OXFORD CENTRE FOR HEBREW & JEWISH STUDIES

EMPLOYEE HANDBOOK

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Introduction to the Centre

The Oxford Centre for Hebrew and Jewish Studies is a smaller organisation than many of the other associated institutions and colleges of the University of Oxford. It operates in a more informal manner and needs fewer rules and regulations. Nevertheless, it is important for all Centre staff to have basic information about some of the main rules, guidelines and legal constraints which are designed to maintain an effective, secure and pleasant working environment for everyone.

This Handbook is intended as a guide for both new and existing staff. It provides information about aspects of working life to which staff may need to refer, including details of official procedures and policies of which everyone should be aware. The Handbook also outlines the growth and development of the Centre, its purpose and general organisation. It is not a comprehensive operational guide. It will be kept up to date and new information will be added when necessary.

Any suggested changes, amendments or improvements are very welcome and should be forwarded to the Bursar.

The Centre also has a comprehensive Health and Safety Policy document, which is made available to all staff as a separate booklet.

About the Centre

Aims and Objectives

The Oxford Centre for Hebrew and Jewish Studies has two main aims, namely to conduct research into all aspects of Jewish Tradition and Civilisation to the highest standards of academic excellence, and to teach university courses within the broad field of Jewish Studies at undergraduate and postgraduate levels. This includes the teaching of Hebrew and other Jewish languages and literature.

Most of the Fellows (i.e. the permanent academic staff) are based at the Clarendon Institute.

The Fellows are responsible for most of the Jewish Studies teaching within the University.

While many of the non-academic staff members of the Centre are not directly involved in the teaching and research undertaken by academic staff, it is important that everyone recognises the importance of their own and everyone else's jobs when providing support to their colleagues.

Decision Making

The overall responsibility for policy decisions rests with the Centre's Board of Governors which meets three times per year. The Board consists of a Chairman, the Centre's President, various academics and a number of individuals with a personal interest in Jewish Studies.

Absence

What this policy covers

The purpose of this policy is to ensure that employees who are genuinely unwell are treated fairly and consistently, while minimising the impact of sickness absence on the Centre.

The policy sets out procedures for reporting sickness absence and for the Centre's management of short-term and long-term absence. Any absences that are disability-related will be managed in accordance with relevant legislation and related Codes of Practice.

This policy also contains information on your entitlements in relation to paid and unpaid time off work for reasons other than sickness.

Your responsibilities

Breach of absence procedures

Breach of any of the absence reporting procedures detailed below, including those relating to the notification of absence or provision of a medical certificate, may result in disciplinary action. Any periods of absence that are unauthorised may be treated as gross misconduct and could lead to your dismissal without notice from the Centre. Unauthorised absence will not be subject to pay.

Frequent short-term absence

Persistent absenteeism has a detrimental impact on your colleagues and on the Centre as a whole. If it is considered that your absence level is a cause for concern, the Centre may meet with you to investigate the situation fully. The Centre may require you to undergo an Occupational Health assessment.

The Centre cannot sustain frequent short-term absences, even if the reasons for the absences are genuine. Therefore, unacceptable levels of absence will be subject to disciplinary proceedings. The Centre will take into account the reasons, frequency and pattern of your non-attendance in determining an appropriate course of action.

If you are issued with a formal disciplinary warning, you will be advised as to the level of attendance which the Centre expects of you. If you fail to achieve this level of attendance further disciplinary action may be taken.

Medical report

It may be necessary for the Centre to obtain a medical report during the course of your employment in order to gather further information about your medical condition, its probable effect on your future attendance at work, your ability to do your job and whether there are any reasonable adjustments to be made, if appropriate.

Although you have the statutory right to withhold your consent to the Centre to approach your GP or consultant for a medical report, if you do choose to withhold your consent to our application, the Centre may need to assess your state of health and its impact on your continued employment without the benefit of professional medical advice.

You may also be required to undergo a medical examination by a doctor nominated by the Centre. The Centre will be entitled to receive any report produced in connection with any such examination, and the Centre may discuss the contents of the report with the doctor in question.

If you refuse to undergo a medical examination without good reason, this may be viewed as a failure to follow a reasonable management instruction and could result in disciplinary action, up to and including dismissal without notice.

Medical suspension

If the Centre becomes concerned about your health and safety at work, or that the health and safety of others is being affected by your physical and/or mental health, you may be suspended on medical grounds pending further investigation to establish that you are fit to work. You will receive full pay during the period of your suspension.

Your entitlements

Medical and dental appointments

Where possible, you are requested to arrange any medical or dental appointments outside working hours.

If this is not possible, you must obtain permission from management before taking any time off and appointments should be arranged at the beginning or end of your working day to minimise any disruption to the Centre. Unless otherwise agreed, you will not be paid for any time off as a result of medical or dental appointments, with the exception of antenatal appointments.

Jury service

You are entitled to time off work for jury service. You should notify management immediately on receipt of the jury summons, giving full details.

You will not normally be paid for this time off, and you are advised to claim the expenses to which you are entitled from the Court. These will typically include compensation for loss of earnings.

Time off for religious observance

You should make any requests for time off for religious observance to your manager as early as possible. Although you have no legal or contractual right to religious leave or time off to pray, the Centre will consider all such requests.

Time off for religious observance must be taken from your rest periods or annual holiday entitlement. Alternatively, at the Centre's discretion, you may work additional hours in lieu of the time taken off.

If you wish to take the time off as annual holiday, you should make the request in accordance with the Centre's annual holiday procedures. For the avoidance of doubt, the Centre's rules relating to annual holiday will apply.

Bereavement leave

In addition to your right to take reasonable unpaid time off following the death of a dependant, the Centre may, at its discretion, permit you to take paid or unpaid leave following the death of an immediate or close relative. Please ask your manager for further information.

Adverse weather and other exceptional circumstances

If you are unable to attend work due to adverse weather conditions or other exceptional circumstances, you will not be paid for any periods of non-attendance. You may request to take paid holidays or work additional hours at an alternative time to make up for the time you have been absent. The Centre reserves the right to refuse such requests depending on the needs of the business.

If the Centre cannot operate due to these exceptional circumstances, it reserves the right to require you to take holidays during this time or impose a period of lay-off, when appropriate. The Centre also reserves the right not to provide you with advance notice of this requirement.

Other types of leave

The Centre will adhere to statutory requirements in providing time off when you have commitments relating to public office or role, trade union duties and activities and the Armed Forces Reserves. You should discuss such requests for time off with your manager at the earliest opportunity in order to work out the necessary arrangements, allow planning time and work with your manager to minimise any potential disruption to the Centre.

Disabilities

If you have a disability that impacts on your attendance at work, the Centre will give consideration to whether there are any reasonable adjustments that could be made to your job or other aspects of your working arrangements to minimise absenteeism or assist your return to work.

Absence-reporting procedures

Sickness absence reporting

You should notify the Centre of your absence in accordance with the Absence Reporting clause contained within your Contract of Employment.

It is not acceptable for you to text, email, contact a colleague, leave a message or have a friend or relative call on your behalf. If your manager is unavailable you should contact someone in a position of authority in the Centre.

You should provide the reason for your absence, an estimate of how long you expect to be off work, a telephone number by which you can be contacted and details of any outstanding or urgent work that requires attention.

Medical certification

If your absence lasts for seven calendar days or fewer, you must complete an absence form immediately upon your return to work.

However, if you are entitled to contractual sick pay (please see your contract of employment for details) you may also be required to provide the appropriate medical certification for absences of fewer than seven days.

If your absence lasts more than seven calendar days, you must forward a medical certificate, completed by a medical practitioner, to management in order to cover the absence.

The medical certificate must be submitted as soon as possible. If you unreasonably delay in providing a medical certificate, your absence will be classed as unauthorised.

If, on a medical certificate, your doctor recommends any adjustments to your duties, hours or working conditions, the Centre will discuss these with you and implement the recommendations, if these are reasonably practicable.

Failure to comply with the arrangements to assist your return to work without good reason may be treated as misconduct and may result in disciplinary action.

It is essential that you keep the Centre updated on the reasons for your continued absence and its estimated duration. You should contact the Centre daily during periods of absence unless you are instructed otherwise by your manager. You should also contact the Centre before the expiry of your medical certificate if you continue to be unwell. In addition, a further medical certificate should be submitted immediately on expiry of the previous certificate. Failure to contact the Centre or submit a medical certificate at this time may result in the interim absence being classed as unauthorised.

Procedure for return to work

You should contact your manager as soon as you become aware of your intended return date. If this date changes, you should update the Centre immediately.

Return to work meeting

Your manager will interview you on your return to work following a period of absence. The reasons for your absence will be discussed and your manager will decide whether the absence should be authorised. The onus is on you to satisfy management that there was a genuine medical reason for the absence.

Long-term absence

Welfare meetings

During a period of long-term absence, you are required to attend any scheduled welfare meetings with the Centre. The purpose of these meetings is to discuss your current state of health, how long you expect to be absent from work and what steps, if any, the Centre can take to facilitate your return to work.

If you are medically incapable of attending your place of work, a representative of the Centre will come out to visit you. If the time scheduled for the meeting is not suitable, you should contact the Centre immediately so that an alternative time can be agreed. You are also required to respond to any correspondence from the Centre and any requests for information about your health.

Medical certification

You should continue to provide medical certificates, completed by your medical practitioner, even if you have exhausted your entitlement to sick pay.

Failure to co-operate

The Centre will always be sensitive to your physical and mental wellbeing during periods of long-term absence. However, where there is a failure, without good reason, to co-operate with the Centre in relation to attending meetings, communicating effectively, attending occupational-health assessments and providing necessary information, this may be treated as misconduct and the Centre may take disciplinary action.

Termination of employment

The Centre is committed to supporting you during your absence and assisting your return to work. However, a prolonged period of absence cannot be sustained indefinitely, and the Centre may need to review your continued employment periodically. Before any decision is made in relation to termination of your employment on the grounds of capability, the Centre will consult fully with you and may obtain up-to-date medical advice.

Alcohol and Drugs Misuse

What this policy covers

The purpose of the policy is to set out the Centre's position on drug or alcohol misuse in the workplace, to protect the health and safety of workers and to comply with relevant legislation.

Breaches of the policy may be viewed as gross misconduct and may result in disciplinary action up to and including dismissal without notice.

Your responsibilities

You must not be under the influence of drugs or alcohol when you report for work or during working time.

If you are taking medication or herbal remedies that may affect your work performance, or the safety, of yourself or others, you must inform the Centre as soon as possible of which medication you are taking and the possible side effects.

Support for employees with alcohol or drug problems

If you have, or believe you may have an alcohol or drug problem, you should inform the Centre and seek medical advice before it affects your performance or conduct at work. If you come forward and seek help for an alcohol or drug problem you will be treated sympathetically and any discussions will remain confidential.

The Centre will treat any absence due to drug and alcohol abuse in the same way as sickness absence on condition that you have obtained professional help and/or are receiving treatment. However, you must not be under the influence of alcohol or drugs at work throughout this time of support.

The use, possession, storage, transportation, promotion and/or sale of illegal drugs are forbidden in any situation connected to the Centre. The Centre reserves the right to involve the relevant authorities if it is deemed appropriate.

You are also expected to comply with any third party site rules, policies and procedures.

Procedure

The Centre will take all reasonable steps to prevent employees, agency workers and contractors carrying out work-related activities, if they are considered to be unfit or unsafe to undertake the work as a result of drug or alcohol consumption.

If you are suspected to be under the influence of alcohol or drugs during working hours or on Centre premises, the Centre reserves the right to send you home. This type of incident may be viewed as a gross misconduct offence and dealt with under the Centre's Disciplinary Procedure, which could result in dismissal without notice. If the Centre has reasonable grounds to believe that you were under the influence of drugs and/or alcohol at work you will not be paid for this day.

Annual Holidays

What this policy covers

This policy sets out the rules and procedures in relation to taking annual holidays. It applies to all employees and workers.

Your entitlements and responsibilities

Details of the holiday year and your annual holiday entitlement can be found in your Contract of Employment.

Accrual of holidays

Annual holiday entitlement during your first year of employment accrues at the rate of one-twelfth of the full annual holiday entitlement, on the first day of each month, in advance.

You will not be permitted to take annual holiday during the first year of employment before it has accrued, unless otherwise agreed. Thereafter, you will be entitled to your full annual holiday entitlement each year and there will be no requirement to accrue holiday rights.

Timing and length of holidays

You are not normally permitted to take more than two weeks' holiday at any one time, except at the sole discretion of the Centre.

The Centre may require you to reserve a specified amount of annual holiday entitlement to be taken at a time set by the Centre, depending on the needs of the business. The Centre reserves the right not to provide you with advance notice of this requirement.

Carrying over unused holidays

You are not normally permitted to carry over accrued annual holiday from one holiday year to the next. Holidays not taken within the holiday year will be lost.

Holiday during long-term absences

You will continue to accrue your full statutory holiday entitlement during sickness absence.

However, any contractual holiday entitlement over and above the minimum statutory holiday entitlement will not accrue during any period of sickness absence. You are permitted to take annual holiday during periods of sickness and this must be requested via the normal procedure.

If you have been unable to take annual holiday due to long-term sickness you may be permitted to carry over part of your unused annual holiday from one holiday year to the next.

Termination of employment

The Centre may require you to take all or part of any outstanding holiday entitlement during a period of notice to terminate employment or garden leave. The Centre reserves the right not to provide you with advance notice of this requirement.

Upon the termination of your employment, for whatever reason, you will be entitled to be paid for holiday accrued but not taken in the current holiday year, at the date of termination of employment.

If upon the termination of your employment you have taken more annual holiday than you have accrued in the current holiday year, an appropriate deduction will be made from your final payment.

If you are dismissed for gross misconduct or if you fail to give the required notice on resignation, you are not entitled to be recompensed for unused holidays in excess of the minimum statutory entitlement.

Unauthorised holidays

If you are absent from work on a date on which a holiday request has been refused, the Centre will investigate the reason for your absence. If the Centre considers that you do not have a reasonable explanation for your non-attendance, you may be subject to disciplinary action, up to and including dismissal without notice.

Sickness and holidays

If you are taken ill or sustain an injury during a period of authorised holiday, you may be permitted to take the holiday at a later time. You must follow normal absence reporting and medical certification procedures.

If you are absent from work due to sickness immediately prior to a period of authorised holiday and your incapacity extends into the authorised holiday period, you may be permitted to delay the period of holiday until a later time. You should submit a written request to postpone the planned holiday, together with a medical certificate completed by a medical practitioner.

If you receive more than the statutory minimum annual holiday entitlement and you are absent without authorisation on the day before or the day after a public holiday, the Centre reserves the right to withhold holiday pay in respect of that public holiday.

Holidays during maternity, adoption and shared parental leave

You will continue to accrue your full contractual holiday entitlement during maternity, adoption and shared parental leave.

If you are unable to take annual holiday due to maternity, adoption or shared parental leave, you will be permitted to carry over your unused annual holiday from one holiday year to the next.

You should discuss holiday arrangements around your leave with your manager.

Procedure

Procedure for requesting holidays

All periods of annual holiday must be authorised in advance by your manager. You must not make firm holiday arrangements before receiving confirmation from your manager that your request has been authorised.

You are required to submit completed holiday requests as early as possible, as detailed in your Contract of Employment.

Requests for annual holiday will normally be granted on a 'first come, first served' basis. Owing to the needs of the business, the Centre reserves the right to limit the number of employees who are permitted to take holiday at the same time. The granting of all holiday requests will be subject to adequate cover being available and the overall needs of the Centre.

Computers and Electronic Communications

What this policy covers

This policy sets out the Centre's guidelines on access to and the use of the Centre's computers and on electronic communications. It sets out the action which will be taken when breaches of the guidelines occur.

You are only permitted to use the Centre's computer systems in accordance with the Centre's Data Protection, Bring Your Own Device to Work, and Monitoring Policies and the following guidelines.

Your responsibilities

The Centre's computer systems and software and their contents belong to the Centre and they are intended for business purposes only. You are not permitted to use the Centre's systems for personal use, unless authorised by your manager.

You are not permitted to download or install anything from external sources unless you have express authorisation from your manager.

No device or equipment should be attached to the Centre's systems without prior approval of your manager.

The Centre has the right to monitor and access all aspects of its systems, including data that is stored on the Centre's computer systems as notified to you in the Centre's Privacy Notice and in compliance with data protection laws.

System security

You must only log on to the Centre's computer systems using your own password which must be kept secret. You should select a password that is not easily broken (e.g. not your surname).

You are not permitted to use another employee's password to log on to the computer system, whether or not you have that employee's permission. If you log on to the computer using another employee's password, you may be liable to disciplinary action up to and including summary dismissal for gross misconduct. If you disclose your password to another employee, you may also be liable to disciplinary action.

To safeguard the Centre's computer systems from viruses, you should take care when opening documents or communications from unknown origins. Attachments may be blocked if they are deemed to be potentially harmful to the Centre's systems.

All information, documents, and data created, saved or maintained on the Centre's computer system remains at all times the property of the Centre.

Processing personal data

You may have access to the personal data of other individuals and of our customers and clients that is being processed within the Centre's computer systems in the course of your employment. Where this is the case, the Centre relies on you to help meet its data protection obligations to employees and to customers and clients.

If you have access to personal data, you are required:

- to access only data that you have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the Centre) who have appropriate authorisation;
- to keep data secure by complying with rules on access to premises, access to computers including password protection, and secure file storage and destruction;
- not to remove personal data, or devices containing or that can be used to access personal data, from the Centre's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for business purposes.

Failure to observe these requirements may amount to a disciplinary offence which will be dealt with under the Centre's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee, customer or client data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to your dismissal without notice.

Use of e-mail

Where the Centre's computer systems contain an e-mail facility, you should use that e-mail system for business purposes only.

E-mails should be written in accordance with the standards of any other form of written communication and the content and language used in the message must be consistent with best practice. Messages should be concise and directed to relevant individuals on a need to know basis.

You should take care when opening e-mails from unknown external sources. Attachments to e-mails may be blocked if they are deemed to be potentially harmful to the Centre's systems.

E-mails can be the subject of legal action (for example, claims of defamation, breach of confidentiality or breach of contract) against both the employee who sent them or the Centre. As e-mail messages may be disclosed to any person mentioned in them, you must always ensure that the content of the e-mail is appropriate.

Abusive, obscene, discriminatory, harassing, derogatory or defamatory e-mails must never be sent to anyone. If you do so, you may be liable to disciplinary action up to and including dismissal without notice.

Internet access

You are required to limit your use of the internet to sites and searches appropriate to your job. The Centre may monitor all internet use by employees.

You are expressly forbidden from accessing web pages or files downloaded from the internet that could in any way be regarded as illegal, offensive, in bad taste or immoral.

Monitoring

Monitoring of the Centre's computer systems and electronic communications may take place in accordance with the Centre's Monitoring Policy. Please refer to the Centre's Monitoring Policy for further details.

Procedure

Misuse of computer systems

Examples of misuse include, but are not limited to, the following:

- accessing on-line chat rooms, blogs, social network sites
- use of on-line auction sites
- sending, receiving, downloading, displaying or disseminating material that discriminates against, degrades, insults, causes offence to or harasses others
- accessing pornographic or other inappropriate or unlawful materials
- engaging in on-line gambling
- forwarding electronic chain letters or similar material
- downloading or disseminating copyright materials
- issuing false or defamatory statements about any person or organisation via the Centre's electronic systems
- unauthorised sharing of confidential information about the Centre or any person or organisation connected to the Centre,
- unauthorised disclosure of personal data; and
- loading or running unauthorised games or software

Any evidence of misuse may result in disciplinary action up to and including dismissal without notice. If necessary, information gathered in connection with the investigation may be handed to the police.

Complaints of bullying and harassment

If you feel that you have been harassed or bullied or are offended by material received from a colleague, you should inform your manager immediately.

Conduct and Standards

What this policy covers

This policy details the main standards of behaviour that you need to adhere to and also details the behaviours that the Centre would normally regard as gross misconduct. The standards of behaviour and the details of gross misconduct listed in this policy should not be considered exhaustive.

Your duties and responsibilities

You are under a duty to comply with the standards of behaviour required by the Centre and to behave in a reasonable manner at all times.

Attendance and Timekeeping

You must:

- comply with the rules relating to notification of absence set out in the Centre's Absence Procedure
- arrive at work promptly, ready to start work at your contracted starting time
- remain at work until your contracted finishing time
- obtain management authorisation if for any reason you wish to arrive later or leave earlier than your agreed normal start and finish times

The Centre reserves the right not to pay you in respect of working time lost because of poor timekeeping.

Persistent poor timekeeping may result in disciplinary action.

Conduct Standards

You must:

- maintain satisfactory standards of performance at work
- comply with all reasonable management instructions
- co-operate fully with your colleagues and with management
- ensure the maintenance of acceptable standards of politeness
- take all necessary steps to safeguard the Centre's public image and preserve positive relationships with all persons and organisations connected to the Centre
- ensure that you behave in a way that does not constitute unlawful discrimination
- comply with the Centre's Operating Policies and Procedures

Unless otherwise instructed, personal mobile telephones must be switched off or switched to silent mode at all times during normal working hours.

Flexibility

You may be required to work additional hours at short notice, in accordance with the needs of the business.

You may also be required to undertake duties outside your normal job remit and to work at locations other than your normal place of work.

Confidentiality

You must keep confidential, except as required by law, both during your employment and at any time after its termination, all information gained in the course of your employment about the Centre and that of all persons and organisations connected to the Centre.

Conduct while representing the Centre

As a general rule, behaviour outside of normal working hours is a personal matter and does not directly concern the Centre. However, there are some exceptions to this rule. The Centre will become involved when incidents occur:

- at office parties or other work related social occasions or gatherings
- at social occasions or gatherings organised by a third party, where you have been invited in your capacity as an employee
- at work related conferences
- while working away on business on behalf of the Centre

On these occasions you are expected to behave in an appropriate and responsible manner, keeping in mind that you are representing the Centre. You are instructed specifically not to consume any alcohol at such events where you are driving.

Any employee whose conduct brings the Centre into disrepute will be subject to the Centre's disciplinary procedure. Such behaviour may be viewed as a gross misconduct offence and could render the employee liable to disciplinary action up to and including dismissal without notice.

Outside activities and other employment

You are not permitted to engage in any activity outside your employment with the Centre that could reasonably be interpreted as competing with the Centre.

You are required to seek permission from management before taking on any other employment while employed by the Centre unless you are on a zero hours contract.

Health and Safety

It is your duty and responsibility to familiarise yourself with, and to comply with, the Centre or any third party's health and safety policies and procedures. Breach of these rules may result in disciplinary action, up to and including the termination of your employment without notice for gross misconduct.

You must report all accidents, however minor, as soon as possible, making a comprehensive entry in the Centre's Accident Book.

Dress and Appearance

The personal appearance of employees makes an important contribution to the Centre's reputation and image. For this reason, it is important that your dress and appearance is professional and reflects the environment in which you work.

All employees will be expected to comply with any management instructions concerning dress and appearance.

Property and equipment

You are not permitted to make use of Centre or a third party's telephone, fax, postal or other services for personal purposes.

You must not remove property or equipment from Centre or a third party's premises unless for use on authorised business or with the permission of management.

Where you damage property belonging to the Centre either through misuse or carelessness, the Centre reserves the right to make a deduction from your pay in respect of the damaged property.

On termination of your employment you must return all Centre property, such as keys, laptops, mobile telephones, Centre vehicles, documents or any other items belonging to the Centre.

Clear desk policy

To improve the security and confidentiality, you are required to ensure that when your workstation is unoccupied you take all necessary steps to clear your work station of any sensitive and confidential information.

This ensures that all sensitive and confidential information, whether it be on paper, a storage device, or a hardware device, is properly locked away or disposed of when a workstation is not in use. This policy will reduce the risk of unauthorized access, data protection breaches, loss of, and damage to information during and outside of normal business hours or when workstations are left unattended.

Whenever a desk is unoccupied for an extended period of time the following will apply:

- All sensitive and confidential paperwork must be removed from the desk and locked in a drawer or filing cabinet. This includes mass storage devices such as CDs, DVDs, and USB drives;
- All waste paper which contains sensitive or confidential information must be placed in the designated confidential waste bins. Under no circumstances should this information be placed in regular waste paper bins;
- Computer workstations must be locked when the desk is unoccupied and completely shut down at the end of the work day;
- Laptops, tablets, and other hardware devices must be removed from the desk and locked in a drawer or filing cabinet;
- Keys for accessing drawers or filing cabinets should not be left unattended at a desk.

Printers and fax machines should be treated with the same care.

Personal searches

The Centre may reasonably request to search your clothing, personal baggage, personal storage areas or vehicles. An authorised person must conduct any such search in the presence of an independent witness. Should you refuse such a request, the Centre will require the appropriate authorities to conduct the search on behalf of the Centre. Failure to co-operate with the Centre in this respect may be treated as gross misconduct.

Personal property

You are solely responsible for the safety of your personal possessions on Centre premises and should ensure that your personal possessions are kept in a safe place at all times. If you find an item of lost property on the premises, you are required to inform management immediately.

Environment

In order to provide a cost-effective service, you are requested to use Centre equipment, materials and services efficiently. You should try to reduce wastage and the subsequent impact on the environment by ensuring that you close windows, avoid using unnecessary lighting or heating or leaving taps running, switch off equipment when it is not in use and handle all materials with care.

Breach of this policy

A breach of the Centre's standards of behaviour is likely to result in disciplinary action being taken.

Gross Misconduct

Set out below are details of behaviour that the Centre views as gross misconduct, which is likely to result in dismissal without notice. This list is not exhaustive. Such behaviour includes:

- theft, dishonesty or fraud
- deliberate recording of incorrect working hours
- unauthorised absence
- smoking on Centre or a third party's premises or in a vehicle belonging to the Centre
- sleeping during working hours
- assault, acts of violence or aggression
- bullying
- unacceptable use of obscene or abusive language
- possession or use of or being under the influence of non-medicinal drugs or alcohol on Centre premises or during working hours
- wilful damage to Centre, employee or third party property
- serious insubordination
- serious or gross negligence
- bringing the Centre into disrepute
- falsification of records or other Centre documents, including those relating to obtaining employment
- unlawful discrimination, including acts of indecency or harassment
- refusal to carry out reasonable management instructions
- gambling, bribery or corruption
- serious breach of health and safety policies and procedures
- breach of confidentiality, including the unauthorised disclosure of Centre information to the media or any other party
- unauthorised accessing or use of computer data
- unauthorised copying of computer software

Data Protection

What this policy covers

This policy details your rights and obligations in relation to your personal data and the personal data of third parties that you may come into contact with during the course of your employment.

"Personal data" is any information that relates to a living individual who can be identified from that information.

"Processing" is any use that is made of personal data, including collecting, storing, amending, disclosing or destroying it.

"Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or political beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

"Criminal records data" means information about an individual's criminal convictions and offences and information relating to criminal allegations and proceedings.

If you have access to the personal, special categories or criminal records data of employees or of third parties, you must comply with this Policy. Failure to comply with the Policy and procedures may result in disciplinary action up to and including dismissal without notice.

Data Protection principles

The Centre processes HR-related personal data in accordance with the following data protection principles:

- the Centre processes personal data lawfully, fairly and in a transparent manner;
- the Centre collects personal data only for specified, explicit and legitimate purposes;
- the Centre processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of the processing;
- the Centre keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay;
- the Centre retains personal data only for the period necessary for the processing;
- the Centre adopts appropriate measures to make sure that personal data is secure and is protected against unauthorised or unlawful processing and from accidental loss, destruction or damage.

Your entitlements

Data protection legislation prescribes the way in which the Centre may collect, retain and handle personal data. The Centre will comply with the requirements of data protection legislation and all employees and contractors who handle personal data in the course of their work must also comply with it.

The Centre will inform individuals of the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. It will not process personal data about individuals for other reasons.

Where the Centre processes special categories of personal data or criminal records data to perform obligations or to exercise rights in employment law, this is done in accordance with the rules relating to special categories of data and criminal records data.

The Centre will update HR-related personal data promptly if an individual advises that their information has changed or is inaccurate.

Personal data gathered during the employment or engagement of an employee, worker, contractor, volunteer, or intern is held in the individual's personal file (in hard copy or electronic format, or both), and on HR systems. The periods for which the Centre holds HR-related personal data are contained in its privacy notices.

Access to your personal data [subject access requests]

You have the right to make a subject access request. If you make such a request, the Centre will tell you:

- whether or not your data is processed and if so why; the categories of personal data concerned and the source of the data if it is not collected from you;
- to whom your data may be disclosed, including any recipients located outside the European Economic Area (EEA) and the safeguards that apply to any such transfers;
- for how long your personal data is stored or how that period is decided;
- your rights to rectification or erasure of data, or to restrict or object to processing;
- your right to complain to the Information Commissioner if you think the Centre has failed to comply with your data protection rights; and
- whether or not the Centre carries out any automated decision-making and the logic involved in such decision-making.

The Centre will also provide you with a copy of the personal data undergoing processing. This will normally be in electronic form if you have made the request electronically, unless you request otherwise.

If you want additional copies, the Centre will charge a fee, which will be based on the administrative cost of providing the additional copies.

Other rights

You have a number of other rights in relation to your personal data. You can require the Centre to:

- rectify inaccurate data;
- stop processing or erase data if your interests override the Centre's legitimate grounds for processing data (where the Centre relies on its legitimate interests as a lawful basis for processing data);
- stop processing or erase data if it is unlawful; and
- stop processing data for a period if it is inaccurate or if there is a dispute about whether or not your interests override the Centre's legitimate interests for processing the data.

Your responsibilities

You are responsible for helping the Centre keep your personal data accurate and up to date. You should let the Centre know if personal data provided to the Centre changes, for example, if you change bank or move house.

You may have access to the personal data of other individuals and of our customers or clients in the course of your employment, contract, volunteer period, internship or apprenticeship. Where this is the case, the Centre relies on you to help meet its data protection obligations.

If you have access to personal data, you are required:

- to access only data that you have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the Centre) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access including password protection, and secure file storage and destruction);
- not to remove personal data or devices containing or that can be used to access personal data, from the Centre's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.

Failure to observe these requirements may amount to a disciplinary offence which will be dealt with under the Centre's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee, customer or client data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to your dismissal without notice.

Processing special categories and criminal records data

The Centre will process special categories and criminal records data primarily where it is necessary to enable the Centre to meet its legal obligations and in particular to ensure adherence to health and safety legislation; vulnerable groups protection legislation; or for equal opportunities monitoring purposes.

Procedure

The Centre keeps a record of its processing activities in respect of HR-related personal data in accordance with the requirements of data protection legislation.

Personal data relating to employees may be collected by the Centre for the purposes of:

- recruitment, promotion, training, redeployment and/or career development, such as references, CVs and appraisal documents;
- administration and payment of wages, such as emergency contact details and bank/building society details;
- calculation of certain benefits including pensions;
- disciplinary or grievance issues;
- performance management purposes and performance review;
- recording of communication with employees and their representatives;
- compliance with legislation;
- provision of references to financial institutions, to facilitate entry onto educational courses and/or to assist future potential employers; and
- staffing levels and career planning

How we use special categories and criminal records data

"Special categories" data and "criminal records" data require higher levels of protection. We need to have further justification for collecting, storing and processing these types of personal data. We may process special categories or criminal records data in the following circumstances:

- in limited circumstances, with your explicit written consent;
- where we need to carry out our legal obligations;
- where it is needed in the public interest, such as for equal opportunities monitoring, or in relation to our occupational pension scheme;
- where it is needed to assess your working capacity on health grounds.

Less commonly, we may process this type of data where it is needed in relation to legal claims or where it is needed to protect your vital interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Accuracy of personal data

The Centre will review personal data regularly to ensure that it is accurate, relevant and up to date.

To ensure the Centre's files are accurate and up to date, and so that the Centre is able to contact you or, in the case of an emergency, another designated person, you must notify the Centre as soon as possible of any change in your personal details (e.g., change of name, address, telephone number, loss of driving licence where relevant, next of kin details, etc).

Security of personal data

The Centre will ensure that personal data is not processed unlawfully, lost or damaged. If you have access to personal data during the course of your employment, you must also comply with this obligation. If you believe you have lost any personal data in the course of your work, you must report it to your manager immediately. Failure to do so may result in disciplinary action up to and including dismissal without notice.

Data breaches

The Centre will record all data breaches regardless of their effect.

If we discover that there has been a breach of HR-related personal data that poses a risk to the rights and freedoms of individuals, we will report it to the Information Commissioner within 72 hours of discovery.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell affected individuals that there has been a breach and provide them with information about the likely consequences of the breach and the mitigation measures we have taken.

Access to personal data ["subject access requests"]

To make a subject access request, you should send your request to the Centre. In some cases, the Centre may need to ask for proof of identification before the request can be processed. We will inform you if we need to verify your identity and the documents we require.

We will normally respond to a request within one month from the date we receive it. In some cases, such as where the Centre processes large amounts of the individual's data, we may respond within three months of the date the request is received. We will write to the individual within one month of receiving the original request to tell them if this is the case.

If a subject access request is manifestly unfounded or excessive, the Centre is not obliged to comply with it. Alternatively, we can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which we have already responded. If you submit a request that is unfounded or excessive, we will notify you that this is the case and whether or not we will respond to it.

Disciplinary Policy and Procedure

What this policy covers

This policy is designed to ensure that all disciplinary matters are dealt with promptly, fairly and consistently and to encourage an improvement in individual conduct and/or performance. It outlines the procedures that the Centre will follow should there be a need to take disciplinary action and your right to appeal.

The Centre reserves the right to discipline or dismiss you without following the Disciplinary Procedure if you have less than 24 months' continuous service.

Your entitlements and responsibilities

The Centre aims to deal with disciplinary matters promptly and fairly.

You have the right to appeal against a decision the Centre makes at a disciplinary meeting. In these cases, the Centre will make every effort for the appeal to be dealt with by a different manager to the person who dealt with the matter initially.

The Centre's decision at the appeal stage is final and there is no further right of appeal.

You have a responsibility to assist the Centre, if required, to investigate the matters raised at disciplinary meetings and comply with the disciplinary procedures.

Disciplinary sanctions

The level of the disciplinary sanction, if any, will be determined by the severity of the offence. The Centre will normally select one of the following:

Written warning

A Written Warning will usually be applied as the first step of corrective action following unsatisfactory performance or conduct offences.

The Centre will define the unacceptable acts and explain the conduct or standards required in the future. You will be advised in writing that a failure to improve the standard of conduct or performance may result in further disciplinary action. A time limit will be placed on the warning.

Final written warning

A Final Written Warning is usually applied after a Written Warning has been given and performance or conduct has not improved but may be applied after a more serious first or a second offence.

You will be advised in writing that a failure to improve the standard of conduct or performance may result in dismissal. A time limit will be placed on the warning.

Dismissal

Dismissal occurs when your employment is terminated either with or without notice. Dismissal without notice is also referred to as 'summary dismissal' and is restricted to cases of gross misconduct.

The Centre reserves the right, at its complete discretion, to impose a sanction short of dismissal if it is deemed appropriate. This may include demotion, transfer to a different post or another appropriate sanction. Any such decision will be confirmed to you in writing once you have been informed of the outcome.

Disciplinary procedure

Suspension from work

If the Centre believes it is appropriate, it may decide to suspend you from your work pending further investigation or disciplinary action. Suspension itself is not a disciplinary sanction.

If a decision to suspend is made, you will be informed verbally and this will usually be followed up in writing. While you are suspended, you should not attend work or make contact with anyone connected to the Centre unless otherwise instructed by the Centre. If you need to contact anyone connected to the Centre while you are suspended, you must notify your manager. Any reasonable request will not be refused. Breach of the terms of your suspension may result in additional disciplinary action up to and including dismissal without notice.

The Centre will endeavour to keep any suspension as brief as possible. Any period of suspension will be on full pay. However, should you fail to co-operate at any time with the investigatory process, for example by failing to attend any meeting, without good reason then the Centre reserves the right to treat this as unauthorised absence and this may result in pay being withheld until such time as you attend any rearranged meeting.

Investigation Meetings

Depending on the circumstances, you may be required to attend Investigation Meetings before a decision is taken to invoke the disciplinary procedure. An Investigation Meeting is an informal meeting and so you are not permitted to be accompanied unless you are under the age of 18 (when a parent or guardian will be permitted).

Depending on the outcome of the investigation, the Centre will decide whether or not to proceed with a Disciplinary Meeting.

If it is decided that there is no case to answer then you will be informed of this fact either verbally or in writing. You will be expected to return to work at the agreed date and time. This will end the process.

Invitation to a Disciplinary Meeting

If you are required to attend a Disciplinary Meeting, the Centre will inform you of this in writing.

In the letter, the Centre will set out the issues that are to be considered, how seriously these are being viewed, the potential consequences and details of any intention to call witnesses. The letter will also inform you of the date and time of the meeting to allow you sufficient time to prepare your case.

As this is a formal meeting, the letter will also detail your right to be accompanied.

Your right to be accompanied at a Disciplinary Meeting

You are entitled to be accompanied at a Disciplinary Meeting by a fellow worker or a trade union official. With the exception of those under the age of 18, when a parent or guardian will be permitted, no other person will be permitted to attend.

Should you wish to be accompanied, you must notify the Centre of the name and position of your chosen companion as soon as possible.

Your companion is permitted to put forward and summarise your case, respond on your behalf to views expressed in the meeting, ask questions and confer with you, but will not be entitled to answer questions directly on your behalf.

Action if you cannot attend the meeting on the proposed date

If you feel that you have a legitimate reason as to why you cannot attend the meeting on the proposed date, you must contact the person named on the invitation letter to advise them of this fact immediately. The meeting may then be delayed to facilitate your attendance, if this is considered reasonable.

Attending the disciplinary meeting

You must attend the meeting at the proposed time. Failure to participate in the process or attend arranged meetings without good reason may result in additional disciplinary action or a decision being made in your absence.

Prior to the meeting, you should ensure that you are fully prepared to answer questions relating to the incident/circumstances in question. At the meeting you will be given every opportunity to state your case, present any evidence and call relevant witnesses before any decision is made.

After the Disciplinary Meeting

At the end of the meeting there will normally be an adjournment to allow for consideration of the facts. You will be informed of the outcome and any sanction will be confirmed in writing to you as soon as possible.

In some circumstances there may be a need to adjourn and reconvene a meeting at a later date, to allow further investigation. In this case you will be advised accordingly.

Notification of the decision and disciplinary sanction

Following the Disciplinary Meeting, the Centre will notify you of its decision and the disciplinary sanction it will apply. This letter will also explain your right to appeal against any decision taken and sanction applied.

Your right of appeal against disciplinary action

If you wish to appeal against a decision you must submit your request in writing, stating the reasons for the appeal, to the individual identified in the letter confirming the sanction. This should be submitted within five working days of receiving notification.

The Appeal Meeting

You will be informed of the date and time of the Appeal Meeting. If you feel that you have a legitimate reason as to why you cannot attend the meeting on the proposed date, you must contact the person named on the invitation letter to inform them of this fact immediately. The meeting may then be delayed to facilitate your attendance, if this is considered reasonable. You will be entitled to be accompanied by a fellow worker or a Trade Union official.

At the Appeal Meeting you will be given an opportunity to state your case. Your companion is permitted to put forward and summarise your case, respond on your behalf to views expressed in the meeting, ask questions and confer with you, but will not be entitled to answer questions directly on your behalf.

The meeting will then be adjourned to allow the Centre to consider the facts and the decision will be confirmed in writing. The outcome will be communicated as soon as possible, taking into account the complexity of the issues raised in the appeal. The decision at this stage will be final.

Equal Opportunities and Diversity

What this policy covers

The Centre recognises the benefits of a diverse workforce and is committed to providing a working environment that is free from discrimination.

The Centre will seek to promote the principles of equality and diversity in all its dealings with employees, workers, job applicants, clients, customers, suppliers, contractors, recruitment agencies and the public.

All employees and those who act on the Centre's behalf are required to adhere to this policy when undertaking their duties or when representing the Centre in any other guise.

Your entitlements and responsibilities

Unlawful discrimination

Unlawful discrimination of any kind in the working environment will not be tolerated and the Centre will take all necessary action to prevent its occurrence.

Specifically, the Centre aims to ensure that no employee or job applicant is subject to unlawful discrimination, either directly or indirectly, on the grounds of gender, gender reassignment, race (including colour, nationality, caste and ethnic origin), disability, sexual orientation, marital status, part-time status, pregnancy or maternity, age, religion or belief, political belief or affiliation or trade union membership. This commitment applies to all aspects of employment, including:

- recruitment and selection, including advertisements, job descriptions, interview and selection procedures
- training
- promotion and career-development opportunities
- terms and conditions of employment, and access to employment-related benefits and facilities
- grievance handling and the application of disciplinary procedures
- selection for redundancy

Equal opportunities practice is developing constantly as social attitudes and legislation change. The Centre will review all policies and implement necessary changes where these could improve equality of opportunity.

Career development

While positive measures may be taken to encourage under-represented groups to apply for employment opportunities, recruitment or promotion to all jobs will be based solely on merit.

All employees will have equal access to training and other career-development opportunities appropriate to their experience and abilities.

However, the Centre will take appropriate positive action measures (as permitted by equal opportunities legislation) to provide specialist training and support for groups that are under-represented in the workforce and encourage them to take up training and career-development opportunities.

Procedure

Complaints of discrimination

The Centre will treat seriously all complaints of discrimination made by employees, clients, customers, suppliers, contractors or other third parties and will take action where appropriate.

If you believe that you have been discriminated against, you are encouraged to raise the matter as soon as possible with your manager or other senior employee using the Centre's Grievance Procedure (outlined elsewhere in the Employee Handbook).

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly. If you make an allegation of discrimination, the Centre is committed to ensuring that you are protected from victimisation, harassment or less favourable treatment. Any such incidents will be dealt with under the Centre's Disciplinary Procedures.

Investigating accusations of unlawful discrimination

If you are accused of unlawful discrimination, the Centre will investigate the matter fully.

During the course of the investigation, you will be given the opportunity to respond to the allegation and provide an explanation of your actions.

If the investigation concludes that the claim is false or malicious, the complainant may be subject to disciplinary action.

If the investigation concludes that your actions amount to unlawful discrimination, you will be subject to disciplinary action, up to and including dismissal without notice for gross misconduct.

Equal Opportunities Monitoring

The Centre may carry out monitoring for the purposes of measuring the effectiveness of its equal opportunities and diversity policy.

Expenses

What this policy covers

This outlines the Centre's policy on the authorisation and reimbursement of business expenses incurred during the course of your employment.

The Centre reserves the right to refuse to pay an expense claim if the expenditure is unreasonable or unnecessary, or if the appropriate documentation has not been provided.

Failure to follow this policy will constitute a disciplinary offence that will be managed in accordance with the Centre's Disciplinary Procedure (detailed elsewhere in the Employee Handbook).

Your entitlements and responsibilities

The Centre's responsibilities

The Centre will reimburse you in respect of any expenses wholly, necessarily and reasonably incurred in the course of your work.

Your responsibilities

You must use the most cost-effective transport methods and routes in conducting business.

You should ensure that all expense claims are made promptly, as directed by the Centre.

What can be claimed?

Set out below are details of the expenses that can be claimed. This list is not exhaustive.

Travelling expenses

Travelling expenses will be paid to you when you need to travel on Centre business to other locations, and this is generally limited to the cost of travel from the office to the destination and return. The Centre will normally reimburse:

- standard-class rail fares
- business mileage in accordance with HM Revenue & Customs guidelines or as advised by the Centre
- car-parking costs (but not parking fines or penalties) incurred whilst undertaking your duties for the Centre
- air travel (the prior consent of your manager must have been obtained)
- taxi fares if no suitable public transport is available

Accommodation and allowances

Overnight expenses should only be incurred when an overnight stay is unavoidable and prior permission has been obtained from your manager.

In certain circumstances, the Centre will provide you with an overnight accommodation allowance. This allowance includes a set amount, to be determined in advance, for an evening meal, bed and breakfast. It does not include unreasonable expenses, such as use of the mini bar.

Credit card

Centre credit cards may be provided to certain members of staff, which are strictly for business use only. Centre credit cards are not to be used for personal expenditure. The Centre reserves the right to withdraw any credit card from you or to restrict your use of the credit card without giving notice or reasons.

If you are found to be using the Centre credit card for personal use, this may be treated as a disciplinary offence and could lead to disciplinary action, up to and including the termination of your employment without notice for gross misconduct.

Procedure

Claims should be made on the appropriate claim form, and should include original receipts, in order for them to be authorised by your manager.

Claims for business mileage must be supported by a completed mileage record sheet, giving full details of the journeys involved and the reasons for them.

When your employment ends, for whatever reason, any Centre credit card must be returned to the Centre no later than on the final day of your employment.

Flexible Working

For further information and guidance on flexible working please refer to the Centre's Family Leave policy at Appendix 1 of this handbook.

Grievance

What this policy covers

A grievance is any concern, problem or complaint that you have in relation to your employment.

Where possible, you should try to settle any grievance informally with your manager at the earliest opportunity. Where any grievance is unable to be resolved informally, this policy sets out the Centre's Grievance Procedure.

Your responsibilities

You have a responsibility to raise any grievances promptly and reasonably, assist the Centre, if required, in any investigation of the matters raised in your grievance, follow the grievance procedure and attend all meetings arranged under it.

You may raise grievances either informally or formally. If you raise a grievance informally first, you may still raise the grievance formally subsequently if it is not resolved to your satisfaction.

The Centre aims to deal with all grievances promptly and impartially, and to make all reasonable efforts to achieve a satisfactory outcome.

You have the right to appeal against a decision the Centre makes in respect of a grievance raised by you. In these cases, the Centre will make every effort for the grievance to be dealt with by a different manager to the person who dealt with the grievance initially.

The Centre's decision at the appeal stage is final and there is no further right of appeal.

Procedure

Dealing with grievances informally

If you have any grievance, you should discuss this with your manager in the first instance, who will then attempt to resolve the situation on an informal basis.

If you feel unable to approach your manager directly, you should approach another manager or a more senior member of the Centre, who will discuss with you ways of dealing with the matter.

If attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under the following formal procedure.

Your right to be accompanied at Grievance Meetings

At all formal stages of this procedure, you are entitled to be accompanied by a fellow worker or by a trade union official. If you are under 18, your parent or guardian will be allowed to accompany you.

Should you wish to be accompanied, you must notify the Centre of the name and position of your chosen companion as soon as possible.

Formal procedure

The Centre will make all reasonable efforts to deal with formal grievances in a fair and consistent manner. While the Centre will make every effort to settle any grievance within the time limits detailed in this procedure, this may not be possible on some occasions.

You must set out the nature of the grievance, and the full particulars of it, in writing. The written grievance should be submitted to your manager in the first instance, or to the person identified in your contract of employment. If your grievance is against your manager, you should submit it to another manager or a more senior member of the Centre.

Attending the Grievance Meeting

You will be invited to a meeting to discuss the grievance, normally within five working days of the Centre receiving your grievance. You must take all reasonable steps to attend this meeting.

Prior to the meeting, you should ensure that you are fully prepared to present your grievance, share any supporting evidence and answer any questions relating to the incident/circumstances in question.

Notification of the outcome

After the Grievance Meeting, an appropriate period of time may be taken to allow for any further investigation and/or the consideration of all the facts before a decision is reached. The Centre will then, normally, inform you in writing of its decision regarding the raised grievance without unreasonable delay. The letter will also explain your right to appeal against any decision taken.

Appeals against grievance outcomes

If you are dissatisfied with a decision made regarding a grievance you have raised, you have the right of appeal. Whenever possible, the appeal will be dealt with by a different manager to the person who dealt with the grievance.

Your appeal must be made in writing, stating the reasons for the appeal, to the individual identified in the decision letter. This should be submitted no later than the end of the fifth working day after you received written notification.

The Appeal Meeting

The Centre will arrange and hold an Appeal Meeting as quickly as possible, normally within five days. You will be entitled to attend the Appeal Meeting and will be given an opportunity to state your case.

You must take all reasonable steps to attend this meeting. If you feel that you have a legitimate reason as to why you cannot attend the meeting on the proposed date, you must contact the person named on the invitation letter to inform them of this fact immediately. The meeting may then be delayed to facilitate your attendance, if this is considered reasonable.

Harassment and Bullying

What this policy covers

As part of the Centre's overall commitment to equality of opportunity, it is fully committed to promoting a fair and harmonious working environment in which everyone is treated with respect and dignity and in which no individual feels bullied, threatened or intimidated. The aim of this policy is to prevent harassment and bullying in the workplace which includes harassment and bullying by other workers or by third parties you encounter while doing your job.

Harassment or bullying at work in any form is unacceptable behaviour and will not be permitted or condoned and will be viewed as a gross misconduct offence which may result in dismissal without notice.

What is harassment and bullying?

Harassment and bullying detract from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

Definition of harassment

Harassment is any unwanted physical, verbal or non-verbal conduct based on sex, sexual orientation, marital or civil partnership status, gender reassignment, religion or belief, age, race or disability which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

A single incident of unwanted or offensive behaviour can amount to harassment. Some examples are given below, but many forms of behaviour can constitute harassment. These examples are:

- physical conduct, ranging from touching, pushing or grabbing to punching or serious assault
- verbal or written harassment through jokes, offensive language, defamatory remarks, gossip, threats or letters
- unwelcome sexual behaviour, including unwanted suggestions, propositions or advances
- the sending or displaying of material that is pornographic or obscene, including e-mails, text messages, video clips, photographs, posters, emblems or any other offensive material
- inappropriate posts or comments on or via social media commonly known as "cyber bullying"
- isolation, non-co-operation at work or exclusion from social activities
- coercion, including pressure for sexual favours
- inappropriate personal contact, including intrusion by pestering or spying

It should be noted that it is the impact of the behaviour that is relevant and not solely the motive or intent behind it.

Definition of bullying

Bullying is persistent, offensive, abusive, intimidating or insulting behaviour, which, through the abuse of power, makes the recipient feel upset, threatened, humiliated or vulnerable.

Bullying can be a form of harassment and can undermine an individual's self-confidence and self-esteem and cause them to suffer stress.

Bullying can take the form of physical, verbal and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

- shouting at or humiliating others
- high-handed or oppressive levels of supervision
- unjustified, offensive and/or insulting remarks about performance
- excluding employees from meetings, events or communications without good cause
- physical or emotional threats

Bullying can occur in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips.

Your rights and responsibilities

Your rights

You have the right to work in an environment which is free from any form of harassment or bullying. The Centre recognises your right to complain about harassment or bullying should it occur. All complaints will be dealt with seriously, promptly and confidentially.

Every effort will be made to ensure that, when you make a complaint, you will be protected from further acts of bullying and harassment. If others also give evidence or information in connection with the complaint, they equally will be protected. Perpetrators of these acts will be subject to disciplinary action which may warrant dismissal.

Your responsibilities

You have a responsibility to help ensure a working environment in which the dignity of everyone is respected. You must comply with this policy and you should ensure that your behaviour to colleagues and anyone connected to the Centre, does not cause offence and could not in any way be considered to be harassment or bullying.

You should discourage harassment and bullying by making it clear that you find such behaviour unacceptable. You should also support colleagues who suffer such treatment and are considering making a complaint. You must alert a manager or supervisor immediately to any incident of harassment or bullying to enable the Centre to deal with the matter promptly and effectively.

The Centre's responsibilities

The Centre will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of harassment and bullying. This policy and procedure will be communicated effectively to all employees, and the Centre will ensure that all employees are aware of their responsibilities. Appropriate training, where necessary, will be provided.

Procedure

In order to raise a complaint of harassment or bullying, please refer to the Centre Grievance Procedure (outlined elsewhere in this Employee Handbook).

Maternity and Adoption Leave

Full details of the Centre's policies and procedures regarding both Maternity and Adoption are detailed in the Centre's Family Leave policy attached at Appendix 1 to this handbook.

Monitoring

What this policy covers

This policy sets out the Centre's approach to employee monitoring, provides information relating to the types of monitoring used and the Centre's obligations in relation to such monitoring and in introducing additional monitoring.

The Centre's responsibilities

You should be aware that the Centre may carry out monitoring of employees, workers and contractors.

Monitoring may be necessary either to allow the Centre to perform its contract with you or for the Centre's own legitimate interests. The Centre's reasons for monitoring include:

- security and the prevention and detection of crime;
- ensuring appropriate use of the Centre's telecommunications and computer systems;
- ensuring compliance with regulatory requirements;
- monitoring attendance, work and behaviour;

Types of monitoring

The monitoring carried out may include:

- monitoring of premises using video cameras
- monitoring e-mails and analysing e-mail traffic
- monitoring websites visited by employees using Centre systems
- recording telephone calls and checking call logs
- monitoring the use of Centre vehicles via vehicle-tracking systems
- entry and exit systems, including the use of biometric data such as fingerprints
- tracking via mobile devices

The Centre may use information gathered through employee monitoring as the basis for disciplinary action against employees.

If disciplinary action results from information gathered through monitoring, you will be given the opportunity to see or hear the relevant information in advance of the disciplinary meeting.

The Centre will ensure data collected through monitoring is processed in accordance with the Centre's Data Protection Policy and data protection legislation and, in particular, it will be kept secure and access will be limited to authorised individuals.

Additional monitoring

The Centre reserves the right to introduce additional monitoring. Before doing so, the Centre will:

- identify the purpose for which the monitoring is to be introduced
- ensure that the type and extent of monitoring is limited to what is necessary to achieve that purpose
- where appropriate, consult with affected employees in advance of introducing the monitoring
- weigh up the benefits that the monitoring is expected to achieve against the impact it may have on employees

The Centre will ensure employees are aware of when, why and how monitoring is to take place and the standards they are expected to achieve.

Covert monitoring

If the Centre has reason to believe that certain employees are engaged in criminal activity, the Centre may use covert monitoring to investigate that suspicion. In such instances, any monitoring will take place under the guidance of the police and will be carried out in accordance with Data Protection legislation.

Parental Leave

What this policy covers

Guidance and procedures around entitlements to unpaid parental leave are included in the Centre's Family Leave policy at Appendix 1 of this handbook.

Paternity Leave and Paternity Pay

Details of entitlements to and procedures around Paternity Leave and pay are contained in the Centre's Family Leave policy at Appendix 1 of this handbook.

Public Interest Disclosure ('Whistleblowing')

What this policy covers

The Centre constantly strives to safeguard and act in the interest of the public and its employees. It is important to the Centre that any fraud, misconduct or wrongdoing, by employees or other agents, is reported and properly addressed.

This policy applies to all employees and all other agents of the Centre, who are encouraged to raise concerns in a responsible manner. The Centre prefers that a concern is raised and dealt with properly, rather than kept quiet.

Your responsibilities

You are encouraged to bring to the attention of the Centre any practice or action of the Centre, its employees or other agents that you reasonably believe is against the public interest, in that the practice or action is:

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- an attempt to conceal information on any of the above

Any individual raising legitimate concerns will not be subject to any detriment, either during or after employment. The Centre will also endeavour to ensure that the individual is protected from any intimidation or harassment by any other parties.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work, which should be raised under the Centre's Grievance Procedure.

Procedure

In the first instance, you should raise any concerns you have with your manager. If you believe your manager to be involved, or if, for any reason, you do not wish to approach your manager, then you should raise it with a more senior person in the Centre.

Any matter raised under this policy will be investigated promptly and confidentially. The outcome of the investigation, as well as any necessary remedial action to be taken, will be confirmed to you. If no action is to be taken, the reason for this will be explained to you.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly. If you raise any concerns under this policy, the Centre is committed to ensuring that you are protected from victimisation, harassment or less favourable treatment. Any such incidents will be dealt with under the Centre's Disciplinary Procedures.

Escalating your concern

If you are dissatisfied with this response, you should raise your concerns in writing directly with a more senior person in the Centre.

If, after escalating your concerns, you believe that the appropriate remedial action has not been taken, you should then report the matter to the proper authority. These authorities include:

- HM Revenue & Customs
- the Financial Conduct Authority
- the Health and Safety Executive
- the Environment Agency or Scottish Environmental Protection Agency
- the Information Commissioner

This list is not intended to be exhaustive, and you must take care to ensure you contact the proper authority in relation to the particular concerns you have.

If you are unsure as to the appropriate authority, advice can be sought from Public Concern at Work which is an independent Whistleblowing Charity. Their contact details are at the end of this policy.

If you raise a false allegation and you are found to be culpable, or in any way involved in the wrongdoing, or if you raise a concern maliciously or in a manner not prescribed in this policy, then you may be subject to disciplinary action up to and including dismissal without notice for gross misconduct.

You should not disclose to a non-relevant third party any details of any concern raised in accordance with this policy, and you must not, in any circumstances, publicise your concerns in any way.

Independent advice

Independent advice and support can be obtained from Public Concern at Work (Independent Whistleblowing Charity):

Email address	whistle@pcaw.co.uk
Tel	Tel:020 7404 6609
Website	www.pcaw.co.uk

Shared Parental Leave

Full details of the Centre's policy and procedures around Shared Parental Leave are contained in the Centre's Family Leave Policy attached at Appendix 1 of this handbook.

Sick Pay

For current guidance on the Centre's sick pay policies and procedures please refer to Appendix 3 at the end of this handbook.

Social Networking Sites and Blogs

What this policy covers

This policy sets out the Centre's position on employees' use of social networking sites and blogs, whether conducted on Centre media and in work time or your own private media in your own time.

Your responsibilities

Social networking sites and blogs offer a useful means of keeping in touch with friends and colleagues, and they can be used to exchange views and thoughts on shared interests, both personal and work-related.

The Centre does not object to you setting up personal accounts on social networking sites or blogs on the internet, in your own time and using your own computer systems. However, you must not do so on Centre media or in work time.

You must not link your personal social networking accounts or blogs to the Centre's website. Any such links require the Centre's prior consent.

You must not disclose Centre secrets, breach copyright, defame the Centre or its clients, suppliers, customers or employees, or disclose personal data or information about any individual employee, colleague, or worker on your blog or on your social networking site.

Social networking site posts or blogs should not be insulting or abusive to employees, suppliers, Centre contacts, clients or customers.

Compliance with related policies

Social media should never be used in a way that breaches any of the Centre's other policies. If an internet post would breach any of our policies in another forum, it will also breach them in an online forum.

For example, you are prohibited from using social media to:

- breach our Computers and Electronic Communications Systems Policy;
- breach our obligations with respect to the rules of relevant regulatory bodies;
- breach any obligations contained in those policies relating to confidentiality;
- breach our Disciplinary Policy or procedures;
- harass or bully other staff in any way OR breach our Anti-harassment and Bullying Policy;
- unlawfully discriminate against other staff or third parties OR breach our Equal Opportunities Policy;
- breach our Data Protection Policy (for example, never disclose personal information about a colleague online); or
- breach any other laws or regulatory requirements.

Staff should never provide references for other individuals on social or professional networking sites, as such references, positive and negative, can be attributed to the organisation and create legal liability for both the author of the reference and the Centre.

References to the Centre

If reference is made to your employment or to the Centre, you should state to the reader that the views that you express are your views only and that they do not reflect the views of the Centre. You should include a notice such as the following:

'The views expressed on this website/blog are mine alone and do not reflect the views of my employer'

You should always be conscious of your duty as an employee to act in good faith and in the best interests of the Centre under UK law. The Centre will not tolerate criticisms posted in messages in the public domain or on blogs about the Centre or any other person connected to the Centre.

You must not bring the Centre into disrepute through the content of your website entries or your blogs.

Any misuse of social networking sites or blogs as mentioned above may be regarded as a disciplinary offence and may result in dismissal without notice.

You should be aware that any information contained in social networking sites may be used in evidence, if relevant, to any disciplinary proceedings.

Business Use of Social Media

If your job duties require you to speak on behalf of the Centre in an online social media environment, you must still seek approval for such communication from your manager, who may require you to have training before you are permitted to participate in social media on behalf of the Centre.

Similarly, if you are invited to comment about the Centre for publication anywhere, including in any social media outlet, you should inform your manager and you must not respond without prior written approval.

If you disclose your affiliation with the Centre on your business profile or in any social media postings, you must state that your views do not represent those of your employer, unless you are authorised to speak on our behalf. You should also ensure that your profile and any content you post are consistent with the professional image you present to clients and colleagues.

Third parties

You must not disclose any information that is confidential or proprietary to the Centre or to any third party that has disclosed information to the Centre.

This policy should be read in conjunction with the Centre's policies on Computers and Electronic Communications and Monitoring.

Confidential Information and Intellectual Property

You must not post comments about sensitive business-related topics, such as the Centre's performance, or do anything to jeopardise trade secrets, confidential information and intellectual property. You must not include the Centre's branding, logos or other trademarks in any social media posting or in your profile on any social media platform.

You are not permitted to add business contacts made during the course of your employment to personal social networking accounts.

Details of business contacts made during the course of your employment are regarded as Centre confidential information, and are the property of the Centre. This includes information contained in databases such as address lists contained in Outlook, or business and contacts lists created and held on any electronic or social media format, including but not limited to LinkedIn and Facebook.

On termination of employment you must provide the Centre with a copy of all such information, surrender or delete all such information from your personal social networking accounts, and destroy any further copies of such information that you may have.

Updating your LinkedIn profile to refer to your new employer and setting up your account to ensure that your contacts receive notification of this will be regarded as an act of unlawful solicitation and/or an unlawful attempt to deal with customers, employees, and business contacts of the Centre and may result in civil proceedings being brought against you.

Monitoring

The Centre reserves the right to monitor, intercept and review, without further notice, staff activities using our IT resources and communications systems, including but not limited to social media postings and activities, to ensure that our rules are being complied with and for legitimate business purposes and you consent to such monitoring by your use of such resources and systems.

Procedure

Breaches of this policy will be dealt with under the Centre's Disciplinary Procedure. You should be aware that the Centre regards breach of any part of this policy as gross misconduct that may result in disciplinary action up to and including dismissal without notice.

If you become aware of information relating to the Centre posted on the internet, you should bring this to the attention of your manager.

Time Off for Dependants

Details of entitlements to and procedures around emergency unpaid time off for dependants are contained in the Centre's Family Leave policy attached at Appendix 1 of this Handbook.

Training

What this policy covers

The Centre recognises that all employees play a crucial role in ensuring the success of the business and is therefore committed to providing training and development to improve the skills and competence of all of its employees.

The Centre will provide you with appropriate training to develop the knowledge and skills necessary for you to perform your duties effectively. Wherever possible, the Centre will ensure you have every opportunity for career development.

This policy covers the different types of training and development you might expect and how the Centre may recover the costs of training from you in particular cases.

Your entitlements

The types of training that the Centre provides falls into four broad categories: induction, occupational, internal and external.

Induction training

As a new employee, you will be given a comprehensive introduction to the workplace, your colleagues, catering facilities, duties, health and safety and other procedures.

Your manager or supervisor will assess your training requirements and arrange for that training to be provided. As far as possible, the Centre will meet your training needs by a combination of occupational, internal and external training.

Occupational training

Throughout your employment with the Centre, there may be a need to acquire new skills and these can be gained through occupational training delivered by colleagues.

Internal training

Occasionally, the Centre may arrange for external training providers to deliver training courses in the workplace. This form of training might be triggered by the introduction of new equipment or working methods and will be arranged when the Centre feels the training cannot adequately be provided in-house.

External training

External training may be provided in a variety of forms, ranging from short courses of a few hours' duration through to lengthy courses leading to the award of qualifications.

Where necessary, the Centre will arrange for you to undertake external training if this cannot be provided internally.

Procedure

Paying back your training costs

When you undertake external training courses with significant cost implications, you will be required, prior to commencing the course, to sign an agreement to repay all or a proportion of the costs of the course if you leave the Centre's employment within a certain time period. Full details will be set out in your training cost agreement.

Appendix 1

Family leave

This guidance reflects changes in legislation and Centre policy and supersedes any previous versions.

It is essential that you read **all** the guidance in these maternity leave pages.

This guidance is intended for pregnant employees and their managers and sets out the maternity leave and pay entitlements, and other rights of pregnant women and new mothers.

Overview of maternity leave

This guidance sets out the entitlements and benefits for pregnant employees and new mothers.

Throughout the guidance reference is made to the term 'employee', which means that the individual holds a contract of employment with the Oxford Centre for Hebrew and Jewish Studies, and therefore, subject to qualifying service, has full entitlement to employment benefits.

All pregnant employees are entitled to 52 weeks' statutory maternity leave, no matter how long they have worked for the Centre. It is up to the individual employee to decide how much maternity leave she wishes to take, (up to a maximum of 52 weeks), but the law requires that a minimum of two weeks' leave must be taken immediately following the birth of the child. This is known as compulsory maternity leave. The purpose of maternity leave is to allow the mother to give birth and to recover from giving birth to her baby, as well as to bond with, and care for, her new child.

There are differences between **maternity leave** (which all pregnant employees are entitled to) and **maternity pay** (for which there are qualifying criteria). If an employee satisfies certain qualifying conditions, she may be eligible to receive statutory maternity pay (SMP), in addition she may also be entitled to the Centre's contractual maternity pay scheme (which pays over and above the statutory minimum).

A pregnant employee must give correct and timely notices (see section entitled Before the Birth for details) to her department in respect of her maternity leave. The requirements for this and all other entitlements and obligations on the employee and her department, before, during and after (see sections entitled Before the Birth, During Maternity Leave and After maternity leave for further details) her maternity leave are outlined in the relevant sections.

NB Where a surrogacy arrangement is planned, particular rules apply. Staff should speak to their Departmental Administrator (or equivalent) who should in turn seek advice from their HR specialist.

Centre's Maternity Pay Scheme

The Centre's contractual maternity pay scheme entitles all eligible employees (regardless of their grade or the hours worked) to receive some pay during their maternity leave that is paid to them at their normal full rate of pay (which is above the statutory minimum). Any Statutory Maternity Pay (SMP) to which the employee has entitlement is included in full pay.

Qualifying for the Centre's Contractual Maternity Pay Scheme

In order to qualify for the contractual maternity pay scheme, at the qualifying week (being the 15th week before the week beginning Sunday, in which it is expected you will have your baby, referred to as the EWC). the employee must:

i. hold a current contract of employment with the Centre; and

ii. have at least 26 weeks' continuous service with the Centre as an employee, and which entitles her to receive Statutory Maternity Pay (see below); and

iii. provide her department with the correct notification (see section Before the birth for details) of her intention to take leave, and

iv. confirm her intention to return to work following the birth of her baby, for a minimum of three months*.

**If an employee is on a fixed-term contract, please see the relevant section below.*

The benefits of the Centre's Contractual Maternity Pay Scheme

If an employee meets all the qualifying requirements outlined above, **and** her Centre contract of employment will continue throughout the entire period of the proposed maternity leave (unless an employee is on a fixed-term contract, which is due to expire), she will be eligible to receive the following:

- up to 26 weeks' leave paid at the full rate of pay (inclusive of any SMP which is due); followed by
- up to 13 weeks' leave paid at the statutory maternity rate of pay (if entitled); followed by
- up to 13 weeks' unpaid leave.

Total maternity leave = up to 52 weeks

SMP is paid at a statutory flat rate set by the government. To qualify for SMP, the woman must:

- have worked for the Centre continuously for at least 26 weeks, continuing into the qualifying week;
- have average weekly earnings above the National Insurance lower earnings limit; and
- have given her department the correct notice and proof of pregnancy (see section 'Before the birth').

Eligibility for SMP can be determined by using the Government calculator: www.gov.uk/maternity-pay-leave/pay.

SMP is paid over the first 39 weeks of maternity leave at the rate of:

- 90% of average weekly earnings (this figure is worked out at the qualifying week) for each of the first six weeks of maternity leave; followed by
- 33 weeks of flat rate SMP (for current rates click here). The flat rate is set by the government and is subject to review every April.

SMP is not paid in addition to full pay. The Centre's Maternity Pay Scheme pays at a rate equivalent to the employee's normal full salary for up to the first 26 weeks' maternity leave

and, SMP is automatically incorporated into those payments. For the next 13 weeks, the Centre pays SMP only. For the final 13 weeks of maternity leave no payments are made.

In the case of a multiple birth, an employee is entitled to the same benefits as if she were having one child.

If a woman does not qualify for the Centre's Contractual Maternity Pay Scheme

If an employee does not meet the qualifying criteria for the Centre's contractual maternity pay scheme, she may still qualify for SMP (see also the section above for further details about SMP payments). An employee is entitled to 52 weeks' unpaid maternity leave regardless of whether she qualifies for any type of maternity pay.

Women who are not entitled to SMP may be entitled to claim up to 39 weeks' Maternity Allowance (MA), from their JobCentre Plus office, dependent upon meeting the qualifying conditions based on their recent employment and earnings records. Payroll will issue an 'SMP1' form to any woman who is not entitled to SMP, which provides information about how to apply for MA.

A woman who does not qualify for SMP or contractual pay, but who wishes to take maternity leave, still needs to provide a 'MATB1' form to her department, and to fill in a Maternity leave plan form found in the employee handbook.

If an employee decides not to return to work

If an employee ***decides*** not to return to work at the end of her maternity leave, or returns to work for less than three months, the Centre reserves the right to reclaim all or part of the payments made under the Centre's contractual pay scheme, minus any statutory pay element to which the employee was eligible. This also applies to employees on fixed-term contracts who are offered an extension, but decide not to accept it. If an employee resigns during her maternity leave, she must do so in the normal way, giving the notice period stated in her employment contract.

All other contractual benefits will end as at the end date of her employment with the Centre. An employee may continue to be entitled to SMP after employment ends. Any such payment will be paid to the employee as a lump sum amount at the end of her employment.

If an employee plans not to return to work following a period of maternity leave, **before** she goes on maternity leave, then she will not be eligible for the Centre's contractual maternity pay scheme. She may still qualify to receive SMP.

Fixed-term contracts

If an employee's **fixed-term contract expires** during the maternity leave period (or the contract ends due to redundancy), they may still qualify for the Centre's contractual maternity pay scheme. However, the payments under the Centre's contractual scheme and all other contractual employment benefits will cease on the contract end date. An employee may continue to be entitled to SMP after employment ends. Any such payment will be paid to the employee as a lump sum amount at the end of her employment.

The normal arrangements for ending contracts will also apply; however, it is recommended that the department contacts their HR specialist for guidance on the appropriate procedures.

Before the birth

Notification and discussions before going on maternity leave

Employees are encouraged to share the news of pregnancy with their department as early as possible as it will mean that their department knows that they are entitled to time off for antenatal appointments and that particular health and safety rules apply.

In order to qualify for and to claim maternity leave and pay, an employee must notify her department no later than by the end of the qualifying week of:

i. the fact she is pregnant; and

ii. the EWC; and

iii. the date when she intends to start taking leave; and

iv. whether she intends to return to work after the birth of her baby (which must be for a minimum of three months to qualify for the Centre's contractual pay scheme*).

If an employee is on a fixed-term contract, please refer to the 'Fixed-term contracts' section below.

A Maternity leave plan is provided for employees and departments to use to collect the above information and other details relating to the proposed maternity leave period. If the Maternity Leave Plan is completed fully by the employee and the department, this will ensure that the notification requirements are met. Within 28 days of completing the Maternity Leave Plan, if the employee plans to return to work, her return to work date should be confirmed (if appropriate) with her in writing. If an employee does not ***intend*** to return to work after the birth of her baby, her entitlement to statutory maternity benefits should be outlined to her, as she will not qualify for the Centre contractual maternity pay scheme. A pregnant employee is entitled to up to 52 weeks of maternity leave regardless of whether or not she qualifies for any type of maternity pay.

Risk assessment: As soon as the department has been notified by their employee that she is pregnant, they should arrange to carry out appropriate risk assessments. The employee will also need to notify her department of her antenatal appointments, once they have been confirmed by her healthcare provider.

MATB1 form: The employee should also provide her department with a copy of her 'MATB1' form that she will have been given by her healthcare provider sometime around the 25th week of pregnancy.

Additionally, the employee and the department should discuss, explore and/or agree on the following:

- 'Keeping in Touch' (KIT) days arrangements;
- arrangements for staying in touch during the maternity leave period;
- how the work will be covered in the employee's absence, and any other concerns or issues, eg issues related to externally funded contracts;
- how the employee's employment benefits are affected during a period of maternity leave (see section Employee benefits during maternity leave below);

- the option (if eligible) of using the provisions under the Shared Parental Leave (SPL). Both, the employee and her partner will need to meet the eligibility criteria for the scheme, and additional processes will need to be followed. For all information on SPL, including the eligibility criteria, please speak to your HR specialist.

When leave can begin

A woman may choose to start her maternity leave any time after the beginning of the 11th week before the EWC. Maternity leave will start automatically if she gives birth before her notified date, or if she is ill for a pregnancy-related reason during the last four weeks of her pregnancy.

If an employee does not give her department the required notification for the start of her maternity leave, she may lose her right to start maternity leave on her chosen date. Departments are only required to make exceptions to this where it was not reasonably practicable for the notice to have been given any earlier.

If the department and employee fill in the Maternity Leave Plan then this will satisfy the notification requirements in this respect.

Changing the start of maternity leave

Once a woman has notified her department of the date she wishes to start her maternity leave, she can change this date as long as she notifies her department of the new start date by whichever is the earlier of either 28 days before the date she originally intended to start her leave or 28 days before the new date she wants to start her leave.

If it is not reasonably practicable for her to give this much notice (for example, if the baby is born early and she has to start her leave straight away) then she should tell her department as soon as she can. The notification does not have to be in writing unless the department requests it.

Confirmation by the department of the end date of leave

Once an employee has provided the necessary notice of the intended start date of her leave, her department should in turn notify the employee of the date on which the leave will end. This will normally be 52 weeks (one year) from the start of maternity leave, except where an employee has already stated her intention to take only a portion of the 52 week entitlement

The department should normally confirm the end date of the employee's maternity leave with her within 28 days of the notification.

The start of maternity leave

The maternity leave period normally starts on the date the employee has notified her department that she intends to start leave. There are some exceptions to this rule as follows:

(i) Absence due to childbirth before the intended start date

If the baby is born before the date the employee has notified that she wishes to start leave (or before she has had the opportunity to notify any date) the maternity leave period starts automatically on the day after the date of the birth. This happens even if the birth takes place before the 11th week before the birth was originally expected. In this circumstance the woman should give her department notice (in writing if the department asks for it) of the date of the birth if it has already taken place, and the date on which the baby was originally

expected. The actual and expected dates of birth can be provided together on the maternity certificate (MATB1) if this is still to be issued by the time the baby is born.

In the unusual circumstance that the baby is born prematurely before the qualifying week, the employee will be taken as satisfying the continuous employment rule for the Centre's contractual maternity pay scheme if she would have been continuously employed but for early childbirth. The maternity pay will be paid from the day following the birth of the baby.

In the very unfortunate circumstances that a baby is stillborn before the 25th week of pregnancy, the woman is not entitled to pay under the statutory or Centre pay provisions. Sick leave or compassionate leave should be considered in such circumstances. The Departmental Administrator (or equivalent) should seek advice from their HR specialist should such a situation arise.

(ii) Sickness absence for a pregnancy-related reason before the intended start date

An employee who is absent from work due to illness will normally be able to take sick leave until she starts maternity leave on the date notified to her department. However, if a pregnancy-related illness occurs at or after the beginning of the fourth week before the EWC, the maternity leave period will start automatically on the day after the first day of absence.

(iii) Dismissal, resignation or end of contract before the intended start date

If an employee resigns, her contract ends or she is dismissed before the date she has notified to begin her leave, or before she has notified a date, she loses the right to the Centre's contractual maternity pay scheme and all other employment benefits as at the end date of her employment with the Centre. She may still qualify for SMP if the eligibility criteria are met. The Departmental Administrator (or equivalent) should seek advice from their HR specialist should such a situation arise.

Health and safety at work

The Centre is required to protect the health and safety at work of all employees, including new and expectant mothers and mothers who are breastfeeding.

The Management of Health and Safety at Work Regulations 1999 require employers to assess risks to their employees, including new and expectant mothers, and to do what is reasonably practicable to control those risks.

The Centre is required to carry out a specific risk assessment paying particular attention to risks that could affect the health and safety of the new or expectant mother or her child. Once the department has been informed by the employee that she is pregnant, has recently given birth or is breastfeeding, the risk assessment should be carried out.

If the risk assessment identifies any specific risks that cannot be avoided (eg work with dangerous chemicals, radioactive material etc), the Centre is required to follow a series of steps to ensure that the woman is not exposed to that risk. If this extremely rare situation arises, the department should always seek advice from the relevant HR specialist in all such cases.

There is no statutory right to time off work for breastfeeding mothers. However, on returning to work the employee should provide her employer with written notification that she is breastfeeding, so appropriate risk assessments can be carried out.

Time off for antenatal appointments

All pregnant employees are entitled to paid time off to attend antenatal appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor. This entitlement applies regardless of the employee's hours of work or length of service and time off for antenatal care will be paid at the employee's normal rate of pay.

An employee should provide notification of her antenatal appointments to her department, once the appointments have been confirmed. The employing department should clarify with their employee what notice and information are expected from her in relation to this.
Antenatal care is not restricted to medical examinations related to the pregnancy. It could, for example, include relaxation classes and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

With the exception of the very first antenatal appointment, departments are entitled to ask the employee for evidence of antenatal appointments and, on request, the employee must show her department an appointment card or some other document showing that an appointment has been made.

From 1st October 2014, fathers and partners of pregnant women are entitled to take unpaid time off to accompany their partners to up to two antenatal appointments. Any additional time off that might be required to accompany pregnant women to appointments should be requested as annual leave in the normal way from the employing department. This provision also applies to parents whose child will be born through a surrogacy arrangement and where they meet the requirements for and intend to apply for a Parental Order for this child.
Please click here for further information about this provision.

During maternity leave

This section explains:

- what an employee has to tell her department while she is on maternity leave;
- contact arrangements between department and employee during maternity leave;
- what work can be undertaken when an employee is on maternity leave.

Contact during maternity leave

Departments and their employees will often find it helpful, **before** maternity leave starts, to discuss arrangements for staying in touch with each other. This might include agreements on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that might be discussed. There is a section in the Maternity leave plan for the employee to note her preferences in this respect.

During the maternity leave period, a department may make reasonable contact with an employee and, in the same way, an employee may make contact with her department. What constitutes "reasonable" contact will vary according to the circumstances. Some women will be happy to stay in close touch with the department and will not mind frequent contact. Others, however, will prefer to keep such contact to a minimum. The frequency and nature of the contact will depend on a number of factors such as the nature of the work and the employee's post, any agreement that the employer and employee might have reached before maternity leave began as to contact and whether either party needs to communicate important information to the other, such as, for example, news of changes at the workplace that might affect the employee on her return.

The contact between department and employee can be made in any way that best suits

either or both of them. For example, it could be by telephone, email, letter, involving the employee making a visit to the workplace, or in other ways.

Departments should note that they must, in any event, keep the employee informed of information relating to her job that she would normally be made aware of if she was working.

Work during the maternity leave period – 'Keeping In Touch' (KIT) days

An employee may, by agreement with her department, do up to a maximum of ten days' work - known as 'Keeping in Touch' (KIT) days - under her contract of employment during the maternity leave period. Such days are different to the reasonable contact that departments and employees may have with each other, as during KIT days employees can actually carry out work for the department, for which they will be paid.

Any work carried out during the maternity pay period (39 weeks) or maternity leave period (52 weeks) will count as a whole KIT day, up to the ten-day maximum. In other words, if an employee comes in for a one hour training session and does no other work that day, she will have used one of her KIT days. Once a woman has exhausted her ten KIT days, if she does any other work she will lose a week's SMP for the week in which she has done that work.

The type of work that the employee undertakes on KIT days is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the woman's contract but would be particularly useful, eg in enabling her to attend a conference, undertake a training activity or attend for a team meeting, for example.

This work during maternity leave may only take place by agreement between both the department and the employee. A department may not require a woman to work during her maternity leave if she does not want to, nor does a woman have the right to work KIT days if her department does not agree to them.

The KIT days can be undertaken at any stage during the maternity leave period, by agreement with the department with the exception that during the first two weeks after the baby is born (the compulsory maternity leave period) no work is permitted.

If it has been agreed with the department that the employee would like to work 'Keeping in Touch' days during her maternity leave, the employee will need to make sure that she responds when her department offers her this work. The department should give as much notice as possible of the work that they would like the employee to do and clarify what she will be paid for the work she does.

Payment for 'Keeping in Touch' (KIT) days

As KIT days allow work to be carried out under the employee's contract of employment, the employee is entitled to be paid for that work.

If a woman attends for work, she should be paid the equivalent of her normal hourly rate for the hours she works on the day in question. Therefore during the period of maternity leave that she is being paid at the rate of full pay, no further payment would be due. If an employee works her KIT day(s) during a period of SMP, her statutory pay should be enhanced to full pay, and if work takes place during a period of unpaid maternity leave, she should be paid the equivalent of her normal hourly rate for the hours she works. She will continue to be paid her SMP for the week in which the work is done.

There is a maximum limit of ten KIT days allowed under the maternity leave regulations and once a woman has used up her ten KIT days and she then does any further work, she will lose a week's SMP for the week in which she has done that work.

The hours to be worked must be agreed in advance between the department and the employee. The pay for this work should also be confirmed by the department in advance.

Any questions from departments about payment during KIT days should be directed to their HR specialist.

Notification of change of return to work dates while on maternity leave

Unless otherwise notified, the date on which an employee returns to work will normally be the first working day 52 weeks after her maternity leave began. The actual return date will normally be recorded in the Maternity Leave Plan.

(i) Return to work before the end of the maternity leave period

If the employee wishes to return to work before the end of her full maternity leave period (this will normally be the end date that the department confirmed to her before she went on leave), she must give her department at least eight weeks' notice of her return to work. This notice requirement applies throughout the whole period of leave. The notice period is the minimum that the department is entitled to expect, but the department may, at its discretion, accept less notice.

If the employee tries to return to work without having given the appropriate eight weeks' notice, the department may postpone her return until the end of the eight weeks' notice period. However, the department may not postpone her return to a date later than the end of her maternity leave period.

(ii) Return to work later than previously notified

An employee who has notified her department that she wishes to return to work before the end of her 52 weeks' entitlement to maternity leave, is entitled to change her mind. However, in these circumstances, she should give her department notice of this new, later date at least eight weeks before the earlier date.

(iii) Employees who do not wish to return to work after maternity leave

An employee who does not wish to return to work after her maternity leave must give her department the notice of termination required by her contract of employment. However, if a woman is in the position to do so, it would be helpful to her department if she can give as much notice as possible of her intention to leave her employment.

Please note: If a woman does not return to work for at least three months following her maternity leave period, departments may reclaim the whole of the non-statutory element of maternity pay. If a woman cannot return to work because her fixed-term contract has ended, it would not be expected that she would be required to repay any of her maternity pay.

Being paid

Women on maternity leave will be paid in exactly the same way that her salary would be paid if she were at work, on the day of the month, as set by Payroll. Whilst on full-pay maternity leave, SMP is included within full pay. It is not paid in addition to full-pay.

The woman's pay slip will be sent to her department (unless a different arrangement has been agreed) and the employee can ask her department to forward it to her home address.

If an employee is sick during her maternity leave, she cannot claim sick pay. If the employee is sick when her maternity leave is due to end, she will be deemed to be an employee who has returned to work but who is on sick leave under the Centre sick pay scheme.

Tier 2 and Tier 5 visa holders

Where the staff member taking maternity leave is a Tier 2 or Tier 5 visa holder and their period of leave will include a period paid either at the rate of statutory pay, or unpaid leave please contact the HR specialist who will provide immigration advice.

End of contract during maternity leave

If a woman's contract is due to end during her maternity leave period, normal arrangements for ending contracts will apply. However, it is recommended that the Departmental Administrator (or equivalent) contacts their HR Specialist for guidance on the appropriate procedures.

If the woman has provided written confirmation that she wishes the department to seek suitable alternative employment for her within the Centre, this should be sought in the normal way.

If it has not been possible, under the normal Centre rules, to redeploy her, and her employment ends, then Centre pay and rights under the Centre’s contractual maternity pay scheme end on the same day that her contract expires, and employment ends. She may continue to have entitlement to statutory maternity pay. Any such payment will be paid to the employee as a lump sum amount at the end of her employment.

After maternity leave

This section explains:

- an employee's rights on returning to work following maternity leave;
- the health and safety provisions which apply to new mothers at work;
- matters relating to taking time off to care for sick dependents or domestic emergencies.

Rights on return to work

An employee may not return to work before the end of her compulsory two-week maternity leave period, from the date of childbirth.

An employee who is returning to work after a period of OML only, is entitled to return to the same job in which she was employed before she went on leave, on terms and conditions that are the same, or no less favourable than those that would have applied had she not been absent on maternity leave (unless a redundancy situation has arisen or a fixed-term contract has come to an end).
An employee who is returning to work after a period of AML, or a period of at least four weeks' parental leave on top of her OML, will normally return to the same job she was in before she went on leave. However, if there is a reason other than redundancy which means that it is not reasonably practicable for the Centre to permit her to return to the same job, she is entitled to return to a different job which is both suitable for her and appropriate in the circumstances, on terms and conditions that are no less favourable than they would have been had she not been absent (unless a redundancy situation has arisen or a fixed-term contract has come to an end).

Employees have the right to request flexible working (see section Flexible working below) (ie a change to their hours, times or place of work) and the employing department must deal with the request in accordance with the Centre's flexible working request procedure (see section Step by step procedure for managers below). If an employee wishes to work a flexible working pattern on a temporary basis to ease her return to work, she should discuss this with her department as soon as possible. It may be possible to use accrued annual leave for this purpose.

Employees returning from maternity leave may also have a separate entitlement to Parental Leave which is a period of unpaid leave (See section Unpaid parental leave below).

Health and safety

The Centre is required to protect the health and safety at work of all employees, including new and expectant mothers and mothers who are breastfeeding.

The Management of Health and Safety at work Regulations 1999 require employers to assess risks to their employees, including new mothers, and to do what is reasonably practicable to control those risks.

The Centre is required to carry out a specific risk assessment paying particular attention to risks that could affect the health and safety of the new mother or her child. Once the department has been informed by the employee that she has recently given birth or is breastfeeding, the risk assessment should be carried out. A woman who has recently given birth or is breastfeeding, and is unable to continue in her post on designated health and safety grounds, will be offered alternative work or, where none is available, she may be suspended on full pay until such times as she is able to resume her duties. In such cases departments should seek advice from the relevant HR specialist before taking action.

There is no statutory right to time off work for breastfeeding mothers.

Changing hours of work

Temporary changes: If an employee requests a temporary change to her normal working hours at the end of maternity leave, the department should, subject to operational needs, consider allowing her the opportunity to return to her normal working hours (before the change occurred) on a phased basis. Accrued annual leave may also be used to facilitate such a request.

If an employee would like to return to work gradually at less than her normal full-time hours, she should discuss this possibility with her department before she begins her maternity leave. This will allow departments time to arrange cover. Departments are asked to consider such requests favourably where at all possible, but any arrangement will depend on the operational needs of the department.

It is important to note that this flexibility of return does not allow an employee to choose from week to week what hours she would like to work. The intention is for employees and departments to agree a regular timetable of hours to help an employee to return to full-time work as smoothly as possible. Any arrangements must be agreed with the Head of Department so that they fit into the operational requirements of the department and/or group with whom the employee works. For the period of part-time work, employees will be paid at the appropriate pro-rata rate. This will have implications for pensions contributions which employees may wish to discuss with the Pensions Office.

Permanent changes: Following maternity leave, an employee's legal right is to return to the job which she held prior to her maternity leave. If an employee decides that she would like to

amend her working hours permanently, she may apply to her department under the Centre's flexible working procedures. The department should seriously consider the possibility of a return on a different basis, which might include shorter hours or working fewer weeks of the year, but agreement to this type of request is dependent upon the operational requirements of the department. For any period worked part-time, pay and pensions contributions will be adjusted accordingly.

Annual leave / caring for those who are sick, and dealing with domestic emergencies

In the early days of settling a child into a new care arrangement, in a nursery or with a childcarer, there are often quite a number of matters which may require new mothers to be absent from the workplace, such as minor illness to be dealt with, or problems with settling into the new care arrangements. New mothers may wish to consider retaining some of their accrued holiday leave to enable them to deal with these situations.

Whilst absence from work to attend to an emergency such as the sickness of a member of an employee's immediate family or equivalent (See section Time off for dependents), or to attend to a family or domestic emergency (See section Leave for other reasons) will normally be paid in the first instance, it is intended that this is to enable employees to make the necessary arrangements for continued care or attention. Such paid leave will therefore normally be very limited (from half a day to no more than two days) and is not intended to cover repeated absences for minor problems, but rather to deal with exceptional circumstances. Additional leave, which will normally be unpaid or taken as annual leave, may be granted. In certain exceptional circumstances a department may grant a further limited period of paid leave for these purposes. It is important that these provisions are not abused and departments will monitor the frequency of leave requests.

Wherever possible employees must apply in advance to the Departmental Administrator (or equivalent), or Head of Department, or to the person to whom they would normally report sickness absence, and should not leave their place of work without having obtained permission from an appropriate person.

Employment benefits during maternity leave

During the whole period of maternity leave the employee is entitled to receive all her contractual benefits with the exception of remuneration. This includes all non-cash benefits such as childcare vouchers.

Annual Leave

Contractual annual leave (including bank holidays and fixed closure days) will accrue throughout the full 52 weeks of maternity leave.

Departments may wish to ask women to take any accrued annual leave prior to their maternity leave. Departments may also ask that a woman takes at least 28 days' annual leave (the annual statutory holiday requirement) before she goes on maternity leave if she will not return to work before the end of the current leave year. In the event that a maternity leave period crosses over two annual leave years, the employing department may ask a woman returning to work to use up the balance of her annual leave from the leave year that has ended at the end of her maternity leave period. It is not possible for an employee to take annual leave at the same time as maternity leave. This will assist departments in managing the larger amounts of annual leave that will be accrued during maternity leave.

However, departments retain the right to make annual leave arrangements with their employees to fit in with operational requirements. Women must agree when they will take

annual leave in advance with their department, and they may wish to consider retaining some of their annual leave to allow them to take time off as required to look after their children should they be ill, or need some additional support whilst settling into a nursery or with new childcarers. It should be clarified to the employee early on that whilst a small amount of paid leave is available to staff for dealing with domestic emergencies, this is not intended to cover foreseeable domestic problems such those outlined above, and in most cases it would be anticipated that annual leave would be used to cover such circumstances.

If a woman wishes to take annual leave at the end of her maternity leave period, she is deemed to have returned to work at the notified date and then she may take her annual leave as agreed with her department.

Pensions

When an employee is on maternity leave, her normal employee contributions to her pension will continue to be deducted at the appropriate rate while she is on full pay and when she is on statutory maternity pay. The Centre will also continue to make its contributions at the appropriate rate. When the employee is on zero pay, no contributions are payable by either her or the Centre.

If, when she returns to work, she would like to make up the pensions contributions that she did not pay because she was on reduced or zero pay during maternity leave, the employee may do so. The Pensions Office will be able to advise the employee on her individual situation.

Sickness during/at the end of maternity leave

The Centre follows the same rules as are applied to statutory payments and sick pay cannot be claimed at the same time as maternity pay. Employees are therefore disqualified from receiving sick pay until the period of paid maternity pay has ended.

If an employee comes to the end of maternity leave and is too ill to return to work, because of childbirth or some other reason, she should still notify the department in the normal way that she wishes to return to work. If she remains too ill to return to work after the date on which she was intending to return to work, she must provide the department with a medical certificate and should be treated as though she had returned to work and was absent from work due to sickness.

The Centre sick leave scheme only covers the sickness of the employee and not sickness suffered by any of their dependents.

Flexible working

Guidance for departmental administrators

Flexible working can include a wide variety of working practices. A flexible working arrangement can be any working pattern other than the normal working pattern in your department. Examples could include:

- part-time working;
- compressed hours (for example, working full weekly hours over four rather than five days);
- job-sharing;

- staggered hours;
- term-time only working, or
- working from home("teleworking")

Step-by-step procedure for managers

Step 1: Acknowledge the flexible working application

When this form is received from your employee, you should acknowledge its receipt.

Step 2: Meeting the employee

A meeting must take place between the employee and the departmental administrator, or his or her nominee, (or the specified divisional representative in the case of academic staff) to discuss the request for flexible working within 28 days of the date on which the request has been made. In order to be able to demonstrate that the timetable is being adhered to, it is recommended that administrators keep a full written record.

The department and employee may agree to extend the time scale for responding to the request (see general principles), e.g. where the individual who would ordinarily consider the employee's request for flexible working is absent, on annual leave or on sick leave at the time that the request is received. The meeting should provide an opportunity for the department and the employee to examine the flexible working arrangement requested by the employee and to discuss how the department might accommodate the arrangement. Other possible flexible working arrangements should be examined if it is likely that the department cannot accommodate the flexible working arrangement requested by the employee. Please note that:

- The time and place of the meeting must be convenient to the departmental representative and the employee and his or her representative (where appropriate)
- You are advised to keep a written record of this meeting.

Step 3: Determining a response

The department's decision on the employee's request for flexible working must be given to that employee within 14 days of the date of the meeting. The department's decision must be given in writing, and dated.

The department and employee may agree to extend the 14-day time scale because, for example, the department requires more time to examine the requested flexible working arrangement. In such a case, the extension should be conveyed to the employee concerned in writing (see general principles).

(i) Trial period

If you are uncertain about the impact that a request for flexible working will have on the department, you may wish to allow the employee to work under the requested flexible working arrangement for a trial period to determine in practice whether that arrangement could be successfully implemented.

For example, if a part-time working arrangement is having an adverse effect on the department during a trial period you will be in a better position to demonstrate this to the employee concerned.

Remember you can always extend the time limit if you wish to accommodate a trial period. If you decide to do this, the agreement must:

- be recorded in writing by the department,
- be dated,
- specify what time limit the extension relates to, and
- specify the date on which the extension is to end.

You should also clearly spell out:

- that your agreement to the employee's request for flexible working is subject to the outcome of the trial period,
- the length of the trial period (i.e. when the period starts and when it ends),
- that the change to the employee's terms and conditions of employment during the trial period is a temporary change only,
- the exact nature of the temporary changes to the employee's terms and conditions of employment during the trial period (e.g. a change in working hours), and
- the date on which the employee will revert to his or her previous terms and conditions of employment if, after the trial period, the department rejects his or her request for flexible working.

If you decide to reject the request for flexible working following the trial period, you should ensure that you give your employee sufficient time to re-adjust to his or her previous terms and conditions of employment. For example, the employee should be given sufficient time to make alternative care arrangements or reorganise their other activities. In effect, this could, by agreement, extend the length of the trial period.

If the department agrees with the employee's request for flexible working following a trial period, you must also specify the flexible working arrangement and any contractual variation that has been agreed to and the date that the arrangement and, where appropriate, the contractual variation will begin.

(ii) Refusing requests

If the department refuses the employee's request for flexible working either with or without a trial period, you must state the operational grounds for that refusal and provide a sufficient explanation as to why those grounds for refusal apply in relation to the request.

Please note that the Flexible Working Regulations 2014 specify that an employer can only refuse a request for flexible working on one or more of the statutory grounds listed below:

- the burden of additional costs,
- a detrimental effect on ability to meet customer demand,
- an inability to re-organise work among existing staff,

- an inability to recruit additional staff,
- a detrimental impact on quality,
- a detrimental impact on performance,
- insufficiency of work during the periods the employee proposes to work,
- planned structural changes.

It is important that you think about the operational reasons listed above in relation to the operating practice of your department. If you are not able to accommodate the suggested working pattern, you should be willing to think about other options which may be acceptable to the department and employee and to negotiate these with the employee.

If you do have to refuse the employee's request for flexible working, you should at the same time notify the employee of the appeal procedure.

Step 4: Appeal procedure

An employee whose request for flexible working has been refused by the department has the right to appeal against the decision normally within 14 days after the date on which he or she was notified of that decision.

The employee's notice of appeal must be given in writing, set out the grounds of his or her appeal, and be dated.

The department and employee may agree to extend the 14-day limit (see general principles).

(i) The appeal meeting

An appeal meeting should take place between the employee and the department to discuss the appeal within 14 days of the date on which the employee gives notice of appeal. Ideally, if the request was originally considered by the departmental administrator, an appeal should be heard by the Head of Department, or his or her nominee. The time and place of the appeal meeting must be convenient to the Head of Department (or the nominee) and to the employee and his or her representative (where appropriate).

You are advised to keep a written record of this meeting.

The department and employee may agree to extend the 14-day time limit (see general principles).

(ii) Making a decision

The department's decision on the appeal must be given to the employee within 14 days after the date of the appeal meeting; it must be given in writing and dated. The department and employee may agree to extend the 14-day time limit because, for example, the department requires more time to examine the requested flexible working arrangement (see general principles).

If you uphold the appeal, you must also specify the flexible working arrangement and the contractual variation, and the date from which the arrangement and contractual variation will begin.

If you dismiss the appeal you must set out the grounds for your decision and sufficiently explain why those grounds apply (see operational reasons in step 3).

The outcome of the appeal should be notified to the employee within three months of first receiving the flexible working request, unless the employee and the department have agreed to extend the timescale.

Unpaid Parental leave

NB Unpaid Parental Leave is an entirely separate entitlement to the Shared Parental Leave (SPL) scheme.

Parental leave is a right to take unpaid time off work to look after a child or make arrangements for the child's welfare.

Parents can use it to spend more time with children and strike a better balance between their work and family commitments.

Examples of the way that parental leave might be used are to spend more time with the child in the early years to:

- look at new schools;
- settle a child into new childcare arrangements;
- enable the family to spend more time together eg taking the child to stay with grandparents.

Qualification

An employee qualifies for parental leave if all the following apply:

- they have one year's continuous service with the Centre at the date from when they wish to take the first period of leave;
- they are the parent (named on the birth/adoption certificate) of a child who is under 18 years old; or
- they have acquired formal parental responsibility for a child who is under 18 years old.

The right to parental leave applies to both mothers and fathers, whether they are natural or adoptive parents. Parents do not have to be living with a child in order to qualify for parental leave.

In some cases legal responsibility for looking after a child will have been given to someone other than a natural or adoptive parent, such as a guardian. If an individual has acquired parental responsibility for the child, they will be entitled to parental leave if the qualifying conditions are met.

Parental leave is an individual right and cannot be transferred between parents.

Mothers/primary adopters can take parental leave immediately after a period of maternity/adoption leave, provided that any notice requirements are met, and provided that other conditions, such as the qualifying period, are met.

Length of leave

Each parent can take 18 weeks' unpaid parental leave for each child. This means that both parents in a couple, if they have twins or adopt more than one child at a time, can take 18 weeks' leave for each child. No more than four weeks of such leave may be taken in any year. The year for this purpose is the twelve months beginning on the date the employee first became entitled to take parental leave in respect of the child in question. Parental leave is to be taken in blocks of a week. If an employee chooses to take a block of less than a week,

this will be treated as though it were a full week's leave. A 'week' equals the length of time an employee normally works in a week.

The employment contract continues during an absence on parental leave, unless it is terminated by the employer or employee. This means that an employee continues to benefit from his or her employment rights during parental leave, including holiday accrual.

Tier 2 and Tier 5 visa holders

Where the staff member taking unpaid parental leave is a Tier 2 or Tier 5 visa holder a period of unpaid leave will need to be reported to the Home Office.

Notice Periods

An employee is required to give their department at least 21 days' notice of when they wish to take parental leave. If the employee or their partner are having a baby or adopting, notice is 21 days before the week the child is expected to be born or placed for adoption.

The employing department can, in certain circumstances, postpone a period of leave for up to six months if it considers that the operational needs of the department would be unduly disrupted if the employee took leave during the period requested. It is not possible to postpone parental leave when the application is for a period immediately after the birth or adoption of a child.

Departments should keep records of parental leave as part of their normal management procedures and best practice.

Time off for dependants

Under the provisions of the Employment Relations Act 1999, employees who want to take time off for dependants are entitled to take a reasonable amount of unpaid time off during normal working hours, provided they tell their departmental administrator (or equivalent) of the reasons for the absence as soon as reasonably practicable and specify for how long they expect to be absent (this may be done retrospectively if necessary).

Leave can be taken in order to:

1. provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
2. make arrangements for the provision of care for a dependant who is ill or injured;
3. in consequence of the death of a dependant;
4. because of the unexpected disruption or termination of arrangements for the care of a dependant;
5. to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him.

The term "dependant" is defined, in relation to an employee as:

- a spouse or civil partner
- a childa parent
- a person who lives in the same household as the employee, other than by reason of being their employee, tenant, lodger or boarder

For the purposes of (1) or (2) above, dependant also includes any person who reasonably relies on the employee:

- for assistance on an occasion when the person falls ill or is injured or assaulted, or
- to make arrangements for the provision of care in the event of illness or injury.

For the purposes of (4), dependant also includes any person who reasonably relies on the employee to make arrangements for the provision of care.

Employees may complain to an Employment Tribunal if they are denied leave or dismissed or subjected to a detriment for taking leave. If there are any queries on entitlement to this type of leave, therefore, departments are asked to contact their Personnel Officer for further information.

Leave for other reasons

Departments may grant additional leave in certain circumstances. The Centre does not attempt to prescribe centrally the amount of additional leave that might be appropriate in each individual case; departments have discretion to authorise such leave according to the circumstances of the individual concerned. The following guidance describes some of the circumstances in which absence from work may be allowed.

This guidance has been drafted in such a way as to ensure that the benefits provided, and the language used to describe the benefits and their scope, do not inadvertently restrict those whose culture is not that of the majority, or exclude those in same-sex relationships from benefiting; departments will wish to ensure that, in implementing the guidance, they do not unjustifiably discriminate between employees on these or other grounds.

It is not possible to provide written guidance on each of the circumstances in which a department might consider a request for additional leave. Unless otherwise specified, departments have discretion to award paid or unpaid leave, or a combination of both, and HR Business Partners will, on request, advise departments making such decisions - perhaps especially when a particularly long period of leave has been requested, or when a member of staff believes they are being unfairly treated.

In every case, save in the case of an emergency occurring overnight, or at the weekend, an employee must apply in advance to their Departmental Administrator (or equivalent) and in no case should an employee leave their place of work without having obtained permission from that person, or, alternatively, from the head of department, or, where this is the agreed arrangement within the department, from their line manager, who will liaise with the head of department and administrator.

It will continue to be important that departments have in place clear reporting procedures for staff needing to take additional leave, and departments may wish to review these procedures in light of the amendments to the Centre’s arrangements for additional leave summarised below. In particular it is important that employees know to whom they should report if either needing to leave work, or to be absent at the start of a day or shift, to deal with an emergency.

The effective operation of these arrangements in the interests of all employees is dependent on requests for additional leave being made only when necessary and in good faith. Regrettably, as with any system permitting leave of absence from work, there may be a small number of individuals who abuse the facility by trying to obtain leave without valid reason. It is therefore important that individuals be required to account properly to their departments for any leave of absence. Against the general background set out above departments may, in appropriate circumstances, ask for reasonable evidence that the leave requested is required for the purpose stated and the withholding of such evidence may, following further advice and guidance from Personnel Services, result in loss of pay. Absence from work without

good cause may also, following further advice and guidance from Personnel Services, result in disciplinary action.

As in the case of their own illness, members of staff who are prevented from attending at their place of work should inform the administrator or equivalent within their department of the reason for the absence as soon as possible.

Caring for those who are sick, and dealing with domestic emergencies

Absence from work to attend to the sickness of a member of the immediate family or equivalent, or to attend to a family or domestic emergency will normally be paid in the first instance to enable the employee to make the necessary arrangements for continued care or attention. Such paid leave will normally be limited to a period ranging from half a day to no more than two days. Departments may grant additional leave, which will normally be unpaid or taken as annual leave. In certain exceptional circumstances the department might wish to grant a further limited period of paid leave for these purposes. It is important that these provisions are not abused and departments are asked to monitor the frequency of leave requests.

Visits to doctor, etc.

The Centre expects that visits to the doctor, dentist or a hospital (to receive treatment, or for screening/tests) will be arranged in such a way as to disrupt the work of departments as little as possible, by, for example, arranging early morning or late afternoon appointments. However, it is recognised that occasionally it may be difficult for employees to arrange medical appointments outside of their normal working hours (especially those working full-time). When travel times to and from appointments are significant and would disrupt the working day further, it may be appropriate to make arrangements with the employee to make the time up later on, or to grant the day off as annual leave. Situations should be considered on a case by case basis, especially when more urgent appointments are necessary. Employees are expected to give as much advanced notice as possible of a medical appointment and, where possible, to seek permission from their manager in advance. Permission to attend appointments will not be unreasonably withheld and staff should be treated fairly and consistently.

The Centre is under a duty to provide reasonable adjustments for employees who are covered by the Equality Act 2010. Such adjustments can include appropriate time off for medical visits and treatment in relation to the disability.

In cases when an employee frequently takes time off work for medical appointments (excluding hospital treatment, or where this has been agreed and discussed in advance) advice from the relevant HR specialist should be sought in the first instance

Bereavement leave

Leave of absence to attend the funeral of a member of your immediate family or equivalent, or to carry out executorial duties, should normally be granted as paid leave outside an employee's annual leave. Departments are asked to give sympathetic consideration to the need for additional paid time away from work if an employee is coming to terms with such bereavement. When an employee's own health is considered to be adversely affected by bereavement a short period of sick leave might be more appropriate and departments are asked to advise employees accordingly. If an employee requires extended time away from work to travel to or from a funeral or to carry out non-executorial duties associated with a death, they should discuss their requirements with the departmental administrator (or head of department, or, where this is the agreed arrangement within the department, with the line manager, who should liaise with the head of department and administrator), who may, at their discretion, grant leave, which will normally be unpaid or taken as annual leave.

Departments may, however, in certain exceptional circumstances, grant a further limited period of paid leave for such purposes.

ACAS have published a good practice guide to Managing bereavement in the workplace which managers may find helpful.

Election to Westminster or European Parliament

Two days of paid leave will be granted to employees who are standing as '*bona fide*' candidates for election to Westminster or the European Parliament and who have taken three or more days of personal leave in connection with their candidacy. This leave is to be taken at any reasonable time subject to operational requirements, noting that one of the two days offered by the Centre is to cover, where possible, the day of election.

Jury service

If an employee receives a summons to serve on a jury they should report this to their department. Leave to attend for jury service is normally given with full pay, in which case no claim for loss of earnings should be made to the Crown.

Voluntary public service

Members of staff should obtain the agreement of their head of department to the time-off involved before undertaking voluntary public service. Departments will grant reasonable paid leave of absence to such members of staff required to attend council meetings, to serve as magistrates, or school governors, etc.

Volunteer Reserve Forces

Staff who are members of Britain's Volunteer Reserve Forces (Territorial Army, Royal Naval Reserve, Royal Marines Reserve and the Royal Auxiliary Air Force) who are required to attend a two week summer training exercise may be granted one week's paid leave for this purpose, the remaining week to be taken within the employee's normal annual leave entitlement.

Open University

Assistance to students of the Open University who are Centre employees is complementary to the assistance provided by the County Council to any Oxfordshire resident as defined by the Council. The assistance which is available from the County Council is to be seen in its *Handbook on Awards to Students* which may be obtained from the office of the Chief Education Officer at the County Offices.

The Centre will assist by providing:

1. up to a week's extra paid holiday each year to attend the Summer School;
2. facilities for the use by the student of the libraries of other departments and institutions as well as their own, by arrangement with the department concerned.

Other than the extra week's holiday, additional time off for study is not granted.

Young employees - right to time off for study and training

The Teaching and Higher Education Act 1998 requires employers to permit certain young employees, who have not achieved a certain standard in their education/training, reasonable paid time off to study or train for a relevant qualification which will help them towards

achieving that standard. The training or study can take place in the workplace, at college, with another employer or a training provider or elsewhere.
Under the legislation, eligible employees are those aged 16-18, who are not in full-time education and who are not yet qualified to level 2. Level 2 qualifications are: (i) 5 GCSEs at grades A*-C; (ii) an intermediate level GNVQ; (iii) an NVQ level 2; (iv) a BTEC First; (v) certain other qualifications outlined in the DfEE publication 'Time off for study or training: a guide for employers'. Young employees aged 18 who are still working towards the above qualifications are also covered by this legislation.

The legislation does not specify the amount of paid time off in working hours which it is reasonable that an employer should allow, since this will vary depending on the differing circumstances of employers and employees. However, employers must ensure that time off is reasonable with respect to the requirements of the employee's study or training, the circumstances of the business of the employer, and the effect of the employee's time off on the running of that business. When the legislation was debated in Parliament, a reasonable period of time off equivalent to one day a week was suggested.

If you are employing staff aged 16-18 in your department you are advised to read the DfEE publication mentioned above to ensure that you are aware of your legal obligations to such staff regarding their education and or training. Failure to adhere to this requirement could result in cases being taken by a young employee to an employment tribunal.

Adoption

It is essential that you read **all** the guidance in these adoption leave pages.

This guidance is intended for employees who are the adopting parents and their managers and sets out the adoption leave and pay entitlements.

Overview of adoption leave

Adoption leave and pay allows one member of an adoptive couple, the one who will have the primary care responsibility for the child or children, to take time off work when their new child or children start to live with them. The purpose of the adoption leave is to allow the parent to bond with, and care for, their new child or children.

Eligible employees are entitled to up to 52 weeks' statutory adoption leave (regardless of how long they have worked for the Centre). It is up to the employee to decide how much of that adoption leave entitlement they take, but the law requires that a minimum of two weeks' leave must be taken immediately following the placement of the child. This is known as compulsory adoption leave. Where a couple are adopting jointly they can choose which of them will take adoption leave and pay, and the other (regardless of gender) may take paternity or birth and adoption support leave and pay. Parents may also be eligible to take Shared Parental Leave.

Additionally, if an employee satisfies certain qualifying conditions, they may be eligible to receive statutory adoption pay (SAP), or they may also be eligible for the Centre's contractual adoption pay scheme (which pays over and above the statutory minimum).

The notification requirements (see section Before the adoption below) and all other entitlements and obligations on the employee and their department, before, during and after (See section Before the adoption, During the adoption and After the adoption below) their adoption leave are outlined in the relevant sections in this guidance. You can navigate to these sections by using the 'Quick Links' menu on the right or the navigation menu on the left. The guidance is also available to download as a PDF document from the right-hand side menu.

Centre's Contractual Adoption Pay Scheme

The Centre's contractual adoption pay scheme entitles all eligible employees (regardless of their grade or the hours worked) to receive some pay during their adoption leave that is paid to them at their normal full rate of pay (which is above the statutory minimum).

Qualifying for the Centre's contractual adoption pay scheme

In order to qualify for the contractual adoption pay scheme, at the week in which the employee is notified that they have been matched with a child the employee must:

i. hold a current contract of employment with the Centre; and

ii. have at least 26 weeks' continuous service with the Centre, as an employee; and

iii. have been matched with a child to be placed with them by a UK adoption agency, and be the designated primary adopter**; and

iv. have notified the agency that they agree that the child should be placed with them and agree the date of placement; and

v. provide their department with the correct notification of their intention to take adoption leave; and

vi. intend to return to work following the adoption, for a minimum of three months*.

**If an employee is on a fixed-term contract, please see the relevant section below.*

***adoptive parents who are not the primary adopter may be eligible for paternity leave and/or shared parental leave.*

The benefits of the Centre's contractual adoption pay scheme

If the employee meets all the qualifying conditions, and their contract of employment will continue throughout the entire period of the proposed adoption leave (unless an employee is on a fixed-term contract, which is due to expire) the employee will be eligible to receive the following:

- up to 26 weeks' leave paid at the full rate of pay (inclusive of any statutory adoption pay (SAP) which is due); followed by
- up to 13 weeks' leave paid at the statutory adoption rate of pay (if an employee does not meet all the statutory qualification rules for SAP, they will only receive pay for the first 26 weeks adoption leave); followed by
- up to 13 weeks' unpaid leave.

Total = 52 weeks' leave

Payments under the Centre's contractual adoption pay scheme consist of two elements; contractual pay and SAP.

SAP is paid at a statutory flat rate set by the government. To qualify for SAP, the employee must have been continuously employed with the Centre for at least 26 weeks ending in the week that the employee is notified that they have been matched with a child and have average weekly earnings above the National Insurance lower earnings limit. The employee must also have given their department the correct notice and proof of adoption (if requested).

The Payroll team can also help to establish whether an employee is eligible for SAP at the appropriate time.

SAP is paid over the first 39 weeks of adoption leave at the rate of:

- 90% of average weekly earnings (this figure is worked out at the week in which the employee has been notified of being matched with a child) for each of the first six weeks of adoption leave; followed by
- 33 weeks of flat rate SAP (for current rates click here). The flat rate is set by the government and is subject to review every April.

As the Centre's contractual adoption pay scheme pays full pay for up to the first 26 weeks' adoption leave, any SAP which is due to the employee is automatically incorporated into the first 26 weeks' full pay. It is not paid in addition to full pay. For the next 13 weeks, the Centre pays SAP only. For the final 13 weeks of adoption leave no payments are made.

In a case where the employee is adopting more than one child at the same time, the employee is entitled to the same benefits as though they were adopting one child.

If an employee does not qualify for the Centre's contractual adoption pay scheme

If an employee does not meet the qualifying criteria for the Centre's contractual adoption pay scheme, they may still qualify for SAP. An employee who is adopting a child is entitled to up to 52 weeks' adoption leave regardless of whether they qualify for any type of adoption pay.

An employee who does not qualify for SAP or contractual pay, but who wishes to take adoption leave still needs to provide the relevant notices (including the matching certificate) to their department and to fill in an Adoption Leave Plan.

If an employee decides not to return to work

If an employee ***decides*** not to return to work at the end of their adoption leave, or returns to work for less than three months, the Centre reserves the right to reclaim all or part of the payments made under the Centre's contractual pay scheme, minus the SAP element, to which the employee was eligible. If an employee resigns during their adoption leave, they must do so in the normal way, giving the notice period stated in their employment contract.

All other contractual benefits will end as at the end date of the employee's employment with the Centre. An employee may continue to be entitled to SAP after employment ends. Any such payment will be paid to the employee as a lump sum amount at the end of their employment.

If an employee plans not to return to work following a period of adoption leave, **before** they go on adoption leave, then they will not be eligible for the Centre's contractual adoption pay scheme. The employee may still qualify to receive SAP.

Fixed-term contracts

If an employee's **fixed-term contract expires** during the adoption leave period (or the contract ends due to redundancy), they may still qualify for the Centre's contractual adoption pay scheme. However, the payments under the Centre's contractual scheme and all other contractual employment benefits will cease on the contract end date. An employee may continue to be entitled to SAP after employment ends. Any such payment will be paid to the employee as a lump sum amount at the end of their employment.

The normal arrangements for ending contracts will apply; however, it is recommended that the department contacts their HR specialist for guidance on the appropriate procedures.

Before the adoption

Notification and discussions before going on adoption leave

Employees are encouraged to share the news of their plans to adopt a child with their department as soon as possible so that the department knows that the employee may require time off work to deal with issues relating to the adoption process. It will also help the department to plan ahead and make arrangements for covering the period while the employee is on leave.

In order to qualify for and to claim adoption leave and pay, an employee must notify their department **within seven days of the date that they are matched with a child**, of:

- the date that the employee was notified of having been matched with the child; and
- the date on which the child is expected to be placed for adoption or, if this has already happened, the actual date of the placement; and
- the name and address of the adoption agency; and
- confirmation that the employee is the primary carer for the child; and
- confirmation that the employee has chosen to receive Statutory Adoption Pay(SAP) (rather than statutory paternity pay) at least 28 days before the date they want it to start, or as soon as is reasonably practicable (notice can be given earlier alongside notice of the start of adoption leave).

As soon as an employee informs their department that they have been matched for adoption, the Departmental Administrator (or equivalent) should meet with them to discuss and complete the Adoption Leave Plan, which is used to collect the above information and other details relating to the proposed adoption leave period. If the Adoption Leave Plan is completed fully by the employee and the department this will ensure that the notification requirements are met.

The employee should advise their department whether they intend to return to work after the adoption. If they do intend to return to work they should notify their department of the date on which they wish to begin their adoption leave. Within 28 days of completing the Adoption Leave Plan the department should confirm the employee's return to work date to them in writing (if the employee intends to return to work). If the employee does not intend to return to work after the adoption, their department should outline their entitlement to statutory adoption leave and pay.

Additionally, the employee and the department should discuss, explore and/or agree on the following:

- 'Keeping in Touch' (KIT) days arrangements;
- arrangements for staying in touch during adoption leave;
- how the work will be covered in the employee’s absence, and any other concerns or issues, eg issues related to externally-funded contracts;
- how the employee’s employment benefits are affected during a period of adoption leave;the option (if eligible) of using the provisions under the Shared Parental Leave (SPL). Both, the employee and their partner will need to meet the eligibility criteria for the scheme, and additional processes will need to be followed.

When leave can begin

An adopter can choose to begin their leave and pay on either:

- the date on which the child is placed with them for adoption; or

- a pre-determined date no earlier than 14 days before the expected date of placement, and no later than the expected date of placement.

If the department and employee fill in the Adoption Leave Plan then this will satisfy the notification requirements in this respect.

Changing the start of adoption leave

Once an employee has notified the department of the date they wish to start their adoption leave, they can change this date as long as they notify their department of the new start date by whichever is the earlier of either 28 days before the date they originally intended to start their leave **or** 28 days before the new date they want to start their leave.

If it is not reasonably practicable for the employee to give this much notice (for example if the date of the placement of the child changes unexpectedly) then the employee should give their department as much notice as possible. The notification does not have to be in writing unless the department requests it.

Confirmation by the department of the end date of leave

Once an employee has provided the necessary notice of the intended start date of their leave, the department should in turn notify the employee of the date on which the leave will end. This will normally be 52 weeks (one year) from the start of adoption leave.

The department should confirm with the employee the end date of the adoption leave within 28 days of the notification unless the employee has since changed the date the leave will start. In that case, the department must notify the employee of the end date within 28 days of the start of the leave.

Time off for adoption appointments

From 5 April 2015, the main adopter will be able to take **paid** time off for up to five adoption appointments.

The secondary adopter will also be entitled to take unpaid time off for up to two appointments.

Overseas adoptions

For practical reasons, the detailed operation of the adoption scheme differs slightly in cases of adopting a child from overseas. The department should contact their HR specialist if an employee is adopting a child from overseas. Further guidance will then be provided on a case-by-case basis.

During adoption leave

This section explains:

- what an employee has to tell their department while they are on adoption leave;
- contact arrangements between department and employee during adoption leave;
- what work can be undertaken when an employee is on adoption leave.

Contact during adoption leave

Departments and their employees will often find it helpful, **before** adoption leave starts, to discuss arrangements for staying in touch with each other. This might include agreements on

the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that might be discussed. There is a section on the Adoption Leave Plan for the employee to note their preferences in this respect.

During the adoption leave period, a department may make reasonable contact with an employee and, in the same way, an employee may make contact with their department. What constitutes "reasonable" contact will vary according to the circumstances. Some employees will be happy to stay in close touch with the department and will not mind frequent contact. Others, however, will prefer to keep such contact to a minimum. The frequency and nature of the contact will depend on a number of factors such as the nature of the work and the employee's post, any agreement that the employer and employee might have reached before adoption leave began as to contact and whether either party needs to communicate important information to the other, such as, for example, news of changes at the workplace that might affect the employee on their return.

The contact between department and employee can be made in any way that best suits either or both of them. For example, it could be by telephone, email, letter, involving the employee making a visit to the workplace, or in other ways.

Departments should note that they must, in any event, keep the employee informed of information relating to their job that they would normally be made aware of if they were working (such as changes to terms and conditions of employment).

Work during the adoption leave period – 'Keeping In Touch' (KIT) days

An employee may, by agreement with their department, do up to ten days' work - known as 'Keeping in Touch' (KIT) days - under their contract of employment during the adoption leave period. Such days are different to the reasonable contact that departments and employees may have with each other, as during KIT days employees can actually carry out work for the department, for which they will be paid.

Any work carried out during the adoption pay period (39 weeks) or adoption leave period (52 weeks) will count as a whole KIT day, up to the ten day maximum. In other words, if an employee comes in for a one hour training session and does no other work that day, they will have used one of their KIT days. Once an employee has exhausted their ten KIT days, if they do any other work they will lose a week's SAP for the week in which they have done that work.

The type of work that the employee undertakes on KIT days is a matter for agreement between them and their department. They may be used for any activity which would ordinarily be classed as work under their contract but would be particularly useful, e.g. in enabling the employee to attend a conference, undertake a training activity or attend for a team meeting, for example.

This work during adoption leave may only take place by agreement between both the department and the employee. A department may not require an employee to work during their adoption leave if they do not want to, nor does an employee have the right to work KIT days if their department does not agree to them.

The KIT days can be undertaken at any stage during the adoption leave period, by agreement with the department with the exception that during the first two weeks after the child's placement (the compulsory adoption leave period) no work is permitted.

If it has been agreed with the department that the employee would like to work KIT days during their adoption leave, the employee will need to make sure that they respond when their department offers them this work. The department should give as much notice as

possible of the work that they would like the employee to do and clarify what they will be paid for the work they do.

Payment for keeping in touch (KIT) days

As KIT days allow work to be carried out under the employee's contract of employment, the employee is entitled to be paid for that work.

If an employee attends for work, they should be paid the equivalent of their normal hourly rate for the hours they work on the day in question. Therefore, during the period of adoption leave that they are being paid at the rate of full pay, no further payment would be due. If an employee works their KIT day(s) during a period of SAP, their statutory pay should be enhanced to full pay, and if work takes place during a period of unpaid adoption leave, they should be paid the equivalent of their normal hourly rate for the hours they work. An employee will continue to be paid their SAP for the week in which the work is done.

There is a maximum limit of ten KIT days allowed under the adoption leave regulations and once an employee has used up their ten KIT days and they then do any further work, they will lose a week's SAP for the week in which they have done that work.

The hours to be worked must be agreed in advance between the department and the employee. The pay for this work should also be confirmed by the department in advance.

Any questions from departments about payment during KIT days should be directed to their HR specialist.

Notification of change of return to work dates while on adoption leave

Unless otherwise notified, the date on which an employee returns to work will normally be the first working day 52 weeks after the adoption leave began. The actual return date will normally be recorded in the Adoption Leave Plan.

(i) Return to work before the end of the adoption leave period

If the employee wishes to return to work before the end of their full adoption leave period (this will normally be the end date that the department confirmed to the employee before they went on leave), they must give their department at least eight weeks' notice of their return to work. This notice requirement applies throughout the whole period of leave. The notice period is the minimum that the department is entitled to expect, but the department may, at its discretion, accept less notice

If the employee tries to return to work without having given the appropriate eight weeks' notice, the department may postpone the employee's return until the end of the eight weeks' notice period. However, the department may not postpone the return to a date later than the end of the adoption leave period.

(ii) Return to work later than previously notified

An employee who has notified their department that they wish to return to work before the end of their 52 weeks' entitlement to adoption leave, is entitled to change their mind. However, in these circumstances, they should give their department notice of this new, later date at least eight weeks before the earlier date.

(iii) Employees who do not wish to return to work after adoption leave

An employee who does not wish to return to work after their adoption leave must give their department the notice of termination required by their contract of employment. However, if an

employee is in the position to do so, it would be helpful to the department if they can give as much notice as possible of their intention to leave their employment.

Please note: If an employee does not return to work for at least three months following the adoption leave period, departments may reclaim the whole of the non-statutory element of adoption pay. If an employee cannot return to work because their fixed-term contract has ended, it would not be expected that they would be required to repay any of their adoption pay.

Being paid

Employees on adoption leave will be paid in exactly the same way that their salary would be paid if they were at work, on the day of the month, as set by Payroll. Whilst on full-pay adoption leave, SAP is included within pay. It is not paid in addition to full-pay.

The employee's pay slip will be sent to their department (unless a different arrangement has been agreed) and the employee can ask their department to forward it to their home address.

If an employee is sick during their adoption leave, they cannot claim sick pay. If the employee is sick when their adoption leave is due to end, they will be deemed to be an employee who has returned to work but who is on sick leave under the Centre's sick pay scheme.

Tier 2 and Tier 5 visa holders

Where the staff member taking adoption leave is a Tier 2 or Tier 5 visa holder and their period of leave will include a period paid either at the rate of statutory pay, or unpaid leave please contact a HR specialist who will provide immigration information.

End of contract during adoption leave

If an employee's contract is due to end during the adoption leave period, the normal arrangements for ending contracts will apply, however, it is recommended that the Departmental Administrator (or equivalent) contacts their HR specialist for guidance on the appropriate procedures.

If the employee has provided written confirmation that they wish the department to seek suitable alternative employment for her within the Centre, this should be sought in the normal way.

If it has not been possible to redeploy the employee, under the normal Centre rules, then Centre pay and rights under the Centre's contractual adoption pay scheme end on the same day that the contract expires, and employment ends. The employee may continue to have entitlement to SAP. Any such payment will be paid to the employee as a lump sum amount at the end of their employment.

After adoption leave

This section explains:

- an employee's rights on returning to work following adoption leave; and
- matters relating to taking time off to care for sick dependents or domestic emergencies.

Rights on return to work

An employee may not return to work before the end of their compulsory two-week adoption leave period, from the date of placement.

An employee who is returning to work after a period of OAL only, is entitled to return to the same job in which they were employed before they went on leave, on terms and conditions that are the same, or no less favourable than those that would have applied had the employee not been absent on adoption leave (unless a redundancy situation has arisen or a fixed-term contract has come to an end).

An employee who is returning to work after a period of AAL, or a period of at least four weeks' parental leave on top of their OAL, will normally return to the same job they were in before they went on leave. However, if there is a reason other than redundancy which means that it is not reasonably practicable for the Centre to permit them to return to the same job, they are entitled to return to a different job which is both suitable for them and appropriate in the circumstances, on terms and conditions that are no less favourable than they would have been had the employee not been absent (unless a redundancy situation has arisen or a fixed-term contract has come to an end).

Employees have the right to request flexible working (ie a change to their hours, times or place of work) and the employing department must deal with the request in accordance with the Centre's flexible working request procedure. If an employee wishes to work a flexible working pattern on a temporary basis to ease their return to work, they should discuss this with their department as soon as possible. It may be possible to use accrued annual leave for this purpose.

Employees returning from adoption leave may also have a separate entitlement to Parental Leave which is a period of unpaid leave.

Changing hours of work

Temporary changes: If an employee requests a temporary change to their normal working hours at the end of adoption leave, the department should, subject to operational needs, consider allowing them the opportunity to return to their normal working hours (before the change occurred) on a phased basis. Accrued annual leave may also be used to facilitate such a request.

If an employee would like to return to work gradually at less than their normal full-time hours, they should discuss this possibility with their department before they begin their adoption leave. This will allow departments time to arrange cover. Departments are asked to consider such requests favourably where at all possible, but any arrangement will depend on the operational needs of the department.

It is important to note that this flexibility of return does not allow an employee to choose from week to week what hours they would like to work. The intention is for employees and departments to agree a regular timetable of hours to help an employee to return to full-time work as smoothly as possible. Any arrangements must be agreed with the Head of Department so that they fit into the operational requirements of the department and/or group with whom the employee works. For the period of part-time work, employees will be paid at the appropriate pro-rata rate. This will have implications for pensions contributions which employees may wish to discuss with the Pensions Office.

Permanent changes: Following adoption leave, an employee's legal right is to return to the job which they held prior to their adoption leave. If an employee decides that they would like

to amend their working hours permanently, they may apply to their department under the Centre's flexible working procedures. The department must deal with the request in accordance with the Centre's flexible working request procedure. A flexible working request might include shorter hours or working fewer weeks of the year, but agreement to this type of request is dependent upon the operational requirements of the department. For any period worked part-time, pay and pensions contributions will be adjusted accordingly.

Annual leave / caring for those who are sick, and dealing with domestic emergencies

In the early days of settling a child into a new care arrangement, in a nursery or with a child carer, there are often quite a number of matters which may require new parents to be absent from the workplace, such as minor illness to be dealt with, or problems with settling into the new care arrangements. Parents may wish to consider retaining some of their accrued holiday leave to enable them to deal with these situations.

Whilst absence from work to attend to an emergency such as the sickness of a member of an employee's immediate family or equivalent, or to attend to a family or domestic emergency will normally be paid in the first instance, it is intended that this is to enable employees to make the necessary arrangements for continued care or attention. Such paid leave will therefore normally be very limited (from half a day to no more than two days) and is not intended to cover repeated absences for minor problems, but rather to deal with exceptional circumstances. Additional leave, which will normally be unpaid or taken as annual leave, may be granted. In certain exceptional circumstances a department may grant a further limited period of paid leave for these purposes. It is important that these provisions are not abused and departments will monitor the frequency of leave requests.

Wherever possible employees must apply in advance to the Departmental Administrator, or Head of Department, or to the person to whom they would normally report sickness absence, and should not leave their place of work without having obtained permission from an appropriate person.

Employment benefits during adoption leave

During the whole period of adoption leave the employee is entitled to receive all their contractual benefits with the exception of remuneration. This includes all non-cash benefits such as childcare vouchers.

Annual Leave

Contractual annual leave (including bank holidays and fixed closure days) will accrue throughout the full 52 weeks of adoption leave.

Departments may wish to ask employees to take any accrued annual leave prior to their adoption leave. Departments may also ask that an employee takes at least 28 days' annual leave (the annual statutory holiday requirement) before they go on adoption leave if they will not return to work before the end of the current leave year. In the event that an adoption leave period crosses over two annual leave years, the employing department may ask an employee returning to work to use up the balance of their annual leave from the leave year that has ended at the end of their adoption leave period. It is not possible for an employee to take annual leave at the same time as adoption leave. This will assist departments in managing the larger amounts of annual leave that will be accrued during adoption leave.

However, departments retain the right to make annual leave arrangements with their employees to fit in with operational requirements. Employees must agree when they will take annual leave in advance with their department, and they may wish to consider retaining some of their annual leave to allow them to take time off as required to look after their

children should they be ill, or need some additional support whilst settling into a nursery or with new child carers. It should be clarified to the employee early on that whilst a small amount of paid leave is available to staff for dealing with domestic emergencies, this is not intended to cover foreseeable domestic problems such those outlined above, and in most cases it would be anticipated that annual leave would be used to cover such circumstances.

If an employee wishes to take annual leave at the end of their adoption leave period, they are deemed to have returned to work at the notified date and then they may take their annual leave as agreed with their department.

Pensions

When an employee is on adoption leave, their normal employee contributions to their pension will continue to be deducted at the appropriate rate while they are on full pay and when they are on SAP. The Centre will also continue to make its contributions at the appropriate rate. When the employee is on zero pay, no contributions are payable by either them or the Centre.

If, when an employee returns to work, they would like to make up the pensions contributions that they did not pay because they were on reduced or zero pay during adoption leave, the employee may do so. The Pensions Office will be able to advise the employee on their individual situation.

Sickness during/at the end of adoption leave

The Centre follows the same rules as are applied to statutory payments and sick pay cannot be claimed at the same time as adoption pay. Employees are therefore disqualified from receiving sick pay until the period of paid adoption pay has ended.

If an employee comes to the end of adoption leave and is too ill to return to work (for any reason), they should still notify the department in the normal way that they wish to return to work. If an employee remains too ill to return to work after the date on which they were intending to return to work, they must provide the department with a medical certificate and should be treated as though they had returned to work and were absent from work due to sickness.

The Centre sick leave scheme only covers the sickness of the employee and not sickness suffered by any of their dependents.

Adoption leave checklist (for departments)

Managing the leave: this checklist should be used as a guide to ensure that all aspects of an employee's adoption leave have been addressed.

Prior to adoption leave

a) When your employee tells you of his or her intention to adopt:

1. Check that you have received notification of the impending adoption within seven days of the parent being matched with a child or as soon as is reasonably practicable.

Notification should include the date when the child is expected to be placed with the employee and the date when the employee wants their adoption leave to start.

2. Ensure that you have received a matching certificate from the adoption agency. A matching certificate is documentary evidence of your employee's right to adoption leave.

Employees can ask their adoption agency for a matching certificate, which will also include basic information on matching and expected placement dates.

b) Within 28 days of being notified of impending adoption:

1. Check that you have issued a copy of the Adoption Leave Plan.

Completing the adoption plan is not a legal requirement in order for an employee to be able to claim adoption leave and pay, but it will give you all the information which you will need to manage the leave, such as when the child is going to be placed, and when adoption leave will start. If you can go through the form with your employee, it will help to ensure that your employee understands their entitlements and obligations.

2. Ensure that you have kept a copy of the Adoption Leave Plan for your records and that you have given the employee a copy.

3. Check that you have acknowledged receipt of this information (see sample letter).

4. Explain the time scales for notification and direct your employee to the information on adoption leave on the Personnel Services website.

5. Check that you have completed and sent the payroll notification form to payroll so that they can calculate pay and leave entitlements.

6. Discuss the employees wishes regarding arrangements for keeping contact during the maternity leave.

7. Discuss the option of KIT days, what these might entail and how payment for these will be arranged.

During the Adoption leave

1. Keep in contact with the employee about any changes in the workplace or regarding their employment, as previously agreed with them.

2. If KIT days are worked, ensure that the employee is notified well in advance of these and that payment is made, as appropriate.

3. If the employee contacts you to request a change to a return to work date, ensure that you have been given 8 weeks' notice of the new date and confirm the new date in writing within 28 days of the notification.

Return to work

1. Consider a return to work plan, it can be difficult for an employee to return to work after a long break
2. Give serious consideration to any request for flexible working.

Paternity leave guidance

It is **essential to read all the guidance** in this section to ensure that the employee and their department are aware of all the provisions of the Paternity Leave and Pay scheme, especially those relating to contractual entitlements.

The provisions under this policy will also be applicable to eligible intended parents of a child born through a surrogacy arrangement, who will be subject to a Parental Order.

Overview of paternity leave

Paternity leave is an entitlement to time off that may be taken by the biological father or the mother's partner (regardless of gender or marital status) following the birth or adoption of their child. Paternity leave is intended to support parents in the early stages of a child's life/adoption.

All eligible employees may be able to take one or two weeks' **Ordinary Paternity Leave** (OPL), which may be available at full pay. Paternity leave must be taken in the first 56 days following the birth or adoption of a child.

Employees may also be eligible for the Shared Parental Leave (SPL) scheme (which superseded Additional Paternity leave in 2015).

Employees also have the right to request flexible working (ie a change to their hours, times or place of work). Parents may also have a separate entitlement to Parental Leave which is a period of unpaid leave.

Qualifying for paternity leave and pay

In all cases the employee must have, or expect to have, the main responsibility (apart from the birth mother/adopter) for bringing up the child, and intend to take time off to look after the child.

To be eligible for paternity ***leave*** an employee must:

- have been employed by the Centre, as an employee, for at least 26 weeks by the end of the qualifying week (for adoptions, this is the week in which the adoptive parents receive notification that they are matched with a child); and
- continue to be employed by the Centre up to the birth/adoption of the child; and
- give the correct notice to their department (see below).

In order to qualify for statutory paternity pay an employee must earn a salary equivalent to the Lower Earnings Limit (LEL) or more (an amount set by the government) a week.

If an employee meets all of the above criteria **and** their contract of employment will continue for the whole period of the planned leave, they will qualify for the **Centre's contractual paternity pay scheme**, under which an employee is entitled to receive up to two weeks' pay paid at their normal full-rate of pay.

Notice requirements

An employee intending to take paternity leave must tell their department at the latest during the qualifying week. The Paternity Leave Plan should be completed and returned to the Departmental Administrator (or equivalent) in good time. If that is not possible (for example if the baby is born prematurely), then the employee should notify their department as soon as is reasonably practicable. The Plan should include the following confirmations:

(i) that the employee's partner is pregnant, or is due to adopt a child;

(ii) the date of the EWC or of adoption; and

(iii) when the employee wants to start OPL. This can be noted as 'the date of birth' or the 'date of placement' or a specified number of days after the birth/adoption; and

(iv) that they meet all the eligibility criteria.

If the employee subsequently decides that they wish to change the date on which the leave and pay begins they should give their department at least 28 days' notice of the new date, or as much notice as is reasonably practicable.

In the event that the baby is born early the notice periods may be waived (see below notes on miscarriage and still birth).

Once the birth or placement has occurred, the employee should also inform their department of the actual date of birth or placement, as soon as is reasonably practicable.

Time off for antenatal appointments

Prospective fathers (or a mother's/adoptive parent's partner) are entitled to unpaid time off to attend **up to two** antenatal appointments.

Keeping in touch

During any paternity leave period, the department may make reasonable contact with the employee and, in the same way, the employee may make contact with their department. The frequency and nature of the contact will depend on a number of factors, such as the length of leave and the nature of the work. Departments and their employees will find it helpful, **before** paternity leave starts, to discuss arrangements for staying in touch. This might include agreements on the way in which contact will happen, how often and who will initiate the contact. It might also cover the reasons for making contact and the types of issues that might be discussed.

The employing department should, in any event, keep their employees informed of any information relating to their employment that they would normally be made aware of if they were working.

Employment benefits during paternity leave

During the whole period of paternity leave the employee is entitled to receive all their contractual benefits with the exception of remuneration. This includes all non-cash benefits such as childcare vouchers.

Contractual annual leave (including bank holidays and fixed closure days) will accrue throughout the full period of paternity leave.

Entitlement to OPL if employee's partner has a miscarriage or child is stillborn

In the sad event of a child being stillborn after the mother had reached her 24th week of pregnancy the employee is still entitled to OPL and OPLP provided they meet the eligibility criteria. If the still birth or miscarriage occurs before the 24th week, OPL and OPLP is not available, but departments should consider granting compassionate leave.

Further information

If an employee's personal situation is not covered by this guidance they should contact their Departmental Administrator (or equivalent) for further information in the first instance.

Shared Parental Leave (SPL)

It is essential that you read **all** the guidance in these Shared Parental Leave pages.

What is Shared Parental Leave (SPL) and how does the scheme work?

The SPL and Shared Parental Pay (ShPP) statutory scheme enables eligible parents, if they so wish, to share a period of leave and pay **in the 52 weeks immediately following the birth or adoption** of their child.

If **both** parents meet the eligibility criteria, the mother/primary adopter has the option to end their maternity or adoption leave/pay or allowance early and to convert any 'unused' part of that leave and/or pay into SPL and ShPP. A mother or primary adopter must take the first two weeks following the birth or placement of the child as compulsory maternity or adoption leave. After that, maternity or adoption leave and pay may be curtailed and eligible parents may split the remainder of the 52 week leave and 39 week pay entitlement, ie up to 50 weeks of leave and up to 37 weeks of pay, between them.

The minimum amount of SPL and ShPP that can be taken is one week. SPL can only be taken in blocks of complete weeks.

Any time spent on maternity or adoption leave by the mother or the primary adopter will **reduce** the amount of SPL available by that amount. For example, where the mother curtails her maternity leave after the 20th week, the entitlement to SPL is **reduced** by that amount, leaving 32 weeks' leave for the parents to share and take as SPL.

Unlike maternity and adoption leave, time spent on paternity leave will **not** reduce the amount of SPL and ShPP available. However, any untaken paternity leave entitlement will be lost as soon as the father/mother's partner starts a period of SPL.

The scheme allows parents the opportunity to start and stop their shared leave and to return to work between the periods of leave. Parents are not obliged to take SPL.

When can SPL begin?

Employees must satisfy the qualifying conditions for SPL (see section Qualifying for shared parental leave and pay below) and they must comply with the notification requirements, as outlined in 'SPL notifications - birth' or 'SPL notifications - adoption' sections of this guidance (see below). SPL cannot begin before the birth or placement for adoption, or until the end of the compulsory two-week maternity or adoption leave period.

NB The other parent may be eligible to take SPL before the mother's maternity leave ends, provided that the mother has given her curtailment notice (ie has committed to end her maternity leave on a future date).

How can a period of SPL and pay be shared between the parents?

In order to share a period of SPL and/or pay each parent must qualify for SPL separately, i.e.in their own right.

After the two-week compulsory maternity or adoption leave, eligible parents may curtail their maternity or adoption leave and pay (or allowance) and take the remaining balance as SPL. Parents have a maximum entitlement of 50 weeks of leave and 37 weeks of pay to share between them, as they see fit. Eligible parents can request to take SPL in **one continuous block of leave** or they can request to book it in **discontinuous blocks** (ie split into shorter, discontinuous periods, with periods at work in between). Parents have the option of taking

the leave together or at separate times. All periods of SPL must be taken in the 52 weeks immediately following the birth or adoption of the child.

Requests for a continuous block of leave will be automatically approved (as is the case with maternity leave), provided the necessary notifications have been given. However, if employees wish to take SPL in discontinuous blocks, they should discuss this with their department informally first, before submitting the request, as it may not always be operationally possible for the department to agree to this. Departments will not unreasonably refuse a request for discontinuous leave, and they may propose an alternative pattern of leave instead.

See the 'SPL notifications - birth' or 'SPL notifications - adoption' sections of this guidance for further notification details.

What happens if one of the parents has multiple employers?

If the mother has multiple jobs, with more than one employer she must give notice to curtail her maternity leave to each of her employers at the same time in order to create leave under the SPL provisions. A mother cannot take SPL if she has only brought forward the date on which her maternity leave period ends with one of her employers (ie it is not possible to take maternity leave and SPL at the same time). The same provisions apply to a primary adopter.

Where an employee (whether the mother or the partner) with multiple employers meets the qualifying criteria for SPL and/or ShPP **in their Centre employment**, they can take leave and pay under the SPL arrangements, as normal (subject to the provisions above concerning curtailing maternity leave in all employment). If they also meet the criteria for SPL and/or ShPP from an employment elsewhere, they can take the leave and pay from that employer as well.

An employee with multiple jobs/employers who qualifies for SPL and/or ShPP in respect of each employment, is entitled to take SPL from each of their employers.

SPL examples

Example 1 (continuous block of leave): Both parents are employees of the Centre

Mother goes on maternity leave two weeks before the baby is born and remains on maternity leave for a further two weeks following the birth, at full pay.

Father takes two weeks' ordinary paternity leave (OPL) at the time of the birth, at full pay.
Mother ends her maternity leave after a total of four weeks' maternity leave. SPL begins immediately with a total of 48 weeks' leave entitlement and 35 weeks' pay, to be shared by both parents.
Mother and father take SPL together at the same time for 11 weeks at full pay (exhausting 22 weeks of SPL in total).

Father returns to work at the end of the 15th week from when the maternity leave started.
The mother remains on SPL for a further 26 weeks (13 weeks at statutory pay rate and 13 weeks unpaid).

The cost of SPL is met by each employee's department:

The mother's department will pay:

Four weeks' maternity leave at full pay and 11 weeks' SPL at full pay, 13 weeks at statutory pay rate.

The father's department will pay:

Two weeks' OPL at full pay and 11 weeks' SPL at full pay.

Example 2 (discontinuous blocks of leave):

Partner is the employee of the Centre

Mother goes on maternity leave two weeks before the baby is born. Following the birth she remains on maternity leave for a further 12 weeks (total of 14 weeks).

Partner takes two weeks' ordinary paternity leave (OPL) at the time of the birth, at full pay and then returns to work immediately.

Mother returns to work after a total period of 14 weeks of maternity leave at which point SPL begins and the father goes on a period of SPL for 12 weeks, at full pay.

Partner returns to work at the end of the 26th week after the maternity leave started, at which point the entitlement to full pay under the Centre's scheme has been exhausted.

The mother goes back on SPL (paid at the statutory rate) for a further 13 weeks and then returns to work.

The partner then takes the remaining period of 13 weeks of leave, unpaid.

The cost of the relevant proportion of the SPL taken by the Centre employee (the partner) is met by the department.

The partner's department will pay:

Two weeks' OPL at full pay and 12 weeks' SPL at full pay.

The mother's employer will pay:

14 weeks' maternity leave at whatever rate she is eligible to receive, 13 weeks' ShPP at the statutory rate of pay.

Further examples can be found in the PDF document on the right-hand side.

Further information

The arrangements for this scheme are complex. This guidance covers general principles and most common scenarios. In the event of complicated cases, departments should contact the relevant HR specialist for advice. It may be necessary to seek further advice from the Legal team.

Terminology for the purpose of this guidance

For the purpose of this guidance:

- **'mother'** refers to birth mothers;
- **'primary adopter'** refers to the designated primary parent in an adopting couple;
- **'partner'** refers to the child's father or the mother's/primary adopter's partner (who may be of the same sex), e.g. spouse, civil or long-term partner, but who is not her relative, i.e. sibling, child, parent etc;
- **'parent(s)'** refers to one of two, or both people (who may be same-sex couples) who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father, or adoptive parents);
- '**qualifying week**' is the 15th week before the **Expected Week of Childbirth** (EWC).

Qualifying for Shared Parental Leave and Pay

- Qualifying for Shared Parental Leave (SPL)
- Qualifying for Shared Parental Pay (ShPP)
- If only one parent is eligible

Qualifying for Shared Parental Leave (SPL)

SPL is **only** available to **'employees'**. It is not available to casual and agency workers or self-employed contractors.

Each parent must qualify separately (ie in their own right) for SPL and ShPP. Both parents must share the main responsibility for the care of the child and they must provide the necessary statutory notices (see section SPL notices – birth below).

In order to qualify for statutory SPL and for both parents to share the leave:

- the mother/primary adopter must be entitled to at least the UK statutory maternity/adoption leave or pay, or maternity allowance and must agree to end their maternity/adoption leave and pay (or allowance) period early; and **both parents** must:
- have employee status (ie not worker or self-employed), with
- at least 26 weeks of continuous service with their respective employer(s) at the end of the 15th week before the EWC, or on the date of the adoption placement; and
- still be employed in the week before the SPL is to be taken.

If only one parent meets the above criteria of employment, this parent will qualify for SPL **if** their partner (ie the other parent):

- has worked (in an employed or self-employed capacity) in at least 26 weeks of the 66 weeks before the EWC, or the date of the adoption; and
- had average weekly earnings of at least £30 during 13 of those weeks (the maternity allowance threshold).

See further information under the 'If only one parent eligible' section.

To check/confirm eligibility, employees are advised to use the government's online calculator – 'A family leave and pay calculator'. This calculator enables parents to establish their eligibility to the UK statutory entitlement to maternity, paternity and/or SPL leave and pay. Please note that this is a UK-government calculator and all questions assume employment based in the UK. If one of the parents works and / or lives outside the UK, please see the note below.

NB Non-UK citizens may be entitled to UK statutory family benefits (eg maternity) if they are working or have worked for a UK employer within the qualifying period and/or have paid the UK National Insurance contributions. Please click here for further information.

Separate eligibility criteria apply for Shared Parental Pay.

Qualifying for Shared Parental Pay (ShPP)

In addition to satisfying the eligibility criteria for the leave part of the scheme, in order to **qualify for statutory ShPP**, each parent must have earned an **average** salary of the Lower Earnings Limit (LEL) amount or more for the eight weeks prior to the qualifying week.

In addition, the Centre employees may be entitled to the Centre's contractual ShPP scheme, which pays over and above the statutory minimum, if they meet the criteria.

If only one parent is eligible

Sometimes only one of the parents may qualify for SPL (see above).

Where only one parent qualifies for SPL the leave cannot be shared with the other parent. In such cases the eligible parent may use SPL, for example, to allow them to request leave in separate blocks, since maternity/adoption leave must be taken in a continuous block without the possibility of returning to work and then restarting that leave again (with the exception of where an employee attends work through the use of their KIT days).

The mother/primary adopter must end, or agree to end their maternity/adoption leave, pay or allowance, on a future date in order to allow a period of SPL to be taken by the other parent. Notices by the employee must still be submitted in the required timeframes.

Centre's Contractual Shared Parental Pay (ShPP) Scheme

For eligible employees the Centre offers an enhanced, contractual ShPP Scheme.

Qualifying for the Centre's contractual ShPP Scheme

To qualify for the Centre's Contractual ShPP Scheme, the employee must:

- meet the qualifying conditions for statutory SPL;
- have at least 26 weeks' continuous service with the Centre, as an employee;
- provide their department with the correct notifications (see SPL notifications - birth or SPL notifications - adoption);
- have a current contract of employment with the Centre (that covers the full period of the intended leave); and
- have the intention to return to work for a minimum of three months following the end of SPL*.

**If an employee is on a fixed-term contract, please refer to the 'Fixed-term contracts' section below.*

The above must be confirmed in writing by the employee.

Any periods of maternity/adoption leave, pay or allowance must be curtailed early in order to be able to **convert** the remaining balance of that leave and pay into SPL and ShPP. The SPL and ShPP are reduced by the amount of maternity/adoption leave and pay the mother has taken.

For example, if the mother takes the initial 26 weeks as her maternity leave, the couple are then only entitled to 26 weeks of leave to share in total, with 13 of those weeks paid in statutory payments and 13 weeks taken as unpaid leave.

The benefits of the Centre ShPP Scheme

Payments under the Centre ShPP Scheme consist of two elements, statutory ShPP and contractual pay.

Statutory ShPP is paid at a statutory flat rate set by the government for up to 37 weeks within the 52 weeks following the birth or placement of the child. Some employees will be eligible for contractual pay, which is the pay that the Centre pays over and above the statutory minimum.

Statutory payments are incorporated into the full pay received under the Centre ShPP Scheme, for those who are eligible. Statutory ShPP is **not paid in addition** to full pay.

SPL and ShPP cannot commence until the end of the compulsory two-week maternity or adoption leave period.

If all the qualifying requirements are met, the employee will be eligible to receive the benefits of the Centre ShPP Scheme. Subject to how much maternity/adoption leave has been taken, and how leave and pay are shared between the parents, an employee *may* be entitled to (in chronological order of SPL):

- **up to** 24 weeks' paid at the full rate of the employee's normal pay (**only** in the first 26 weeks following the birth/placement of the child);
- **up to** 13 weeks paid at the statutory rate of pay; and
- **up to** 13 weeks of unpaid leave.

If SPL is taken simultaneously by both parents, the entitlement to full pay is split evenly between them, i.e. up to 12 weeks each, and will be applied from the start of any block of SPL.

For example, if both parents go on SPL at the same time for 24 weeks following the compulsory two-week maternity/adoption leave period (ie 12 weeks for the mother/primary adopter and 12 weeks for the second parent), the employee of the Centre will only be entitled to full pay for the initial 12 weeks of that period, as their partner's leave of 12 weeks will count towards the **initial** 24 week period upon which the entitlement to full pay is based. Where both parents are employees of the Centre, they would both be paid 12 weeks at their normal full rate of pay, which would add up to their maximum entitlement of 24 weeks of full pay.

In the case of a multiple birth or the adoption of more than one child, the parents are entitled to the same benefits as if they were having one child.

If an employee decides not to return to work

If an employee decides not to return to work at the end of their SPL, or returns to work for less than three months, the Centre reserves the right to reclaim all or part of the payments made under the Centre scheme, minus any statutory pay element to which the employee was eligible. If an employee resigns during their SPL, they must do so in the normal way, giving the notice period stated in their employment contract. All other contractual benefits will end as at the end date of their employment with the Centre. An employee may continue to be entitled to statutory payments after employment ends.

Fixed-term contracts

If an employee's **fixed-term contract expires** during the proposed period of SPL (or the contract ends due to redundancy), they may still qualify for the Centre's contractual ShPP scheme. However, the payments under the Centre's contractual scheme and all other contractual employment benefits will cease on the contract end date. Statutory payments may continue to be payable.

If an employee does not qualify for the Centre's contractual ShPP scheme

If an employee does not qualify for the Centre's contractual ShPP scheme, (which pays above the statutory entitlement), they may still qualify for statutory ShPP if they satisfy the eligibility criteria. In cases where both parents meet the qualifying criteria for statutory ShPP they will be eligible to take up to 50 weeks' leave, with up to 37 weeks' of statutory pay. Further details on statutory entitlement and pay details can be found on the government's website. Alternatively, an employee might qualify for SPL only, but not for ShPP.

A family leave calculator is available on the government's website, which helps individuals work out what statutory entitlement they may have for maternity, paternity and/or SPL.

SPL Notifications – Birth

Employees who wish to take SPL and who meet the eligibility criteria are required to give **three separate notices:** (i) a notice to curtail maternity leave (if the employee is the mother), (ii) a notice of entitlement to SPL and ShPP, and (iii) a notice to 'book' any period(s) of SPL.

Where possible, departments should have early discussions with the employee about their leave arrangements, to explore what may be best for the employee's personal circumstances, as well as to help with departmental planning. SPL cannot begin until the mother has either curtailed her maternity leave and pay or has agreed to curtail it on a future date, by providing a maternity curtailment notice.

Notice 1: A maternity curtailment notice (if the employee is the mother)

If the employee is the mother, she must give her department at least eight weeks' written notice to end her maternity leave before she or her partner can take SPL. This is the 'curtailment notice'. The notice must state the date her maternity leave will end. Notice can be given before or after the child's birth but maternity leave cannot end until at least two weeks after the birth.

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

- the employee realises that neither she nor the other parent are in fact eligible for SPL or ShPP, in which case she may revoke the curtailment notice in writing up to eight weeks after it was given;
- if the curtailment notice was given before giving birth, then the employee may revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- if the other parent has died.

Once an employee has revoked her curtailment notice she will be unable to opt back into the SPL scheme, unless she revoked it in one of the circumstances described above.

The other parent may be eligible to take SPL before the mother's maternity leave ends, provided that the mother has given the curtailment notice.

Notice 2: Notice of entitlement

If the mother's partner is the employee of the Centre

Not less than eight weeks before the proposed start date of the SPL, the employee must provide a notice of his/her entitlement to SPL and ShPP. The notice must contain the following information:

- the employee's name and the name of the mother;
- that he/she will share the main responsibility for the care of the child with the mother;
- the expected date of birth of the child;

- the start and end dates of the mother's maternity leave, pay (or allowance);
- the amount of SPL and ShPP available; and,
- the intended amount of SPL and ShPP to be taken by each parent.

The mother must also provide the following information:

- that she has agreed to (or has agreed that on a future date she will) curtail her maternity leave and pay (or allowance);
- her name, address and National Insurance number;
- her employer's details;
- that she satisfies the qualifying requirements (see above) for the Centre's employee to take SPL and ShPP; and,
- that she agrees to the Centre's employee taking SPL and ShPP.

In addition, departments may request a copy of the child's birth certificate within 14 days of receiving the notice from the employee. The employee will have 14 days to respond to the request, with either a copy of the birth certificate where the child has already been born or an agreement to provide the birth certificate after the birth of the child.

The notice of entitlement to SPL and ShPP is non-binding.

The notice of entitlement to SPL and ShPP is non-binding and can be revoked or amended, as long as the notice is given within the correct timeframe.

Notice 3: Booking a period of SPL

The employee must give written notice to **book** a period of SPL, which specifies the start and end dates of the SPL. This notice must be given at least **eight weeks** before the proposed start date for SPL.

Leave can be requested as **one continuous block of leave** or in **discontinuous blocks** (ie split into shorter, discontinuous periods, with periods to return to work in between).

Up to a maximum of **three** notices (inclusive of changes) to book leave can be made by each parent individually (inclusive of the first notice to book a period of SPL). This means that parents can request or vary blocks of leave on three separate occasions, but within the first year of the child being born. Where discontinuous leave in multiple blocks is requested, ie where an employee wishes to take separate blocks of leave, but with periods to return to work in between, this should be done in one single notice. Additional changes, ie changes beyond the three permitted notices, may be considered in exceptional circumstances. The employee will need to discuss these proposals with their Departmental Administrator (or equivalent) and any changes to the agreed patterns of leave may only take place where mutual agreement by the department and the employee has been achieved.

Where employees intend to book leave in discontinuous blocks, they should discuss this with their department before submitting their notice to book any such leave. Early discussions about leave arrangements are advantageous to both the employee and the department, as it means that appropriate and timely procedures can be followed. It also allows more time for the employee and the department to agree the way in which the shared leave can be taken, and any cover that is required to be considered and arranged.

The notice to book leave is binding, unless it is later ascertained that one or both of the parents do not qualify for SPL. However, if the mother gives her notice **before** her baby is born, she has the right to request to change her leave arrangements up to six weeks **after** childbirth. Employees should tell their department of the child's date of birth as soon as it is reasonably possible following the birth, and in all cases before the first period of SPL begins.

Cancelling or changing the dates of SPL

Employees may cancel a period of leave by notifying their department in writing at least eight weeks before the start date in the notice to book SPL.

Employees may change the start date for a period of leave, or the length of the leave, by notifying their department in writing at least eight weeks before the original start date and the new start date.

Employees do not need to give eight weeks' notice if they are changing the dates of their SPL because their child has been born earlier than the EWC, where they wanted to start their SPL a certain length of time (but not more than eight weeks) after birth. In such cases, employees should notify the Centre in writing of the change as soon as they can.

Employees may change the end date for a period of leave by notifying the Centre in writing at least eight weeks before the original end date and the new end date.

Employees may combine discontinuous periods of leave into a single continuous period of leave by notifying the Centre in writing at least eight weeks before the start date of the first period.

Employees may request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. Any such request will be considered as set out above under 'Notice 3'.

A notice to change or cancel a period of leave will count as one of an employee's three notices to book leave, unless:

- the variation is a result of the employee's child being born earlier or later than the EWC;
- the variation is at the Centre's request;
- the Centre agrees otherwise.

SPL Notifications - Adoption

Employees who wish to take SPL and who meet the eligibility criteria are required to give **three separate notices:** (i) a notice to curtail adoption leave (if the employee is the primary adopter), (ii) a notice of entitlement to SPL and ShPP, and (iii) a notice to 'book' any period(s) of SPL.

Where possible, departments should have early discussions with the employee about their leave arrangements, to explore what may be best for the employee's personal circumstances, as well as to help with departmental planning. SPL cannot begin until the primary adopter has either curtailed their adoption leave (and pay) or has agreed to curtail it on a future date, by providing an adoption curtailment notice.

The guidance in this section also applies to surrogate parents who qualify for adoption leave.

Notice 1: An adoption curtailment notice (if the employee is the primary adopter)

If the employee is the primary adopter, they must give their department at least eight weeks' written notice to end their adoption leave, before either of the adoptive parents can take SPL. This is the 'curtailment notice'. The notice must state the date the adoption leave will end. Notice can be given before or after the child has been placed, but adoption leave cannot end until at least two weeks after the placement of the child.

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

- the employee realises that neither they or the other parent are in fact eligible for SPL or ShPP, in which case they may revoke the curtailment notice in writing up to eight weeks after it was given;
- if the curtailment notice was given before the placement of the child, then the employee may revoke it in writing up to eight weeks after it was given, or up to six weeks after the placement, whichever is later; or
- if the other parent has died.

Once an employee has revoked their curtailment notice they will be unable to opt back into the SPL scheme, unless they revoked it in one of the circumstances described above.

The other parent may start a period of SPL before the primary adopter's adoption leave ends, on the condition that the primary adopter has given the curtailment notice to end their adoption leave on a future date.

Notice 2: Notice of entitlement

If the primary adopter is the employee of the Centre

Not less than eight weeks before the proposed start date of the SPL, the primary adopter must provide a **notice of their entitlement** to SPL (and ShPP). The notice must contain the following information:

- the employee's name and the name of their partner;
- that they will share the main responsibility for the care of the child with their partner;
- the expected date of the child's placement;
- adoption leave start and end dates;
- the amount of SPL and ShPP available;
- the intended amount of SPL and ShPP to be taken by each parent; and,
- declarations by the employee and their partner that they both meet the statutory conditions to enable the employee to take SPL and ShPP and that the partner agrees to the employee taking SPL and ShPP.

The primary adopter's partner must also provide the following information:

- their name, address and National Insurance number;
- their employer's details;
- that they satisfy the qualifying requirements for the Centre's employee to take SPL and ShPP; and,
- that they agree to the Centre's employee taking SPL and ShPP.

If the primary adopter's partner is the employee of the Centre

Not less than eight weeks before the proposed start date of the SPL, the employee must provide a notice of their entitlement to SPL (and ShPP). The notice must contain the following information:

- the employee's name and the name of the primary adopter;

- that they will share the main responsibility for the care of the child with the primary adopter;
- the expected date of the child's placement;
- the start and end dates of the adoption leave, pay (or allowance);
- the amount of SPL and ShPP available; and,
- the intended amount of SPL and ShPP to be taken by each parent.

The primary adopter must also provide the following information:

- that they have agreed to (or has agreed to on a future date) to curtail their adoption leave and pay (or allowance);
- their name, address and National Insurance number;
- their employer's details;
- that they satisfy the qualifying requirements (see above) for the Centre's employee to take SPL and ShPP; and,
- that they agree to the Centre's employee taking SPL and ShPP.

Notice 3: Booking a period of Shared Parental Leave

The employee must give written notice to **book** a period of SPL, which specifies the start and end dates of the SPL. This notice must be given at least **eight weeks** before the proposed start date for SPL.

Leave can be requested as **one continuous block of leave** or in **discontinuous blocks** (ie split into shorter, discontinuous periods, with periods to return to work in between).

Up to a maximum of **three** notices (inclusive of changes) to book leave can be made by each parent individually (inclusive of the first notice to book a period of SPL). This means that parents can request or vary blocks of leave on three separate occasions, but within the first year of the child being placed for adoption. Where discontinuous leave in multiple blocks is requested, ie where an employee wishes to take separate blocks of leave, but with periods to return to work in between, this should be done in one single notice. Additional changes, ie changes beyond the three permitted notices, may be considered in exceptional circumstances. The employee will need to discuss these proposals with their Departmental Administrator (or equivalent) and any changes to the agreed patterns of leave may only take place where mutual agreement by the department and the employee has been achieved.

Where employees intend to book leave in discontinuous blocks, they should discuss this with their department before submitting their notice to book any such leave. Early discussions about leave arrangements are advantageous to both the employee and the department, as it means that appropriate and timely procedures can be followed. It also allows more time for the employee and the department to agree the way in which the shared leave can be taken, and any cover that is required to be considered and arranged.

The notice to book leave is binding, unless it is later ascertained that one or both of the parents do not qualify for SPL. However, if the primary adopter gives their notice **before** the child is placed, they have the right to request to change their leave arrangements up to six weeks **after** the child's placement.

Cancelling or changing the dates of SPL

Employees may cancel a period of leave by notifying their department in writing at least eight weeks before the start date in the notice to book SPL.

Employees may change the start date for a period of leave, or the length of the leave, by notifying their department in writing at least eight weeks before the original start date and the new start date.

Employees do not need to give eight weeks' notice if they are changing the dates of their SPL because their child has been born earlier than the EWC, where they wanted to start their SPL a certain length of time (but not more than eight weeks) after birth. In such cases, employees should notify the Centre in writing of the change as soon as they can.

Employees may change the end date for a period of leave by notifying the Centre in writing at least eight weeks before the original end date and the new end date.

Employees may combine discontinuous periods of leave into a single continuous period of leave by notifying the Centre in writing at least eight weeks before the start date of the first period.

Employees may request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. Any such request will be considered as set out above under 'Notice 3'.

A notice to change or cancel a period of leave will count as one of an employee's three notices to book leave, unless:

- the variation is a result of the employee's child being born earlier or later than the EWC;
- the variation is at the Centre's request;
- the Centre agrees otherwise.

Responding to notices to book SPL

Responding to requests for continuous leave

All notices for **continuous leave** must be granted and should be confirmed in writing by the department.

The leave cannot start earlier than eight weeks from the date the original notification was submitted.

Responding to requests for discontinuous leave

Any requests for **discontinuous leave** should be carefully considered (within 14 days of receiving the notice) in light of the advantages to the employee and the Centre, as well as any potentially negative operational impact on the department. Every request for discontinuous leave should be considered on a case-by-case basis, and approval should not be unreasonably withheld. Departments should discuss the proposed SPL informally with the employee before confirming a decision in writing. It is open to them, after fair deliberation, to propose a different pattern of leave to the employee. Where agreement cannot be reached or where there are any concerns, the department should contact their HR specialist for advice.

At the end of the 14-day discussion period the department should confirm any agreed arrangements in writing. If agreement has not been reached, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date

given in the notice (for example, if the employee has requested three separate periods of four weeks each, they will be combined into one 12-week period of leave).

Alternatively, the employee may:

- choose a new start date, which must be at least eight weeks after the original period of leave notice was given. The employee should tell the Centre the new start date within five days of the end of the two-week discussion period; or
- withdraw his/her period of leave notice within two days of the end of the two-week discussion period, in which case it will not be counted and a new notice may be submitted.

The leave cannot start earlier than eight weeks from the date the original notification was submitted. **If the employee does not choose/cannot agree on a start date then the leave will commence on the date they originally requested.**

Notifying payroll

Copies of all the completed and signed SPL notification forms (eg maternity curtailment notice *(where the mother is a Centre employee*), notice of entitlement, notice to book leave and the payroll form) need to be sent to the Payroll team.

The Payroll team will review the forms to ensure that they are filled in accurately and fully. Payroll will then contact the employing department to confirm the receipt and accuracy of the forms.

Keeping in touch during SPL and SPLIT days

Keeping in touch during SPL

During any period of SPL, a department may make reasonable contact with an employee and, in the same way, an employee may make contact with their department. What constitutes "reasonable" contact will vary according to the circumstances and should be discussed before a period of SPL begins. The frequency and nature of the contact will depend on a number of factors such as: the nature of the work and the employee's post; any agreement that the department and employee might have reached before SPL began about contact; and whether either party needs to communicate important information to the other, such as news of changes at the workplace that might affect the employee on his/her return.

The contact between department and employee can be made in any way that best suits them. For example, it could be by telephone, email, letter, the employee making a visit to the workplace, or in other ways.

Departments should note that they must, in any event, keep the employee up to date with any information relating to their job that they would normally be made aware of if they were working.

Departments and their employees will often find it helpful, before SPL starts, to discuss arrangements for staying in touch with each other. This might include agreements on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that might be discussed.

SPL in touch (SPLIT) days and pay

SPLIT days allow work to be carried out under the employee's contract of employment, and the employee is entitled to be paid for that work. Both parents are entitled to 20 SPLIT days

each, which can be worked without bringing their SPL or ShPP to an end. SPLIT days are available in addition to the mother's/primary adopter's KIT days. KIT days can only be used during a period of maternity/adoption leave, and unused KIT entitlement cannot be carried forward into a period of SPL.

If an employee attends for work, they should be paid the equivalent of their normal hourly rate for the hours they work on the day in question. Therefore, during the period of SPL that the employee is being paid ShPP at the rate of full pay, no further payment would be due. If an employee works their SPLIT day(s) during a period of statutory ShPP, their statutory pay should be enhanced to full pay for the hours worked, and if work takes place during a period of unpaid SPL, they should be paid the equivalent of their normal hourly rate for the hours they work.

The employee will continue to be paid the statutory payments for the week in which the work is done.

The hours/days to be worked must be agreed in advance between the department and the employee. The Centre is not obliged to offer SPLIT days and the employee does not have to agree to them.

If an employee works more than their permitted SPLIT days, ShPP will be deducted for the whole week in which the additional work is undertaken.

Any questions from departments about payment during SPLIT days should be directed to their HR specialist.

Employment benefits during SPL

Employees taking SPL are entitled to benefit from all the terms and conditions of their employment, (except for remuneration), as if they had not been absent from work, as is the case under the maternity and paternity rules. Whilst on SPL, employees also continue to be bound by any obligations in those terms and conditions (except that they do not need to attend work).

Annual leave

As is the case with maternity, adoption and paternity leave, employees on SPL will continue to accrue annual leave whilst on SPL.

It is not possible for an employee to take annual leave at the same time as SPL, but departments may ask an employee to take any accrued annual leave prior to their SPL. Departments may also ask that an employee takes at least 28 days' annual leave (the annual statutory holiday requirement) before they go on SPL, if they will not return to work before the end of the current annual leave year.

In the event that a SPL period crosses over two annual leave years, departments may ask an employee returning to work to use up the balance of their annual leave from the leave year that has ended at the end of the SPL period. Alternatively, the accrued leave can be taken at the end of SPL, if agreed with the department in advance.

Departments retain the right to make annual leave arrangements with their employees to fit in with operational requirements. Employees must agree when they will take annual leave in advance with their department.

Sickness absence and pay

If an employee becomes seriously ill and is unable to care for the child they might not be entitled to take/carry on with SPL. In such cases, it may be appropriate to pay employees

sick pay instead of ShPP. Before making any changes to an employee's pay, departments should contact their HR specialist for advice on how to proceed.

Pensions

If an employee is a member of a Centre pension scheme, their normal employee pension contributions will continue to be deducted at the appropriate rate while they are on full pay and when they are on statutory ShPP. The Centre will also continue to make its contributions at the appropriate rate. When the employee is on zero pay, no contributions are payable by either them or the Centre.

If, when an employee returns to work, they would like to make up the pensions contributions that they did not pay because of reduced or zero pay during a period of SPL, the employee may do so. The Pensions Office will be able to advise the employee on their individual situation.

Redundancy

If a redundancy situation arises while an employee is on SPL, please contact your HR specialist for advice and the next steps.

Returning to work after SPL

Where a return to work is not straight forward, the Departmental Administrator (or equivalent) should contact their HR specialist for advice.

When an employee's combined period of leave (any combination of SPL/maternity/paternity and adoption) totals 26 weeks or less, an employee has the right to return to the same job in which they were employed before they went on leave (if it is still available). This right is unaffected if unpaid parental leave of up to four weeks is also taken.

Where the combined period of leave exceeds 26 weeks, or SPL was taken consecutively with more than four weeks of unpaid parental leave, the employee will normally return to the same job in which they were employed before they went on leave (if it is still available). However, if there is reason other than redundancy which means that it is not reasonably practicable for the Centre to permit them to return to the same job, they are entitled to return to a different job which is both suitable for them and appropriate in the circumstances, on terms and conditions that are no less favourable than they would have been had the employee not been absent (unless a redundancy situation has arisen or a fixed-term contract has come to an end).

Employees have the right to request flexible working (ie a change to their hours, times or place of work) and the employing department must deal with the request in accordance with the Centre's flexible working request procedure. If an employee wishes to work a flexible working pattern on a temporary basis to ease their return to work, they should discuss this with their department as soon as possible. It may be possible to use accrued annual leave for this purpose.

Employees returning from family leave may also have a separate entitlement to Parental Leave which is a period of unpaid leave.

If a woman who is pregnant, has recently given birth or is breast-feeding, is unable to continue in her post on designated health and safety grounds (eg due to work involving handling harmful chemicals), the Centre's HR specialist should be contacted for advice and the next steps.

Appendix 2

Centre's Glossary of Family Leave Terms and Abbreviations

AML	Additional Maternity Leave - the last 26 weeks of maternity leave
EWC	Expected Week of Childbirth - the week (starting on the Sunday) in which a baby is due
KIT days	Keeping in Touch days (during maternity/adoption leave), click here for further details
MATB1 form	A GP or midwife issues this form after the 21st week of pregnancy
MA	Maternity Allowance - allowance that may be payable if an individual does not qualify for Statutory Maternity Pay.
Mother	Refers to birth mothers
OML	Ordinary Maternity Leave - the first 26 weeks of maternity leave
OPL	Ordinary Paternity Leave – leave that is available to the father, or partner of the mother (including same-sex couples) for either one or two consecutive full weeks. It cannot be taken in odd days nor can it be taken as two separate weeks at different times. The leave has to be taken within 56 days of the date on which the child is born/placed for adoption.
Parent(s)	Refers to one of two, or both people who will share the main responsibility for the child's upbringing and who may be either the mother, the father, or the mother's partner if not the father, or adoptive parents. This is inclusive of same sex couples.
Partner	Refers to the mother's/primary adopter's partner, eg spouse, civil or long-term partner (including same-sex couples), but who is not a relative, ie sibling, child, parent etc.
Paternity leave	See OPL above
Primary adopter	Refers to the designated primary parent in an adopting couple
SAP	Statutory Adoption Pay - provided by the state, paid by the employer and administered through HM Revenues and Customs (HMRC). Click here for further details.
ShPP	Shared Parental Pay. Click here for more details
SMP	Statutory Maternity Pay - provided by the state, paid by the employer and administered through HM Revenues and Customs (HMRC). Click here for further details.
SPL	Shared Parental Leave. Click here for more details.
SPLIT days	Shared Parental Leave keeping in touch days. Click here for more details.
SPP or OSPP	Statutory Paternity Pay - provided by the state, paid by the employer and administered through HM Revenues and Customs (HMRC). Click here for further details.
Qualifying week	For maternity pay purposes, this week is the 15th week before EWC, ie when a woman is approximately 25 weeks' pregnant.

Appendix 3

Guidance on sick pay

The guidance provided below offers advice and practical tools on paying employees during sick leave.

About the Centre's sick pay scheme

If an employee is on sickness leave, s/he is entitled to payment at the rate of full salary in the first instance (which will be **inclusive of any payable Statutory Sick Pay (SSP)**) for such period as his or her department may determine, noting the guidelines given below, which should be adhered to at the minimum. A department has discretion to pay at the rate of part salary for a further period, which should not normally affect payment of SSP if an employee has remaining entitlement. In applying discretion to pay at the rate of part salary for a further period, departments have been asked to note that the following guidelines for pay during sick leave apply.

Service (*)	Full pay (*)	Half pay (*)
First three months	2 weeks	2 weeks
Remaining nine months of first year	2 months	2 months
Second and third years	3 months	3 months
Fourth and fifth years	5 months	5 months
After fifth year	6 months	6 months
(*) Inclusive of any Centre sick pay given in the 12 months preceding the start of the latest period of such leave.		

In cases of extended sick leave it is possible that payment of full or half pay under the Centre's own sick pay scheme may be exhausted, but SSP continue to be due (primarily affecting employees on extended sick leave with less than 4 years' continuous service). Employees should be informed if this is about to happen (see section below Sickness absence reporting and record keeping arrangements).

If an employee is excluded from the SSP scheme, the Centre will deduct the amount of any short-term incapacity benefit (soon to be Employment and Support Allowance (ESA)) payable by the Jobcentre Plus from any salary paid. No deductions shall be made from payments at half pay under the Centre's own sick pay arrangements, except that where the total amount of half pay plus incapacity benefit or other allowances exceeds full pay, a deduction will be made of an amount equivalent to the excess. Payroll should be notified in advance of any such cases.

Statutory Sick Pay

Statutory Sick Pay (SSP) is paid to eligible employees, regardless of the length of service (but subject to certain exclusions), for up to 28 weeks of sickness in any period of incapacity

for work (PIW). This payment is made as part of the University's sick pay scheme, from the first qualifying day.

As per HMRC rules, in order to qualify for SSP, an employee must meet the criteria below:

- the employee must have commenced employment with the Centre;
- sickness days must make up part of a 'period of incapacity for work' (4 or more days);
- SSP can only be paid for an employee's normal working days;
- normal earnings must be above the Lower Earnings Limit (LEL) for National Insurance contributions (NICs);
- the employee cannot have already exhausted their entitlement to SSP for the PIW - or for a series of linked PIWs (28 weeks);
- notification of sickness absence must be given within the set time-period (a maximum seven days from the first day of absence). Under Centre procedures the individual must notify the department on the first day of sickness, and exceptions to this may only be made in exceptional circumstances;
- if asked, the employee must provide proof of their incapacity.

If the employee does not meet the conditions above, they must be notified and sent the SSP1 form by Payroll to enable them to claim any state benefit to which they may be entitled to.

SSP payments will be made as part of salary and will therefore be liable to tax and national insurance deductions. Employees in receipt of the University's sick pay or sickness state benefit should not carry out any work duties during this period.

During a period of a phased return to work of an employee, payment of SSP will continue to be made for days not worked (if the entitlement remains to do so).

Qualifying days for SSP

SSP is only payable if there's a period of incapacity for work (four or more days). An employee's qualifying days for SSP will normally be Monday to Friday, or the actual days worked if less than five days. Employees' working patterns should be recorded correctly to ensure an accurate payment of SSP.

Linking letters

Jobcentre Plus will issue "linking letters" to individuals who have recently received Employment and Support Allowance (ESA) benefit. In order for the correct SSP amounts to be paid, any new employees who go on sick leave for more than four consecutive days within the first 12 weeks of employment should be asked if they had been given a linking letter. This will need to be passed on to the Payroll Office, and a copy to be kept on the individual's file.

You can check with your local Jobcentre Plus to see if an employee is entitled to receive ESA or from October 2013 Universal Credit from the Department for Work and Pensions (DWP), as certain details can be disclosed to an employer without the employee's consent.

Further information on linking letters can be found here.

Salary adjustments

Once entitlement to full pay has run out, an employee's salary will need to be adjusted by the department. Before reducing the employee's pay to half rate, please ensure to contact your

Payroll Officer in advance via email, to warn of this impending change. In the first instance the salary is reduced to half pay, and in some cases the employee's pay will be reduced to 'nil' thereafter. Entitlement to rates of pay during sickness leave is linked to the employee's length of service; (see Guidance on sick pay above).

Payroll should ideally be notified prior to the 23rd week of the employee's absence, in cases where the employee is likely to exceed absence of 28 weeks, at which point their entitlement to SSP will cease. Payroll will then issue the SSP1 form to the affected employee to enable the employee to apply for state benefit.

Periods of absence of more than four days' duration which occur within 8 weeks of each other can be 'linked' (for SSP purposes) and need to be taken into account when reporting absences that exceed four months. See section on 'Linking letters' below.

Tier 2 and Tier 5 visa holders

Where the staff member is a Tier 2 or Tier 5 visa holder and their sickness absence involves a period of reduced pay, or unpaid, leave it will need to be reported to the Home Office. Please contact your HR specialist for immigration details.

Withholding of sick pay

The Centre may withhold sick pay if it has good reason to believe that an employee's illness is not genuine, or if an employee fails to comply with the policy's procedure on notification of sickness absence. Advice from a HR specialist should be sought. In such cases, the employee will be informed of this in writing and a SSP1 form should be issued to them, entitling them to make a claim for state benefit. If an employee disagrees with this decision, s/he can raise the matter informally with the departmental administrator. The employee may progress the matter through the grievance procedure if necessary.

Third party claims for absence caused by an accident

If a member of staff is absent from work as the result of an accident or injury that happens whilst he or she is not at work, and that is caused by another person (e.g. a car accident), damages for loss of earnings may be recoverable from the person who caused the accident, who is referred to as the 'third party'.

In this case, in order to enable the Centre to reclaim any sick pay which can be recovered from the third party, the following special arrangements will apply:

- The Centre will not pay sick pay as of right, but will advance to the member of staff a sum not exceeding his or her normal entitlement to sick pay, on the understanding that, if he or she is awarded compensation for loss of earnings, he or she must refund to the Centre any such compensation received, subject to a maximum of the total sum advanced during the period of absence.
- If such a refund is made, the period covered by the refund will be disregarded for the purpose of calculating entitlement to sick leave payments for any period of sickness. However, where no damages for loss of earnings are actually recovered, the Centre will waive its right to seek a refund and the period concerned will be regarded as normal sick leave.
- The requirement to refund advances from damages received does not extend to any non-salary related compensatory awards, nor to payments made directly by an insurance company without reference to third party recovery.

Sickness absence reporting and record-keeping arrangements

Data protection
All absence and medical records contain confidential information, regarded as 'sensitive personal data', and thus should always be administered in accordance with the requirements of the Data Protection Act 1998. Managers would need to be able to justify the need to process any sensitive data (e.g. specific information about the employee's medical condition) as per the statutory conditions of the Data Protection Act.

Notification of sickness absence

This procedure should be explained to **all employees**, especially those who are new to the Centre.
Basic procedures for notification of sickness are to contact you line manager on the first day of absence as a result of sickness, but departments can supplement this with their own specific guidelines, including to whom sickness absences must be reported, relevant contact details and the preferred communication method.

It is the responsibility of the employee to notify their department if they are unable to attend work due to sickness, as soon as possible on the first day of absence. Employees must provide a reason for absence, and where possible give an indication of the date they expect to be back at work. If an employee fails to provide such notification without good reason, sick pay (including payment under the Centre's scheme) will be withheld.

Employees who work from home or away from the department must follow the normal notification procedures.

Recording and monitoring absence

Why record and monitor sickness?

Recording sickness absence helps with the management of employees who are absent due to sickness, and ensures an accurate payment of both contractual and statutory sick pay.

It is important to know why an employee is sick, in case the cause could be work-related, or if reasonable adjustments are needed to help the employee return to work, as well as organise appropriate cover for the absence, if needed. Analysing sickness absence records can uncover any notable patterns or reasons for absence that could be caused by or exacerbated by work. Early intervention can increase the chances of a quicker return to work and minimise disruption caused by absences. Monitoring of sickness absence records will facilitate an early identification of any potential problems.

Guidance on recording sickness absence
A record of every sickness instance should be made, to include the date of notification of absence, the reason for it (by reference to the standard definitions as per the Sickness Absence Record form (on the right-hand side) and later, the date the employee returned to work. It is important that sickness absence records are completed accurately, and adhere to the requirements of the Data Protection Act 1998.

Sickness absence for employees working from home or away from the department should be recorded in the normal way.

Sickness absence from work for up to seven days - self-certification

If an employee is absent through sickness for up to seven consecutive calendar days, they should be asked to complete a self-certification form Sickness Absence Record Form, on return to work, which must be signed off by the manager and filed on the employee's

sickness record. False statements on this form could lead to prosecution (in the event of false SSP claim) and/or disciplinary action by the Centre.

Sickness absence from work for more than seven days - doctor's certificate (Fit Note)

If an employee is absent from work because of sickness for more than seven consecutive calendar days, a doctor's certificate ('Fit Note' - Statement of fitness for work) (see section Return to work (RTW) after sickness absence below) should be obtained and a copy sent to the department as soon as possible. The employee should continue to send in Fit Notes until the doctor decides the individual is fit to return to work (which could be on reduced duties).
A ‘return to work discussion’ should take place upon the employee’s return to work.
A Fit Note (see section Return to work (RYW) after sickness absence below) is required for both the Centre sick pay and SSP purposes.

Return to work (RTW) after sickness absence

The guidance below provides information on areas of consideration following an employee's return to work, following **any period** of sick leave.

Return to work (RTW) discussions

Return to work discussions (or 'interviews') offer the opportunity to discuss with the employee their sickness absence from work, and any issues and/or concerns related to it. The discussion should be based on the information provided on the Sickness Absence Record form(s) or the Fit Note (statement of fitness for work) issued by the doctor. Any support needs or work adjustments that aid the return to work can also be addressed. Key information should be recorded using the sickness absence record pro-forma (found on the right-hand side).

Return to work discussions should take place following any sickness absence period, but **especially so where the employee has had three or more separate periods of absence within the last six months, has been absent for more than two weeks, or if the manager has any other concerns related to the absence**. This can help identify problems early on, and allows for reasonable and practical remedial steps to be taken, which can help prevent or minimise any future absence. Such discussions should not be time consuming and should remain informal. Managers must take a consistent and fair approach in all cases. Advice from the HR specialist may be sought if the line manager has any concerns. If the return to work discussion takes place following an episode of persistent short-term absence, (see section Managing sickness cases and other matters below) please see the additional guidance on holding an 'informal discussion' (see section Informal discussions below) with an employee to address any absence concerns, which refers to specific areas to think about when holding the return to work discussion in such cases.
Where medical input is necessary (in order to reach a decision about a member of staff), a "management referral" of an individual can be made to the Occupational Physician so that a medical report can be obtained. This should be done by the head of department, or by a senior administrator, acting on the head of department's behalf. Where an employee has a known existing medical condition, or may be undergoing a medical treatment/monitoring, careful consideration should be given in the approach to such cases and further advice sought from the HR specialist.

Fit Notes

What are Fit Notes?

The ‘Fit Note’ (introduced in 2010), is a statement of fitness for work, which is issued by a doctor to indicate whether the employee is “not fit for work” or "may be fit for work” taking into account the doctor’s recommendations (one of four options listed on the Fit Note). Doctors

can also make further comments. The note is additionally used for Social Security and Statutory Sick Pay (SSP) purposes.

During the first six months of sickness, each Fit Note can only cover a maximum period of three months.

How to use the form
Where a “may be fit for work” (taking account of the doctor's advice) Fit Note is issued by the doctor and one of the four options has been selected as a suggestion to facilitate a return to work, i.e. a phased return to work, altered hours, amended duties, or workplace adaptations, further discussion with the employee will be necessary to establish appropriate and reasonable measures to assist with the return to work. Advice should be sought from the HR specialist before a return to work can be fully agreed by the department.
The form will indicate the period of time for which this assessment is valid, and whether or not the GP needs to assess the employee’s fitness again at the end of this period. If the statement does not refer to a subsequent consultation date, the employee will normally be expected to resume their usual full duties at the end of the statement period. Any concerns related to the working conditions and duties following the employee’s return to work must be discussed with the HR specialist.

Return to work adjustments and Phased Return to Work programmes

The Centre has responsibility for deciding whether or not it is able to accommodate any changes suggested to facilitate a return to work. Any adaptations or adjustments required should be reasonable and proportionate, and decisions about what can be accommodated should include a risk assessment of the effect of the changes on the employee and others in the workplace. If a return to work is possible, the department should agree any temporary changes to the job or hours and what support will be provided and for how long. This should be recorded in writing. Typically, a phased RTW programme will last up to six weeks. Extended or repeated phased RTW programmes should not be undertaken without discussion with the HR specialist.
There may be occasions where it is not practicable to accommodate the adjustments, in which case the Fit Note should be used as if it had advised ‘not fit for work’. In such cases, and in all cases where the ill-health may have a work-related cause, it will be particularly important to seek advice from the HR specialist before reaching a final decision and discussing this with the employee.
The Fit Note is not binding on the employer: unless and until the department has agreed that the employee may return, and any necessary support is in place, the employee will remain on sick leave.

Fit Notes do not affect the Centre’s current obligations in relation to the Equality Act (previously Disability Discrimination Act).

Insurance

Where the doctor has certified that the employee is not fit for work, individuals will not be covered during the specified period by the Centre’s insurance and should not carry out work for the Centre. Where a doctor has certified that an individual “may be fit for work taking account of the following advice”, the individual will be covered for insurance purposes as long as the medical (GP) advice is followed. In cases where an individual’s recovery allows them to return to full duties earlier than indicated by the GP it will be important that clear agreement is reached with the individual, and that this is recorded. It is advisable to seek advice from the HR specialist before allowing a return to work of an employee in all cases.

Managing sickness cases and other matters

This section provides guidance for managers on non-routine sickness-related matters.

Managing frequent short-term sickness absence

The Centre recognises that there are a number of genuine reasons for an employee's absence from work. Whilst occasional absence from work due to sickness may be acceptable, frequent short-term absence may indicate that further issues need to be explored with the employee. It can also cause operational difficulties and may become unsustainable. It is important to take action early and identify whether there are any underlying reasons for the absence. The Centre is committed to providing support for employees to ensure a successful return to work at the earliest stage possible.

It is advisable to review recent episodes of sickness absence of the employee as an indicator as to whether there may be underlying issues, notable patterns or simply to see whether the employee's absence may be improving or worsening. Typically, **three or more separate instances of absence within a six month period potentially indicate a problem**. In such cases, any concerns should be discussed with the employee through an 'informal discussion' (an extended return to work meeting) and intervention may be necessary, so that the employee can be supported as required, and any other issues can also be addressed. It is important to consider all of the circumstances surrounding each individual case and assess each case on its merits.

Where the individual's absence levels are considered to be high, or the manager has good reason to believe that sickness absence might not be genuine, the 'informal discussion' procedure should also be followed in the first instance.

Managing long-term sickness absence

Continuous absence due to ill health lasting for four or more weeks is considered long-term sickness (and must be covered by a current Fit Note).

Managers are responsible for retaining regular contact with any employee who is on long-term sick leave. The frequency and the type of contact will depend on the individual circumstances.

It is important to stay in touch with the employee to:

- identify the nature of illness (without seeking personal/confidential details);
- discuss the potential length of absence;
- identify any support that can be provided by the Centre that could enable the employee to return to work at the earliest stage possible;
- keep the employee updated about their job.

When holding such discussions with the employee, the line manager should try to support and encourage the employee to disclose any concerns that might be affecting their absence and explore options that would aid them in their return to work. It is important to highlight to the employee that these discussions do not constitute part of the disciplinary process and should not be seen this way by either party. Retaining contact and building up a relationship in this manner will make discussions regarding returning to work and how this can be achieved much easier.

Return to work steps can be planned in cases of a more straight-forward nature (for example, a shorter working day for a set period). However, where the reason for sickness or the length of sickness is uncertain, management of such cases can be complex, and the advice of the HR specialist should be sought.

Where sickness continues beyond a reasonably sustainable level, the following measures may be considered:

- Ill-health retirement

- Redeployment
- Dismissal on the grounds of (medical) capability

Employees on a visa

Please note that under Home Office regulations, the University must report events and changes in circumstances for employees on a **Tier 2** or **Tier 5 visa**, and one such event is a period of **unpaid** leave. A period of more than one month's unpaid leave is only permitted, for a Tier 2 or Tier 5 visa holder, in the case of maternity, paternity, adoption or *long-term sick leave*. If a Tier 2 or Tier 5 visa holder's period of sickness absence is likely to result in unpaid sickness absence, you should liaise with the HR specialist and keep them informed of how the situation progresses.
Where a Tier 2 or Tier 5 visa holder takes unpaid leave of any duration, due to sickness or in any other circumstances, this **must** be reported to the HR specialist within **five** working days of the start of this period in order that they can report this to the Home Office as required.

Sickness during annual leave

If an employee is taken ill whilst on annual leave, arrangements will apply under which, provided the employee satisfies the department by production of a self-certification form or doctor's certificate (Fit Note), he or she will be able to take the balance of his or her annual holiday (but excluding any allowance for sickness on days of public holiday) at a later date after he or she returns to work. This leave should normally be rearranged during the same holiday year, but, if this is not possible, the affected leave may be carried forward to the next year. The normal reporting requirements for sickness still apply when an employee is taken ill whilst on annual leave.
PLEASE NOTE: Although the relevant manager should ask, where appropriate, about illness on weekends and other rest days, there should be no attempt to request certification in respect of them.

Work-related sickness absence

If there is any possibility that sickness absence may have been caused or exacerbated by work, or working arrangements (including, for example, conditions such as asthma, musculoskeletal disorders, or stress-related illnesses), the circumstances should be notified **without delay** to the HR specialist.

Ill-health retirement

If a member of staff's health deteriorates so that they are permanently unable to do their job, and they are a member of a relevant pension scheme, they may apply for an ill-health early retirement. If they are eligible, and this is agreed, their pension benefits may be paid early. Ill-health early retirement benefits may include a lump sum payment and, for eligible scheme members, a pension. Contact the Pensions team to find out what ill-health early retirement benefits are available under the various sections of OSPS. For advice on managing ill-health departments should contact their HR specialist.

Managing mental health issues at work

Where an employee has any known or suspected mental health issues, advice should **always** be sought from the HR specialist in the first instance. All such cases should be handled with a lot of sensitivity and care.

Informal discussion (addressing concerns regarding sickness absence)

The informal discussion meeting (extended version of the return to work discussion) should take place immediately after the employee has returned to work, with the intention to:

- establish the reason(s) for the absence: if the discussion highlights any concerns about the employee's health (for example, work-related stress), advice from the HR specialist should be sought;
- discuss the employee's current sickness absence levels and highlight any concerns;
- identify any remedial measures to support the employee in improving attendance;
- explain that if such absence levels continue, a formal disciplinary / medical capability process may be invoked;
- agree on the follow-up steps and set a timescale;
- set up a review meeting(s).

If the manager has good reason to believe the employee's absence is not due to genuine sickness, the matter should be thoroughly and carefully investigated, and sick pay may be withheld.

Managers should always keep a record of the dates the meeting(s) occurred, with a brief note of the discussion, and follow up on any action agreed. Ensure that the employee is fully aware that their sickness absence is being monitored. Attendance should be reviewed at appropriate intervals by the manager, and regular discussions with the employee must take place (e.g. monthly). Where the employee's frequent short-term absence persists without any improvement, the department should contact the HR specialist without delay who can advise on the next steps.

Where there is no adequate or reasonable explanation for the absence, such cases may be treated as **misconduct**.

See below the formal process for addressing poor attendance.

Formal process for addressing frequent short-term absence

This procedure only applies following an unsuccessful outcome of the informal discussion process, outlined above.

All cases must always be thoroughly investigated to ensure any underlying reasons for absence have been carefully considered. Wherever possible, it may be necessary to obtain a medical report if an underlying medical cause is established, especially so if such medical condition could result in a disability under the Equality Act.

In cases where an employee's short-term absence levels remain unacceptably high, despite having followed the informal procedure, formal disciplinary action may be considered.

It should be noted that for a fair dismissal on the grounds of poor attendance, the Centre must be able to demonstrate that the employee failed to meet the expected attendance standards as set and explained by the Centre.

Where there is no adequate or reasonable explanation for the absence, such cases may be treated as **misconduct**.