitted to do the work in question.

**Right to work checks for EEA citizens from 1 July 2021**

From 1 July 2021, EEA citizens and their family members require immigration status in the UK. They can no longer rely on an EEA passport or national identity card, which only confirms their nationality, to prove their right to work. They will be required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals. Irish citizens continue to have unrestricted access to work in the UK. From 1 July 2021, they can prove their right to work using their Irish passport or Irish passport card, or their Irish birth or adoption certificate together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer. Irish citizens can also apply for a frontier worker permit, this permit can be issued digitally or as a physical permit, so they may choose to prove their right to work using the Home Office online right to work service or present their physical permit if they have one.

**How EEA citizens will prove their right to work from 1 July 2021**

From 1 July 2021, the majority of EEA citizens will prove their right to work using the Home Office online right to work service. Those who have made a successful application to the EU Settlement Scheme (EUSS) will have been granted their immigration status digitally and can only prove their right to work using Home Office online service 'prove your right to work to an employer' available on GOV.UK: <https://www.gov.uk/prove-right-to-work>.

To prove their right to work from 1 July 2021, individuals will provide you with a share code and their date of birth which will enable you to check their Home Office immigration status via the online service available on GOV.UK: <https://www.gov.uk/view-right-to-work>.

You will obtain a statutory excuse against liability for a civil penalty if you carry out the check using the online service as set out in this guidance.

If an EEA citizen has been granted 'Settled Status' by the Home Office, they will have a continuous right to work, in the same way as someone with Indefinite Leave to Enter / Remain status. If an EEA citizen has been granted 'Pre-Settled Status' by the Home Office, they will have a time-limited right to work and you must carry out a follow-up check. The Home Office online service will advise when a follow-up check must be carried out.

#### Exceptions to the Home Office online service when proving right to work

As of 1 July, there will be some cohorts of EEA citizens who will not have status under the EUSS. They will evidence their right to work using specified documents if they cannot use the home office online system. These are detailed below:

- Frontier Worker Permits
- Service Provider of Switzerland visas
- Outstanding applications to UK EUSS
- Outstanding applications to Crown Dependency EUSS
- EEA citizens with Indefinite Leave to Enter/Remain
- Points-Based System visas

#### Eligibility to Work in the UK List of Original Documents Required at Interview

Candidates must provide **one** of the original documents alone, or **two** of the original documents in the **specified combinations** given in **EITHER** List A **OR** List B.

List A contains the range of documents which you may accept for a person who has a permanent right to work in the UK. If you conduct the right to work checks correctly before employment begins, you will establish a continuous statutory excuse for the duration of that person's employment with you. You do not have to conduct any further checks.

List B contains a range of documents which may be accepted for a person who has a permanent right to work in the UK. If you conduct the right to work checks correctly you will establish a time-limited statutory excuse. You will be required to conduct a follow-up check in order to retain your statutory excuse. This should be undertaken in the same way as the original check. List B Part 1; checks should be completed before employment starts and again when permission expires (as set out in the document checked). List B Part 2; checks should be completed before employment starts and again after six months (as set out in the Positive Verification Notice).

**LIST A (Part 1) – Documents which confirm the candidate has an on-going right to work in the UK – one document only is required (See note re citizens from A2 and A8 countries)**

A passport showing that candidates are a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the UK.

A passport or national identity card showing the candidate is a national of an EEA country or Switzerland.

A registration certificate or Document Certifying Permanent Residence issued by the Home Office or the UK Border Agency, as a national of an EEA country or Switzerland.

A permanent residence card issued by the Home Office to the family member of a national.

A **current** passport endorsed to show the candidate is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

A **current** Bio-metric Immigration document issued by the Home Office to the holder indicating that the candidate is allowed to stay indefinitely in the UK or have no time limit on their stay in the UK.

**LIST A (Part 2) – Documents which confirm the candidate has an on-going right to work in the UK but where two documents are required (See note re citizens from A2 and A8 countries)**

A **current** Immigration Status Document issued by the Home Office to the candidate with an endorsement indicating that the candidate is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A **full** birth/adoption certificate issued in the UK, which includes the names of at least one of the candidate's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A birth/adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A certificate of registration or naturalisation stating the candidate is a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

**Note:** EEA nationals who may work without restriction are from Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, UK, Iceland, Liechtenstein and Norway. Nationals of Switzerland may also work without restriction.

**LIST B (Part 1) – Documents which confirm the candidate has a time limited right to work in the UK – one document only is required**

A **current** passport endorsed to show the candidate is allowed to stay in the UK and is allowed to do the type of work in question.

A **current** Biometric Immigration Document issued by the Home Office indicating the candidate can stay in the UK and is allowed to do the work in question.

A **current** residence card (including an Accession Residence Card or Derivative Residence Card) issued by the Home Office to a non-European Economic Area (EEA) national who is a family member of a national of an EEA country or Switzerland who has a derivative right of residence.

A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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**LIST B (Part 2) – Documents which confirm the candidate has a time limited right to work in the UK but where two documents are required Documents where a time limited statutory excuse lasts for 6 months**

A Certificate of Application issued by the Home Office under regulation 17(3) or 18A9 of the Immigration (European Economic Area) Regulations 2006 to a family member of a national of a European Economic Area (EEA) country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.

An Application Registration Card issued by the Home Office stating that the candidate is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer which indicates that the named person may stay in the UK and is permitted to do the work in question.



FAMILY LEAVE POLICY

Document Version Control

Date	Author	Version	Status	Reason for Change
Jun 2007	SEStran	1.0	FINAL	Policy Adopted
Sept 2015	SEStran	1.1	FINAL	Adapted for compliance with new legislation, related to Shared Parental Leave
Oct 2017	SEStran	1.2	FINAL	Adoption of version control
<u>Sept 2021</u>	<u>HR Adviser</u>	<u>1.3</u>	<u>FINAL</u>	<u>Adapted for Parental Bereavement Leave</u>



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## **INTRODUCTION**

SESTRAN aims to recruit and retain high calibre employees and ensure a commitment to equal opportunities.

The following provisions are available for employees in order to assist in the balance of work and family/parental commitments.

### **1. MATERNITY LEAVE**

This section of the policy sets out the rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay.

SESTRAN recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is SESTRAN's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant she should clarify the relevant procedures with the Office Manager or the SESTRAN Human Resources Adviser to ensure that they are followed correctly.

The following definitions are used in this policy:

'Expected week of childbirth' means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

'Qualifying week' means the 15<sup>th</sup> week before the expected week of childbirth.

#### **Notification of pregnancy**

On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are health and safety considerations for SESTRAN.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform SESTRAN in writing of:

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The

form must have either the doctor's name and address or the midwife's name and registration number on it.

The employee is permitted to bring forward her maternity leave start date, provided that she advises SESTRAN in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she advises SESTRAN in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

SESTRAN will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

### **Time off for antenatal care**

Once an employee has advised SESTRAN that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Fathers and partners of pregnant women are entitled to unpaid time off to attend two ante-natal appointments, on production of appropriate evidence of appointments.

### **Health and safety**

SESTRAN has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding.

SESTRAN will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, SESTRAN will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the employee's working conditions to be amended to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, the employee may be suspended ~~her from~~ from her work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If an employee is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she has unreasonably refused an offer of suitable alternative employment.

#### **Sickness absence**

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify SESTRAN in writing of this as soon as reasonably practicable.

#### **Maternity leave**

All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary maternity leave can start at any time after the beginning of the 11<sup>th</sup> week before the employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier).

Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before her maternity leave was due to start, she must notify SESTRAN in writing of the date of the birth as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child.

### **Ordinary maternity leave**

During the period of ordinary maternity leave, the employee's contract of employment continues in force and she is entitled to receive all her contractual benefits, except for salary. In particular, any benefits in kind will continue; contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made provided that the employee is receiving maternity pay (Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had she not gone on maternity leave).

Salary will be replaced by maternity pay if the employee is eligible to receive it, as noted below.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of ordinary maternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during maternity leave, the employee should take the full year's entitlement before starting her maternity leave.

### **Additional maternity leave**

During the period of additional maternity leave, the employee's contract of employment remains and she is entitled to receive all her contractual benefits, except for salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Payment during additional maternity leave, if the employee is eligible to receive it, will be as noted below.

Pension contributions will continue to be made during the period when the employee is receiving pay but not during any period of unpaid additional maternity leave.

## Maternity pay

Maternity pay is payable for up to 39 weeks during maternity leave. An employee is entitled to maternity pay if:

- she has been continuously employed by SESTRAN for at least 26 weeks at the end of the qualifying week and she is still employed during that week (previous local authority continuous service is recognised for the purposes of determining maternity leave entitlement);
- her average weekly earnings in the eight weeks up to and including the qualifying week are not less than the lower earnings limit for national insurance contributions, (in which case the employee may be entitled to claim Maternity Allowance from the Benefits Agency). For the purposes of calculating average weekly earnings, any allowances or overtime payments made during the eight week period will be included;
- she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- she provides a MAT B1 form stating her expected week of childbirth; and
- she gives SESTRAN proper notification of her pregnancy in accordance with the rules set out above.

If the employee returns to work following maternity leave maternity pay will be:

- 6 weeks at 90% of the employee's average weekly earnings calculated over the period of eight weeks up to and including the qualifying week
- followed by 12 weeks at half pay, plus SMP at the standard rate, followed by,
- 21 weeks at SMP only.

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether ordinary maternity leave or additional maternity leave), the maternity pay to which the employee is eligible will be recalculated to take account of the pay rise and appropriate payment made.

Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Payment of SMP cannot start prior to the 11<sup>th</sup> week before the employee's expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts her maternity leave.

Statutory maternity pay is payable whether or not the employee intends to return to work after her maternity leave. If the employee does not

intend to return to work she is not entitled to occupational maternity pay, ie 12 weeks at half pay. If an employee intends to return to work and is accordingly paid occupational maternity pay but subsequently does not return for 3 months at the end of her maternity leave she will be required to repay the occupational element of her maternity pay but not the statutory maternity pay.

Employees who are not entitled to SMP may be entitled to receive maternity allowance payable by the Government.

### **Contact during maternity leave**

Shortly before an employee's maternity leave starts, the employee's manager will discuss the arrangements for her to keep in touch during her leave, should she wish to do so. SESTRAN reserves the right in any event to maintain reasonable contact with the employee from time to time during her maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease her return to work or simply to update her on developments at work during her absence.

### **Keeping-in-touch days**

Except during the first two weeks after childbirth an employee can agree to work for SESTRAN (or to attend training) for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of her maternity leave to an end and without loss of a week's SMP. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes.

SESTRAN has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between SESTRAN and the employee. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for SESTRAN.

Pension contributions will be made in respect of any 'keeping in touch days' worked.

### **Returning to work**

Upon notification that they are pregnant the employee will have been formally advised in writing by SESTRAN of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies SESTRAN otherwise. If she is unable to attend work at the

end of her maternity leave due to sickness or injury, SESTRAN's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist SESTRAN if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, she must give SESTRAN at least eight weeks' notice of her date of early return, preferably in writing. If she fails to do so, SESTRAN may postpone her return to such a date as will give SESTRAN eight weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after 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 maternity leave has ended, SESTRAN may require the employee to return to work for the remainder of the notice period.

#### **Rights on and after return to work**

On resuming work after ordinary maternity leave, the employee is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent.

On resuming work after additional maternity leave, again she is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for SESTRAN to allow the employee to return to the same job, the employee may be offered suitable alternative work, on terms and conditions that are no less favourable than would have applied if she had not been absent.

An employee who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of SESTRAN's business. If an employee would like this option to be considered, she should write to her line manager setting out her proposals as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in SESTRAN's flexible working procedure.



## **2. ADOPTION LEAVE**

This section of the policy sets out the rights of employees to adoption leave and pay.

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave provided that he/she has at least 26 weeks' continuous service calculated as at the week in which notification of matching is given by the adoption agency. Local authority continuous service is recognised for this purpose.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is thus to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave subject to their following the correct notification procedures as set out below.

Where a couple jointly adopt a child, the couple must choose one person to take leave under this scheme.

Where more than one child is placed as part of the same adoption arrangements only one period of leave will be granted.

### **Adoption Pay**

Employees who qualify for adoption leave will also qualify for statutory adoption pay provided that their average weekly earnings are not less than the lower earnings limit for national insurance contributions. If the employee returns to work following adoption leave, adoption pay will be as follows:

- 6 weeks at 90% of earnings (off set against payments by way of SAP); followed by;
- 12 weeks at half pay plus SAP, and
- 21 weeks at SAP only

Adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory adoption pay is payable whether or not the employee intends to return to work adoption leave. If the employee does not intend to return to work they are not entitled to occupational adoption pay, ie 12 weeks at half pay. If an employee intends to return to work and is accordingly paid occupational adoption pay but subsequently does not return for 3 months at the end of their adoption leave they will be

required to repay the occupational element of their adoption pay but not the statutory adoption pay.

### **Timing of adoption leave**

Adoption leave can start on the day the child is placed for adoption, or on an agreed date up to 14 days earlier.

In order to make administration as easy as possible, the employee should discuss the timing of his/her adoption leave with his/her immediate manager as early as possible.

### **Notice requirements**

In order to be entitled to take adoption leave and receive statutory adoption pay, the employee is required to give SESTRAN written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. This notification must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends his/her adoption leave to start.

The employee is permitted to bring forward his/her adoption leave start date, provided that he/she advises SESTRAN in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that he/she advises SESTRAN in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also provide evidence of entitlement to adoption leave and pay by producing a 'matching certificate' from the adoption agency.

Within 28 days of receiving the employee's notice of intention to take adoption leave, SESTRAN will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

### **Pre-Adoption Meetings/Training Courses**

Where an employee is required to attend the pre-adoption meetings/training courses associated with progressing through the adoption processes, they will be granted half (50%) of this time as special leave and the rest of the time will be made up by the employee through either annual leave or flexi time.

## **Rights during ordinary adoption leave and additional adoption leave**

### **Ordinary adoption leave**

During ordinary adoption leave the employee's contract of employment continues in force and they are entitled to receive all contractual benefits except for salary. In particular, any benefits in kind will continue; contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made provided that the employee is receiving adoption pay. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not taken adoption leave.

Salary will be replaced by adoption pay as noted above if the employee is eligible to receive it.

Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that holiday must be taken in the year that it is earned.

### **Additional adoption leave**

Additional adoption leave begins on the day after ordinary adoption leave ends and lasts for a further 26 weeks. During additional adoption leave the employee's contract of employment remains and they are entitled to receive all contractual benefits, except for salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Payment during additional adoption pay will be as noted previously. Pension contributions will continue to be made during the period when the employee is receiving adoption pay but not during any period of unpaid additional adoption leave.

## **Contact during adoption leave**

SESTRAN reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

## **Keeping-in-touch days**

Employees can agree to work for SESTRAN (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory

adoption pay. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes

Pension contributions will be made in respect of any 'keeping in touch days' worked.

SESTRAN has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and SESTRAN.

### **Termination of Placement**

Where the child or children's placement ends during the adoption period, the adopter will be entitled to remain absent on adoption leave for up to 8 weeks after the end of the placement. In this respect employees are required to advise their manager of this at the earliest opportunity. In the case of an earlier return, notification should be given as noted below.

### **Returning to work after adoption leave**

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take his/her full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, he/she must give at least eight weeks' notice in writing to SESTRAN of the date on which he/she intends to return.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

If the employee decides during adoption leave that he/she does not wish to return to work, he/she should give written notice of resignation to SESTRAN as soon as possible and in accordance with the terms of his/her contract of employment

## **3. MATERNITY & ADOPTION SUPPORT LEAVE/ PATERNITY LEAVE**

Maternity or Adoption Support Leave is available to all employees, who have a minimum of 26 weeks continuous service at the start of the 15<sup>th</sup> week before the EWC, or date of placement of a child, and who is a nominated carer.

The nominated carer is the person nominated by the mother or the person taking adoption leave to assist in the care of the child and to provide support to her/him.

Leave consists of up to a maximum of 5 days paid leave (pro-rated for part time/week workers) The leave may be taken as half working days, full working days or block periods as appropriate and must be taken within 56 days of the baby's birth.

Application for maternity or adoption support leave should be made to SESTRAN in the same way as that for annual leave and the employee will require to produce for inspection form MATB1, confirming the expected date of childbirth. If the employee is not the father, they will be required to produce a statement from the expectant mother declaring the applicant as the nominated carer. This will also be the case if the mother does not work and is unable to produce a MATB1 certificate.

In the event of a stillbirth, the five days maternity support leave will still be available.

Employees will be entitled to return to the same job after maternity or adoption support leave.

**NB:** Fathers or partners of an expectant mother or partners of adopters are also entitled to an additional week's ordinary paternity leave (see below).

### **Ordinary paternity leave**

In addition to maternity/ adoption support leave, an employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to a further one week's ordinary paternity leave, provided that he or she has 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Ordinary paternity leave is also available to an employee whose spouse, civil partner or partner adopts a child, or where the employee is one of a couple jointly adopting a child, provided that he or she has 26 weeks' continuous service by the end of the week in which notification of the match occurs.

To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Ordinary paternity leave must be taken in a single block of one week within eight weeks of the birth or adoption of the child. If the employee is eligible to receive it, pay during ordinary paternity leave will be at the weekly rate of statutory paternity pay, or at a rate equivalent to 90% of the average weekly earnings, if this figure is less than the weekly rate of statutory paternity pay.

The employee must give SESTRAN 15 weeks' written notice of the date on which the baby is due and the date on which they wish their leave to commence. In an adoption situation, no later than seven days after the adopter is informed of the match, they must inform SESTRAN in writing of the date notification of the adoption occurred, the date on which the child is

expected to be placed for adoption, and the date on which they wish their leave to commence. If they subsequently wish to change the timing of their ordinary paternity leave, they must give 28 days' written notice of the new dates. They must also, if so requested, complete and sign a self-certificate declaring that they are entitled to ordinary paternity leave.

### **Additional paternity leave**

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work. Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work.

The earliest that additional paternity leave may commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

To be eligible for additional paternity leave, the employee must satisfy each of the following criteria:

The employee must be the father of the child or married to, the civil partner of, or the partner of, the child's mother; married to, the civil partner of, or the partner of, the primary adopter; and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility); or, in the case of adoption, have been matched with the child for adoption, and in either case be taking the leave to care for the child.

The employee must have a minimum of 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected or by the end of the week in which notification of the match occurs.

The employee must remain in continuous employment until the week before the first week of additional paternity leave.

The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay, and the mother or primary adopter must have returned to work.

Where the employee wishes to request additional paternity leave and pay, they must give SESTRAN eight weeks' written notice of the date on which they wish the leave and, if applicable, additional statutory paternity pay to commence. The request must be in writing and must specify, in the case of the birth of a child, the date the child was expected to be born and the actual

date of birth or, in the case of an adopted child, the date on which they were notified of having been matched with the child and the date of placement for adoption and, in either case, their name and intended start date and end date of additional paternity leave and statutory paternity pay.

In addition, not less than eight weeks before the proposed start date of additional paternity leave and pay, the employee must submit a written and signed self-certification form and the mother or primary adopter must submit a written and signed declaration form. These forms can be obtained from the Office Manager.

The employee must also, if so requested, produce the name and business address of the mother's or primary adopter's employer and a copy of the child's birth certificate or, in the case of an adopted child, evidence of the name and address of the adoption agency, the date on which the employee was notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

SESTRAN will formally respond in writing to the notification of the employee's additional paternity leave plans within 28 days, confirming the relevant start and end dates of additional paternity leave and pay. If the employee subsequently wishes to change the timing of their additional paternity leave, they must give six weeks' written notice of the new dates.

#### **4. PARENTAL LEAVE**

An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she meets one of the following conditions:

- He/she is the parent of a child who is under five years of age.
- He/she has adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18<sup>th</sup> birthday, whichever is the sooner).
- He/she has acquired formal parental responsibility for a child who is under five years of age.

An employee who is the parent or adoptive parent of a child who has been awarded Disability Living Allowance is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18<sup>th</sup> birthday.

To qualify for parental leave, employees must have completed at least one year's continuous service with SESTRAN.

#### **Rights during parental leave**

Qualifying employees will be entitled to a maximum of 13 weeks' parental leave to be taken up until the child's fifth birthday (unless the child is adopted or disabled - see above). During parental leave the

employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force, as follows. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- notice of termination;
- redundancy compensation; and
- disciplinary or grievance procedures.

Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and
- participation in any other business.

### **Conditions of leave**

An employee must, if required comply with any request made by SESTRAN to produce evidence as to his/her entitlement (eg parental responsibility or expected responsibility for the child in question; the child's date of birth or date on which placement for adoption began; where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to Disability Living Allowance).

### **Notice of Intention to Take Parental Leave**

The employee must give proper notice of the period of leave that he/she proposes to take. This notice must be given to SESTRAN at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.

Where the employee is the father of the child in respect of whom the leave is to be taken and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth.

Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to SESTRAN at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.



SESTRAN may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where it is considered business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the employee will be allowed to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. SESTRAN will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice of their intention to take parental leave.

Employees may not take parental leave in blocks of less than one week (except in relation to a child who is disabled).

Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

#### Return from leave

At the end of parental leave, the employee will be entitled to return to the same job provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

## 5. SHARED PARENTAL LEAVE (ShPL)

### What is Shared Parental Leave?

Shared Parental Leave (ShPL) is designed to give parents/adopters more flexibility in how to share the care of their child in the first year following birth or adoption. ~~If you are eligible~~ employees can share up to 50 weeks leave, and can decide to be off work at the same time and/or take turns to have periods of leave to look after ~~their~~ your child.

This option applies to employees, whether they are the mother or the partner. For an employee to be eligible for shared parental leave, both parents need to meet certain qualifying criteria (as noted below).

If it is the mother who is employed by SEStran, her partner must submit any notifications to take ShPL to their own employer. Similarly, if it is the partner

who is employed by SEStran, the mother must submit any notifications to take ShPL to her own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for ShPL are handled as smoothly as possible.

### **Eligibility for Shared Parental Leave**

#### **Who is eligible?**

ShPL can only be used by 2 people:

- The mother/adopter, andz
- One of the following:
  - The father of the child (in the case of birth) or,
  - The spouse, civil partner or partner of the child's mother/adopter.

Working parents who share the main responsibility for caring for their child are able to opt into the shared parental leave system.

Both parents must share the responsibility for the care of the child at the time of the birth/placement for adoption.

If an employee has 2 or more posts with SEStran they are required to take shared leave in respect of all posts. In the case of the mother, they are required to curtail their maternity leave for all posts.

#### **Eligibility Criteria**

For employees to be able to take ShPL, **both** parents must meet certain eligibility requirements.

#### **Maternity Entitlements**

The mother of the child must be entitled to maternity leave or (if she is not entitled to maternity leave) to statutory maternity pay or maternity allowance. In addition, she must have curtailed her entitlement to maternity leave (or her maternity pay or maternity allowance period) before she has taken her full entitlement. See Section 1 to determine eligibility to maternity leave.

**Care of the child** – the mother must be sharing the main responsibility for the care of the child with the child's father or partner.

**Continuity of employment** – an employee must meet a continuity of employment test. This means that the employee must have been employed by the same employer for 26 weeks at the end of the 15<sup>th</sup> week before the expected week of childbirth and remain employed by that employer at the start of the week in which shared parental leave is to be taken.

The continuity of employment test is similar to that for statutory maternity pay and paternity pay. So an employee who is entitled to SMP or SPP is likely to meet the continuity test for shared parental leave (See Section1).

**Eligibility for the other parent – “employment and earning test”** – the other parent, who must be the partner of the employee (i.e. the mother’s/adopter’s partner or the child’s father – even if the father is not in a relationship with the mother) must satisfy an employment and earnings test and must make a declaration that they meet this test.

The employment and earnings test requires that in the 66 weeks leading up to the week in which the child is due (or in the case of adoption, the date when the adopter is notified of a match), they have worked in the UK for at least 26 weeks and in 13 weeks during the 66 week period they have earned the nationally agreed minimum level and would have paid class 1 national insurance contributions.

### **Shared Parental Leave Entitlement**

Employees are entitled to take up to 50 weeks ShPL during the child’s first year. The amount of ShPL which an individual is entitled to will depend on when the mother brings her maternity leave period to an end (i.e. curtails her leave) and the amount of leave that the other parent takes in respect of the child.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take ShPL until two weeks after the birth and the maximum period that the parents could take as ShPL is 50 weeks between them (although it will normally be less than this if the mother/adopter has taken leave before the birth or adoption placement).

The mother’s partner can begin a period of ShPL at any time from the date of the child’s birth if the correct booking notification has been given. **Note:** the partner must ensure that they use up any paternity leave or maternity/adoption support leave prior to taking shared parental leave. If paternity leave it not taken before Shared Parental Leave it will be lost.

### **Shared Parental Leave Options**

It is up to the parents how they share the parental leave – they can take it in turns or take time off together, provided no more than 50 weeks of shared leave is taken in total.

An employee wishing to take ShPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their leave request. A line manager upon receiving a formal request should arrange a meeting with the employee to talk about their intentions and how they currently expect to use their ShPL entitlement. The purpose of any

meeting is to discuss the leave proposed and what will happen when the employee is away from work.

Employees have the option to take leave in one continuous block (see Continuous Leave) or as separate blocks of leave (see Discontinuous Leave). Particularly in cases of requests for separate blocks of leave, the employee should discuss this in detail with their line manager to determine if the request can be granted and if necessary discuss other options that would be agreeable to both the employee and SEStran.

A maximum of three requests for leave per pregnancy can normally be made by each parent.

### **Notice requirements for shared parental leave**

The notices that the parents must give to the relevant employer to be able to take ShPL are made up of the following elements. They are

- Curtailment notice (mother only)
- Notice of entitlement and intention
- Booking Notice
- Variation or cancellation Notice

This is explained in more detail below and the relevant forms are available (Appendices 1-4).

### **Curtailment Notice**

Before the mother/adopter or partner can take ShPL, the mother/adopter must return to work before the end of their maternity/adoption leave. This will be done by giving the required eight weeks' notice of her planned return and providing SEStran with a curtailment notice.

A 'maternity/adoption leave curtailment notice' from the **mother/adopter** sets out when they propose to end their maternity/adoption leave (**see Appendix 1**).

The mother/adopter must provide the curtailment notice at the same time as the notice of entitlement and intention (Appendix 2) to take ShPL or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention.

### **Revocation of maternity leave curtailment notice**

The curtailment notice can be withdrawn in limited circumstances. The withdrawal of a curtailment notice must be in writing and can be given only if the mother/adopter has not returned to work. The curtailment notice can be withdrawn if:

- it is discovered that neither the mother/adopter nor the partner are entitled to ShPL or statutory shared parental pay and the mother withdraws her curtailment notice within eight weeks of the date on which the notice was given;
- the curtailment notice was given before the birth of the child and the curtailment notice is withdrawn within six weeks of the child's birth; or
- the partner has died.

If a mother and her partner have already started a period of shared leave or agreed a period of shared leave which is due to start within 8 weeks following the revocation, they may be required to be absent from work on unpaid leave for some or all of this period. SEStran is under no obligation to accept an employee back to work with no notice.

#### **Notice of entitlement and intention**

This notice is from the employee (whether they are the mother/adopter or partner) giving an initial, non-binding indication of their entitlement to, and intention to take, shared parental leave. This is a one-off notification and is only to inform SEStran of their intention to take shared parental leave (**See Appendix 2**).

A separate notice to book leave is required once an employee wishes to request specific dates of leave).

#### **Adoption or Surrogacy Notice of Entitlement**

In addition to the notice of entitlement and intention, adoptive parents must also confirm:

- the date the parents were notified as having been matched with the child;
- the date the child is expected to be placed with the parents; and
- a declaration from the parents and consent to the amount of time the other parent intends to take.

Evidence of eligibility in this case will be copies of documents issued by the adoption agency confirming the date the parents were matched with the child.

For surrogacy arrangements, if the intended parents have applied, or intend to apply, for a 'parental order' then, subject to meeting qualifying conditions, the nominated 'primary' adopter will be entitled to take adoption leave and pay and to end their adoption leave early and move onto ShPL .

## Booking Notice

The employee's notice to book shared parental leave, must be in writing and be provided at least eight weeks before the start date of the first period of ShPL to be taken by the employee (**see Appendix 3**). However, the earlier an employee informs SEStran of their intentions, the more likely it is that SEStran will be able to accommodate the employee's wishes, particularly if they want to take periods of discontinuous leave.

Within 14 days of receiving a booking notice from the employee, whether the mother or partner, SEStran can request from the employee:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice or a copy of the MATB1); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

The employee has 14 days from the date of the request to send SEStran the required information.

## Variation or cancellation of notice of entitlement and intention

The employee can vary or cancel their proposed ShPL dates following the submission of a Booking Notice. They must provide SEStran with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence (**see Appendix 4**). The written notice can:

- vary the start date or the end date of any period of ShPL or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

Any indication of leave intended to be taken that the employee provides in a Variation Notice is non-binding, until they provide a Booking Notice in relation to the new period of leave being requested.

## Limit on number of requests for leave

The employee can provide a total of up to three Booking Notices per pregnancy (including the original request).

### **Continuous period of shared parental leave**

If the employee submits a Booking Notice requesting one continuous period of leave, they will be entitled to take that period of leave provided they have followed the correct notification process. Discussions should however take place with the employee's line manager prior to any leave requests.

### **Discontinuous periods of shared parental leave**

The employee may submit a Booking Notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits notice requesting discontinuous periods of leave, SEStran, in the two weeks beginning with the date the notice was submitted, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested. If the decision is taken to refuse the leave, the employer must provide clear reasons for this to the employee.

Any response to the employee should be in writing. If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the leave notice was originally submitted. The employee must notify SEStran of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave originally requested.

Alternatively, if SEStran has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw their Booking Notice requesting discontinuous periods of leave. The employee can withdraw this at any time on or before the 15th day after the notice was submitted. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make (maximum 3 requests).

## **Shared Parental Pay**

Only statutory pay is payable to either party for the duration of the ShPL period.

Statutory shared parental pay is available for eligible parents to share between them while on ShPL. The number of weeks' statutory shared parental pay available to the parents will depend on when the mother has ended her maternity leave and how much statutory maternity pay or maternity allowance the mother/adopter has been paid when her maternity leave or pay period ends.

A total of 39 weeks' statutory pay is available to the mother/adopter. As there is a compulsory maternity leave period of two weeks, this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

It is up to the parents to identify the period(s) of leave they are taking as shared parental leave in order that the appropriate rate of statutory shared parental pay is paid.

Statutory ShPL is paid for 37 weeks at the **lower** of the statutory prescribed rate or 90% of the relevant parent's normal weekly earnings (subject to the lower earnings limit). The remaining 13 weeks of ShPL are unpaid.

This means that statutory shared parental pay is paid at the statutory level throughout the leave period. Unlike occupational maternity/adoption pay, there is no provision for the first six weeks to be paid at 90% of the parent's actual weekly earnings. This is the case even if the mother returns from maternity leave after only two weeks, during the period where the higher (occupational) level of maternity would be have been available to her.

### **Eligibility for statutory shared parental pay**

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with her employer until the week before any period of shared parental pay that they get;

Or in the case of the partner, have been employed or a self-employed earner during at least 26 of the 66 weeks immediately before the expected week of childbirth.

- have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth/adoption



placement of at least the lower earnings limit for national insurance contribution purposes;

- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which they receive statutory shared parental pay; and

The mother must also be entitled to statutory maternity pay in respect of the child, but the maternity/adoption pay period has been curtailed.

### **Terms and Conditions during shared parental leave**

During ShPL, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory shared parental pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place.

### **Shared Parental Leave in Touch days (SPLIT)**

An employee can agree to work for SEStran (or to attend training) for up to 20 days during ShPL without that work bringing the period of his/her ShPL and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days. These will be in addition to the 10 keeping in touch (KIT) days already available for women on statutory maternity leave (as per paragraph 3.7.1).

SEStran has no right to require employees to carry out any work and employees have no right to undertake any work during their ShPL. Any work undertaken on SPLIT days, is entirely a matter for agreement between employees and SEStran. An employee will be paid the equivalent of their normal pay for time worked on a SPLIT day which will be inclusive of Statutory Shared Parental Pay.

## **6. PARENTAL BEREAVEMENT LEAVE**

Parental bereavement leave is designed to give parents additional leave as a means to provide extra support through their grief following the loss of a child. This leave can be taken by the child's birth parent, adoptive parent, the partner of the child's parent or adoptive parent – anyone with parental responsibility for the child.

This can be taken by all employees, regardless of their length of service. It is also available to parents who suffer a stillbirth after 24 weeks of pregnancy.

Where an employee is eligible to take parental bereavement leave under this regulation as a result of the death of more than one child, they are entitled to parental bereavement leave in respect of each child.

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The statutory right is for parents of children under the age of 18 however, SEStran are flexible on this as we appreciate that the loss of a child is equally as distressing for any parent.

The employee can take one or two weeks' parental bereavement leave. This is in addition to bereavement leave which is available for up to five days (as noted in point 8 below). It is not available as individual days and can be taken as

- a single block of two weeks or
- two separate blocks of one week at different times.

This leave can be taken within 56 weeks of the date of the death of the child.

#### **Payment**

Under legislation, employees with 26 weeks' continuous service are entitled to two weeks of paid leave at the statutory rate and employees with less than 26 weeks will be entitled to unpaid leave.

SEStran have extended this to allow all employees, including those with less than 26 weeks service, access to their normal pay during the 2 week parental bereavement leave period.

#### **Notification**

Employees do not need to provide notice in writing. Informal notification, such as a phone call, is sufficient to take parental bereavement leave.

Within the first 56 days of a child's death, the employee can take the leave straight away. This can begin by the employee letting their line manager know before they would have been due to start work or, if that is not feasible, as soon as possible.

If an employee wishes to take the leave more than 56 days after the child's death, they are required to give one week's notice of their intention to take the leave.

If an employee wishes to cancel parental bereavement leave they must give notice before the leave starts of at least one week if it is 56 days after the child's death and no later than the first day the leave was due to start if it is within 56 days of the child's death. Bereavement leave which has already started cannot be cancelled.

#### **Right to return**

If an employee requires a flexible return to work following parental bereavement leave, they should discuss this with their line manager.

Employees have the right to return to the same job, in the same location as they had before starting parental bereavement leave. Any changes to their

[job or location must be in accordance with the normal consultation procedures, and not in any way related to the leave.](#)

[If the employee is on a temporary contract, they will not have the right to return to work where their contract would have expired during the leave. They will however be entitled to all other provisions noted above, as long as relevant eligibility criteria are met.](#)

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## **67. CARER'S LEAVE**

Carer's leave is available to all employees of SESTRAN irrespective of length of service, and whether they are part time or full time. It is available to deal with family/dependent emergency obligations or where normal care arrangements fall down. Examples when carer's leave may be applicable 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;
- because of the unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident that involves their child and occurs unexpectedly whilst the child is at school/other educational establishment.

Carer's leave is intended to cover unforeseen matters and should not be used for pre-planned occurrences such as hospital and dental appointments. In these circumstances other options are available such as annual leave or parental leave.

Carer's leave consists of up to a maximum of 5 days paid leave (pro-rated for part-time/week workers) in any one leave year to deal with emergency obligations. Notwithstanding, when normal care arrangements break down, employees will be expected to make alternative arrangements as soon as possible.

Leave may be taken as half days, single days or block periods.

A dependent is defined as an employee's partner, child (or partner's child), parent (or legal guardian) or someone who lives in the same household as the employee (other than by reason of being his employee, tenant, boarder or lodger).

Where the leave is in respect of bereavement the provisions for bereavement leave as noted in section [85](#) will apply. [Where a parent has lost a child, see also section 6.](#)

In the cases of serious illness, up to 3 months leave may be granted at the discretion of the Partnership Director. This leave may be paid, unpaid, and in exceptional circumstances unpaid leave may be extended.

Authorisation for carer's leave should be obtained by following the normal procedures for absence notification.

## **9.7. SPECIAL LEAVE**

### **Bereavement Leave**

SESTRAN has discretion to grant up to 5 working days paid leave where a family member or close friend of an employee dies. In exercising discretion, the following will be taken into account:

- (a) the circumstances which justify leave to attend the funeral;
- (b) the requirement of an employee to make funeral arrangements and/or deal with financial or legal issues which occur immediately around the time of the death; and/or
- (c) the requirement for an employee to travel over long distances (for travel outside the UK absence may be part paid and part unpaid).

### **REVIEW**

This policy will be reviewed annually, to take account of developments within SESTRAN and legislative requirements.

### **Appendix 1 – Curtailment Notice Form**

### **Appendix 2 – Notice of Entitlement and Intention to Take Shared Parental Leave**

### **Appendix 3 – Shared Parental Leave Booking Notice**

### **Appendix 4 – Notice to Vary a Period of Shared Parental Leave**

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**CURTAILMENT NOTICE**

**To be completed by the Mother only.**

**Please complete and return this form to your manager.**

This form is to inform SEStran that you wish your maternity leave/pay to end in order that the person who shares the main responsibility to care for your child can take shared parental leave.

You must give at least 8 weeks' notice of your curtailment date. If you are entitled to maternity leave, the curtailment date must be at least two weeks after the birth of your child.

I wish my maternity/adoption leave to end on: .....(insert date)

Name	
Employee No	
Job Title(s)	
Signature	
Date	

**Please note:** This form is only notification that you wish to curtail your maternity leave. You are required to complete a Notice of Entitlement and Intention Form. This form can be completed and handed in at the same time as your curtailment notice.

**(\*) If you have 2 or more jobs either with SEStran (or with SEStran and another employer) you are required to curtail your maternity leave in all posts.**

**Please ensure that all your job titles are noted in this Curtailment Notice**

**Notice of Entitlement and Intention to Take Shared Parental Leave**

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave. If you are the mother, you must also complete a curtailment notice confirming you are bringing your maternity leave to an end.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Employee Name:	
Employee No:	
Job Title(s):	
Date on which maternity / adoption leave commenced / will commence	

**Declaration:**

I confirm that I am the mother/main adopter of the child;

Or

I confirm that I am the partner of the mother/main adopter of the child:

And

I confirm that I meet the eligibility criteria for shared parental leave (as per Section 5 of the Policy).

Signed:	Date:
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**Note (Mother only):** If you have 2 or more jobs either with SEStran (or with SEStran and another employer) you are required to curtail your maternity leave in all posts.

**Note (Partner only):** If you have 2 or more jobs with SEStran you are required to give notice for shared leave in both posts. If you have one post with SEStran and one with another employer you can decide if you wish to take shared leave from all posts.

**(\*)** You are required to highlight details of all your posts in the Curtailment Notice.

### SHARED PARENTAL LEAVE BOOKING NOTICE

**This form should be completed should you wish to book shared parental leave. You must give at least 8 weeks' notice of any dates in which you wish to take as shared leave.**

Name	
Employee No	

A. Date in which you (or the mother/adopter) has curtailed their maternity leave		
B. Number of weeks maternity or adoption leave taken by the mother/ adopter.	<u>Start Date</u>	<u>End Date</u>
C. Remaining number of weeks of <b>shared parental leave</b> available (52 weeks minus the number of weeks taken according to the above dates) ( <i>e.g. 52 – B above</i> )		
D. Maximum number of weeks of <b>shared parental pay</b> available (39 weeks minus the number of weeks taken according to the above dates) ( <i>e.g. 39 – B above</i> )		
E. Total number of shared parental leave/pay you intend to take	<u>Shared Parental Pay</u>	<u>Shared Parental Leave</u>
F. Total Number of weeks of Shared parental leave/pay the other parent intends to take.	<u>Shared Parental Pay</u>	<u>Shared Parental Leave</u>



**Requested Shared Parental Leave / Pay Dates**

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

**Declarations**

**By the Employee**

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- I meet the eligibility criteria for shared parental leave

If appropriate:

- I meet the eligibility criteria for shared parental pay
- I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy
- I consent to you retaining and processing the information contained in this form

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**For completion by the Employee's Partner**

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date.
- I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks leading up to the due date.
- I consent to your employee taking shared parental leave and shared parental pay as detailed above.

If appropriate:

- I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave).
- I consent to you retaining and processing the information contained in this form.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Notice to Vary a Period of Shared Parental Leave**

You should complete this form if you wish to vary a previously approved period of shared parental leave.

You must have previously submitted a **Booking Notice for Shared Parental Leave** (Appendix 8) and have had your eligibility for shared parental leave confirmed.

Name	
Employee No: <i>(if employed by SEStran)</i>	
Name of Partner	

**Request to Vary Previously Requested Parental Leave / Pay Dates**

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request (Including start and end dates)

**We confirm that we agree to the request as per the variation outlined above.**

Signed: (Employee)\_\_\_\_\_ Date:\_\_\_\_\_

Signed: (Employee's Partner)\_\_\_\_\_ Date:\_\_\_\_\_