

ABSENCE POLICY



This policy is in respect of paid employees of Anglia Care Trust only.

Employees may be absent from work for a variety of reasons and this policy sets out Anglia Care Trust's policy for the following types of absence:

- Annual Holidays
- Compassionate Leave
- Jury Service
- Time off for Public Duties
- Sickness and Sick Pay Entitlement
- Maternity Leave and Maternity Pay
- Paternity Leave and Paternity Pay
- Shared Parental Leave
- Adoption Leave and Adoption Pay
- Paternity Leave and Adoption
- Time off for Ante-Natal Appointments
- Parental Leave
- Time off for Dependents
- (The Right to request) Flexible Working
- Medical Appointments

ANNUAL HOLIDAYS

The holiday year runs from 1st April to 31st March.

Full time employees' annual holiday entitlement in any holiday year is 22 days. Part time employees are entitled to annual holidays pro rata.

In addition, after two years continuous service, employees will be entitled to one extra day's annual holiday per completed year of service, up to a maximum of 27 days' annual holiday after six complete years' service. This enhancement will be awarded in the April following the anniversary of the commencement of employment. Part time employees are entitled to additional holiday pro rata.

Employees will be paid their basic salary in respect of periods of annual holiday.

On termination of employment, employees will either be entitled to holiday pay accrued but not taken at the date of termination of employment, or asked to incorporate holiday into their notice period.

If on termination of employment an employee has taken more annual holiday than he or she has accrued in that holiday year, an appropriate deduction will be made from the employee's final pay.

Employees are not permitted to carry over accrued annual holiday from one holiday year to the next. In exceptional circumstances and at the sole discretion of the Director of Operations for operational staff and the Director of Business Support for Business Support staff, employees may be permitted to carry over untaken holiday, from one holiday year to the next, provided they have taken the statutory minimum holiday entitlement in the holiday year. This will never exceed a maximum of 2 days.

All periods of annual holiday must be authorised in advance by management.

Employees must not make firm annual holiday leave arrangements before receiving confirmation from management that their request has been authorised.

For holiday periods of less than three days employees are required to submit Holiday Request Forms to their line manager a reasonable time in advance of the requested annual holiday start date. For annual holidays of three days or more employees are normally required to submit completed Holiday Request Forms to their line manager a minimum of 4 weeks before the start date.

Requests for holidays longer than two weeks' annual leave will be considered by the Directors but cannot be guaranteed.

Employees who take unauthorised annual holiday will be subject to disciplinary action.

Requests for annual holiday will normally be granted on a "first come, first served" basis. Owing to the needs of the business, management reserves the right to limit the number of employees who may be permitted to take holiday at any one time. The granting of all holiday requests will be subject to adequate cover being available and the overall needs of Anglia Care Trust.

Employees who are absent from work because of sickness immediately before a period of authorised annual leave and whose incapacity extends into the leave period will be permitted to delay the period of annual leave until a later time on receipt by Anglia Care Trust of a medical certificate or self-certificate. Employees taking advantage of this facility are required to submit a further annual leave request in respect of the new period of annual leave.

Employees falling sick during a period of annual leave may request to have their leave re-instated upon production of a valid medical certificate for the period in question.

An employee continues to accrue holiday while on sickness leave. If an employee is off long term sick, when they return to work they are entitled to the accrued holiday. If there is not enough time during the remaining leave year to take the holiday, they would be entitled to carry up to 20 statutory days' holiday which will need to be taken within 18 months, as well as any other holiday they will be accruing in the current year.

PUBLIC HOLIDAYS

Full time employees are entitled to 8 public holidays each year. The public holidays that are recognised are New Year's Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday, August Bank Holiday, Christmas Day and Boxing Day. Part time employees are entitled to payment for public holidays pro rata.

Public holidays are in addition to annual holiday entitlement.

Because of the particular needs of Anglia Care Trust's Service Users or Service Level Agreements' requirements, employees may be required to work during recognised public holidays, depending on the needs of Anglia Care Trust and will be advised of the relevant dates as early as possible.

Employees who are required to work on a recognised public holiday will be entitled to receive the equivalent time off in lieu for the hours worked or be paid at a rate agreed in advance with the appropriate Operational Manager.

COMPASSIONATE LEAVE

Consideration will be given by the Director of Operations and/or the Director of Business Support to requests for compassionate leave.

You may be granted paid leave on the death of your spouse, partner, sibling, parent or child. The amount of leave depends upon your responsibilities and travel requirements but does not usually exceed 5 days. In the case of death of other relatives or friends, paid leave is not granted and time off to attend the funeral is taken from flex or holiday or with permission, authorised unpaid leave.

JURY SERVICE

Any employee receiving a summons to serve on a jury must report the matter to his or her line manager. Leave of absence will be given unless an exemption is granted. An employee serving as a juror shall claim the allowance for loss of earnings under the Jurors Allowance Regulations currently in force and must inform the Director of Business Support of any allowance received. Anglia Care Trust will deduct from the employee's pay an amount equal to the allowance received.

TIME OFF FOR PUBLIC DUTIES

Reasonable time off is allowed in the case of employees who hold certain public positions as defined by employment legislation. Currently these positions include:

- Justices of the Peace
- Members of local authorities
- Members of statutory tribunals
- Members of regional and district health authorities
- Members of governing bodies of educational establishments

The amount of time granted and any payments made are at the discretion of Anglia Care Trust in line with any statutory and legislative provisions and will be determined by the Human Resources Committee.

ABSENCE DUE TO SICKNESS AND SICK PAY ENTITLEMENT

Anglia Care Trust's sick leave monitoring and recording will operate on a rolling 12 month basis with effect from 1 April 2011.

Core roles and responsibilities

Employee

Day 1 - Employees are required to notify, via phone, both their line manager and the Business Support Team of their absence within 30 minutes of the start of their normal working day, giving:

1. Nature of sickness (unless it is confidential in which case they should discuss with the Director of Business Support)
2. Their estimated return to work date
3. Details of any work or training commitment during their estimated period of absence.

In the event that the employee is not able to speak to their line manager, they should speak with the Manager of their line manager in the first instance, or another Manager as a last resort.

Until a medical certificate with an estimated return to work date has been provided, the employee should continue to call in and follow the above process each day.

Day 8 – if after 8 calendar days the employee has not yet returned to work (i.e. returned to work on the eighth day) they are to obtain a medical certificate and submit to their line manager.

Between 8 days and 4 weeks – if the employee remains off sick within this time scale they are to

1. Keep in weekly contact with and advise their line manager via phone of any progress or developments concerning their absence
2. Continue to ensure that an up-to-date medical certificate covers their sickness.
3. Contact their line manager via phone on the date the medical certificate expires with any progress or developments concerning their absence

After 4 weeks – if the employee has still not returned to work

1. Keep in weekly contact with and advise their line manager via phone of any progress or developments concerning their absence
2. Continue to ensure that an up-to-date medical certificate covers their sickness.
3. Contact their line manager via phone on the date the medical certificate expires with any progress or developments concerning their absence

On the 1st day of return to work – confirm to the line manager that they have returned. Ensure an ACT absence form is completed for the whole period of sickness and passed to your line manager for authorisation.

Within 2 days of return to work – attend return to work interview with their line manager.

Line Manager

Day 1 – Discuss the nature of the absence and the estimated date of return.

1. Ascertain whether the employee required any additional support
2. Remind the employee of the need to submit a medical certificate if their absence is expected to last 8 or more calendar days.
3. If appropriate, the line manager will also complete the accident record book at this stage
4. Pass all details to the Business Support Team.

Day 8 – Contact the employee and discuss the continuing nature of the absence.

1. Remind the employee of their obligation to submit medical certificates and the need to keep him/her advised of any progress or developments concerning their sickness.
2. Forward all submitted medical certificates to the Director of Business Support.
3. Update the Director of Business Support if the period of sickness is exceeding 7 calendar days.

Between 8 days and 4 weeks - Maintain weekly contact with the employee ensuring they are reminded of the need to submit medical certificates.

After 4 weeks – Talk to the employee about any return-to-work plan. If there is none, refer to the Director of Business Support so that occupational health measures can be discussed.

On the 1st day of return to work – confirm to Business Support that the employee has returned and arrange for return to work interview with the employee. Prompt employee for ACT absence form to be completed for whole period of absence, authorise and forward to Director of Business Support with completed Return to Work form.

Within 2 days of return to work – conduct return to work interview, complete Return to Work form and refer any issues arising to the Director of Business Support. Completed interview form to be passed to Director of Business Support for recording on absence file.

Business Support Team

Day 1 – Ensure that the information given to them by the line manager is recorded appropriately. If initial details taken by Business Support in absence of line manager, ensure all staff who need to be aware of absence are advised and that full details are passed to line manager on their return.

Day 8 – Inform the line manager of the need to contact the individual on sick leave and remind them of their obligations if they have failed to submit a medical certificate.

Between 8 days and 4 weeks – monitor medical certificates and ensure they are recorded and forwarded to the Director of Business Support. Director to monitor pay implications concerning pay upon receipt of medical certificates and advise employee of results if appropriate.

After 4 weeks – monitor and record medical certificates and pass to Director of Business Support. Director to monitor any implications concerning pay upon receipt of medical certificates and advise employee of results if appropriate.

On the 1st day of return to work – check with line manager that record of sickness is recorded correctly, ensure ACT absence form has been completed and authorised and recorded on system.

Occupational Health

Anglia Care Trust wishes all employees to return to work following illness as quickly and as safely as possible. To facilitate this, all employees who have a period of absence of 4 continuous weeks or more will be referred to our Occupational Health provider. We reserve the right to also refer an employee who has multiple absences of less than 4 weeks.

Return to Work Interviews

Every employee who has been absent (other than those authorised in advance) will be interviewed by management immediately upon return to work. The reasons for the employee's absence will be discussed and the completed Absence Form(s) will be considered. Management must decide whether to authorise the absence or not. The onus is on the employee to satisfy management that there was a genuine medical reason for the absence. Return to Work Interview Forms are available on Level 0 in Frequently Used Forms.

Where there is any doubt whether an employee is fit enough to return to work, the Director of Business Support should be consulted with a view to the possibility of obtaining a fitness to work certificate from the GP.

Employees who are absent from work because of sickness will normally be entitled to receive Statutory Sick Pay (SSP) from Anglia Care Trust providing they meet the relevant criteria. Once the criteria have been met, SSP is not normally payable for the first three days of sickness absence, unless the employee has been absent and in receipt of SSP within the previous eight weeks. Thereafter Anglia Care Trust will normally pay SSP at the statutory rate in force for a maximum of 28 weeks.

In order to qualify for SSP the employee must notify Anglia Care Trust on the first qualifying day and submit a certificate of absence as soon as practicable. Anglia Care Trust reserves the right to withhold payment of SSP where an employee fails to follow the correct procedure.

Certain employees are excluded from the SSP scheme, e.g., employees who earn below the lower earnings limit for National Insurance purposes.

The provisions relating to SSP are extremely complex. Employees who have any questions with regards to sick pay entitlements should approach their line manager or a Director.

Contractual Sick Pay

Anglia Care Trust operates a Contractual Sick Pay Scheme which provides for payment in addition to SSP.

The following provisions set out employees' Contractual Sick Pay entitlement. Employees should clearly understand, however, that when payment of Contractual Sick Pay is made, this is inclusive of any SSP entitlement due, i.e. employees are not entitled to both.

The Contractual Sick Pay Scheme will, in normal circumstances, provide employees with up to a total of four weeks' full pay during any period or periods of properly certified sickness absence in any sick leave year. Personnel will be advised in writing when they have taken all their paid entitlement.

Any further paid periods of sickness will be entirely at the discretion of management. Payment of Anglia Care Trust Sick Pay will not be made unless the employee has fully complied with Anglia Care Trust procedures relating to the notification and certification of absence.

Anglia Care Trust Sick Pay will not be paid if the employee is still within their probation period, where the sickness is self induced or where the sickness or injury arises from an employee's misconduct at work.

Employees should claim any Social Security sickness benefits (such as incapacity or invalidity benefits) to which they may be entitled. Employees must notify Anglia Care Trust of all such payments, which Anglia Care Trust will deduct from the employee's Anglia Care Trust Sick Pay.

The rules of Anglia Care Trust Sick Pay Scheme do not imply that termination of employment may not take place before the payment of Anglia Care Trust Sick Pay is exhausted.

Access to Medical Reports

From time to time it may be necessary for Anglia Care Trust to obtain a medical report from an employee's doctor in order to gather further information about the employee's medical condition and its probable effect on the employee's future attendance at work or the ability to do his or her job.

Employees have certain rights under the Access to Medical Reports Act 1988.

Should Anglia Care Trust find it necessary to obtain a medical report concerning an employee's fitness for work or any other relevant matter the employee will be asked

for his or her written consent. At the time of the request for consent the employee will be advised of his or her rights under the act.

MONITORING ABSENCE

Anglia Care Trust wishes to promote a fair and consistent approach to attendance. All information must be promptly provided and accurately recorded to achieve this. This also enables the organisation to keep accurate Statutory Sick pay records and that proper payments are made to individuals with regards sick pay entitlements.

In determining whether individual levels of sickness are unacceptably high, as well as using trigger points, sickness absence in the employee's team as well as throughout the organisation will be taken into account.

Before discussing the issue of unacceptably high sickness levels with an employee, the Director of Business Support should be consulted.

It is recommended that Operational Managers review departmental sickness absence profiles on a six-monthly basis to establish patterns of absence. A consistent approach should be applied to all categories of staff making due allowance for the nature of the particular difficulties faced by employees.

Repeated short term absence

The absence of a member of staff due to sickness for six periods of absence in a rolling 12 month period or a total of 12 or more calendar days within the same period will normally trigger a formal Sickness Absence Review meeting between the line manager and the employee. This will of course depend on the reason for the absence(s) as some types of sickness will need a longer period of recuperation. Particular attention will be paid to patterns of absence, such as particular days taken.

When a formal Sickness Absence Review meeting has been triggered, there will be no need to hold a Return to Work meeting for the last period of absence.

The employee will be given at least four days written notice of the meeting (unless the employee agrees to less) and he/she may choose to be accompanied by a trade union representative or work colleague. The Sickness Absence Review meeting will give the employee and the line manager a chance to discuss the absence record, the reason for it and if appropriate, the improvement and/or attendance target that is required over a specific period.

If during any agreed monitoring period following the Sickness Absence Review meeting, absence exceeds the improvement target this will trigger a second Sickness Absence Review meeting with the line manager and one more senior manager or Board member where appropriate. If following the second meeting, the pattern of sickness continues and the required levels of attendance are not met, the Disciplinary or Capability Procedure may be invoked.

A member of staff who fails to comply with notification procedures may be subject to Disciplinary action.

Prolonged sickness absence

Line managers should seek the advice of the Director of Business Support in cases of long-term sickness absence of 4 weeks or more. However, it is imperative that the line manager should maintain contact with the member of staff in order to remain updated about the likely duration of the sickness absence. The member of staff has a responsibility to update his/her line manager regularly on his/her likely date of return to work. If this is not known they should update on their general progress in relation to their absence. Anglia Care Trust reserves the right to refer a member of staff to an Occupational Health professional or medical practitioner in cases of prolonged sickness absence.

MATERNITY LEAVE AND MATERNITY PAY

Pregnant employees and employees who have recently given birth have a variety of legal rights. This area of law is very complex, and the following sections provide only a general guide for employees.

Employees have separate rights to paid Time off for Antenatal Care, Maternity Leave and to Maternity Pay. The qualifying conditions for each are outlined below.

Time off for Antenatal Care

All pregnant employees, regardless of length of service, are entitled to take time off with full pay during working hours to receive antenatal care. This includes relaxation and parentcraft classes if attended on medical advice.

The employer may require an employee who wishes to take time off for these purposes to provide medical certification of her pregnancy and an appointment card, except in connection with the first appointment.

Maternity Leave

Every employee who is pregnant has the right to a total of 52 weeks' Maternity Leave from day one of employment. This is made up as follows:

- 26 weeks' Ordinary Maternity Leave; followed by
- 26 weeks' Additional Maternity Leave.

Women are legally obliged to take a minimum of two weeks' maternity leave after giving birth. A longer minimum period of four weeks applies in respect of women who work in factories. This is called Compulsory Maternity Leave.

Ordinary Maternity Leave

During Ordinary Maternity Leave, the employee is entitled to receive all her normal contractual benefits (including annual holiday entitlement), but excluding pay. An employee is entitled to return to her original job at the end of the Ordinary Maternity Leave period.

Additional Maternity Leave

Additional Maternity Leave follows immediately after the end of Ordinary Maternity Leave. There can be no gap between the two.

During Additional Maternity Leave, the employee is entitled to receive all her normal contractual benefits (including annual holiday entitlement), but excluding pay. The employee is entitled to return to her original job at the end of Additional Maternity Leave. However, if this is not reasonably practicable, she should be offered a similar job on no less favourable terms and conditions.

Notification Procedures for Maternity Leave

To be permitted to take Maternity Leave the employee must comply with the rules and procedures set out below.

No later than the end of the 15th week before the week the child is due, the employee must give her employer notice of:

- the fact that she is pregnant;
- her expected week of childbirth, which must be confirmed with the medical certificate MATB1; and
- the date on which she intends to start her Maternity Leave. This must be in writing if requested by the employer.

Within 28 calendar days of the employee giving notice, the employer will respond in writing to the employee, confirming the date when the Maternity Leave will end. This will normally be 52 weeks from the start of Maternity Leave.

The earliest the employee may start her Maternity Leave is 11 weeks before the expected week of childbirth. However, Maternity Leave will start automatically if the employee gives birth before this date.

The employee may change her mind about when she wants to start her leave, as long as she gives the employer at least 28 calendar days' notice of the change. The period of 28 days must be before the earlier of the original planned start date or the new planned start date.

An employee's Maternity Leave will automatically start if she is absent from work for a pregnancy related illness during the four weeks before the expected week of childbirth.

Notification of return to work.

The employee does not need to give notice of her return to work if she simply returns at the end of her Maternity Leave period.

If the employee wishes to return to work before her full entitlement to Maternity Leave has ended, she must give her employer a minimum of eight weeks' notice of the date of her earlier return.

If the employee fails to give the required eight weeks' notice of an earlier return to work, the employer may postpone the employee's return until the end of the eight weeks' notice she should have given, or until the end of her Maternity Leave period, whichever is earlier.

The employee may change her mind about the date of her return, but she must always give the employer at least eight weeks' notice of any changes.

An employee does not lose the right to return to work if she does not follow the correct notification requirements. However, the employer may take appropriate disciplinary action if she fails to return to work at the end of her Maternity Leave period.

If the employee is unable to return to work because of ill health at the end of her leave, the employer's normal sickness rules, procedures and payments will apply.

Holidays and Maternity Leave

Because holiday entitlement will continue to accrue during Maternity Leave, the employee should discuss with the employer when holiday will be taken. Holiday can not be taken simultaneously with Maternity Leave, but could be taken either before the beginning or after the end of Maternity Leave.

Contact with the Employee during Maternity Leave

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

Statutory Maternity Pay

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

- still be pregnant at the 11th week before her expected week of childbirth or have had the child by that time;
- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight week period up to and including the Qualifying Week;
- give the employer notice that she intends to be absent from work because of her pregnancy at least 15 weeks before the expected week of childbirth; and
- provide the employer with medical certification of her expected week of childbirth, normally using form MAT B1.

Statutory Maternity Pay is payable for up to 39 weeks. The first six weeks are payable at the higher rate which is 90% of the employee's normal earnings. Normal earnings are calculated based on the eight week period before the Qualifying Week. However, any pay rises made by the employer up to the end of the employee's Maternity Leave must be taken into account and SMP adjusted accordingly.

The remaining 33 weeks are payable at a standard rate which changes from time to time. Where the employee's earnings are below the standard rate, the employee should be paid at 90% of her average earnings of the previous eight weeks up to and including the Qualifying Week.

Employees who do not qualify for Statutory Maternity Pay may be able to claim Maternity Allowance from their local Job Centre Plus office.

Pension Contributions during Maternity Leave

Where the employee has the benefit of contractual pension contributions made by the employer, these must continue to be paid at the full rate up to the end of the period when SMP is payable.

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

Keeping in Touch Days

Employees on Maternity Leave may do up to 10 days' work for the employer without losing their right to SMP.

Work will be paid at the employee's normal rate of pay, but any SMP will be taken into account.

Neither the employee nor the employer is under any obligation to agree to Keeping in Touch days.

PATERNITY LEAVE AND PATERNITY PAY

Eligible employees (see below) are entitled to take up to two weeks paid Paternity Leave following the birth of their child in order to care for the child or support the child's mother. During Paternity Leave, most employees will be entitled to Statutory Paternity Pay (SPP), which will be the same as the standard rate of Statutory Maternity Pay (SMP).

Eligibility for Paternity Leave and Paternity Pay

In order to qualify for Paternity Leave and Statutory Paternity Pay the employee must:

be the biological father of the child or the mother's husband or partner (male or female);

have or expect to have responsibility for the child's upbringing;
have worked continuously for the employer for 26 weeks leading into the 15th week before the child is due;
and have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight week period leading up to and including the Notification Week.

Employers may ask an employee to provide a self certificate as evidence that he or she meets these conditions. The self certificate must provide the information required above and include a declaration that the employee meets the necessary conditions.

Taking Paternity Leave

An employee is permitted to take Paternity Leave in units of either one whole week or two consecutive whole weeks. Leave may start on any day of the week on or following the child's birth but must be completed:

- within 56 calendar days of the actual date of birth of the child; or
- if the child is born early, within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

An employee may change his or her mind about the starting date for Paternity Leave, providing he tells the employer at least 28 calendar days in advance of the changed start date where reasonably practicable.

Notification Procedures for Paternity Leave

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

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

Contractual Benefits during Paternity Leave

An employee on Paternity Leave is entitled to enjoy normal terms and conditions of employment, with the exception of pay. The employee is entitled to return to the same job following Paternity Leave.

If an employee has an enhanced contractual right to Paternity Leave or Paternity Pay he or she may take advantage of whichever is the more favourable right. Employees should clearly understand, however, that when payment of contractual paternity pay is made this is inclusive of any SPP entitlement, i.e., employees are not entitled to both, unless the employer expressly agrees otherwise.

Paternity Leave and Adoption

The partner of an individual who adopts, or the other member of a couple who is adopting jointly, may be entitled to Paternity Leave and Paternity Pay. When a couple adopts, it can choose who will take Adoption Leave and who will take Paternity Leave. Only one period of Adoption Leave and one period of Paternity Leave may be taken between the couple even if each individual works for different employers.

Further details of this entitlement are set out in the next section.

Shared Parental Leave

Shared Parental Leave (SPL) allows mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. This could mean that the mother or adopter could share some of the leave with her partner.

Eligibility

The option to take Shared Parental Leave will apply to parents who meet the eligible criteria and where the baby is due to be born on or after the 5th April 2015 or for children who are placed for adoption on or after that date.

To qualify:

- You must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption)
- Still be employed in the first week the Shared Parental Leave is to be taken.
- You must have also earned an average salary of the lower earnings limit (which is set by the Government) in an 8 week period prior to the 15th week before the expected due date or matching date and the same also applies to the other parent.

When can leave be taken?

Shared Parental Leave may be taken at any time within the period which begins on the date the child is born or the date of placement and ends 52 weeks after that date.

Anglia Care Trust adheres to the ACAS Good Practice Guide for Shared Parental Leave. Any qualifying employee should contact Business Support for guidance on how to progress an application for SPL.

ADOPTION LEAVE AND ADOPTION PAY

Different types of leave available to couples who adopt

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

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

When a couple adopts, it can choose who will take Adoption Leave and who will take Paternity Leave. Either sex can choose either type of leave.

Details of Paternity Leave for an adoptive parent can be found at the end of this section.

Adoption Leave

Employees who meet the eligibility criteria are entitled to 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave, in order to care for a newly adopted child up to 18 years of age.

To qualify for Adoption Leave, an employee must:

- be newly matched with a child for adoption by an approved adoption agency;
- have notified the agency that the employee agrees that the child should be placed with him or her and agreed the date of placement;
- have worked continuously for the same employer for 26 weeks ending with the week in which the employee is notified of being newly matched with a child by the agency; and
- notify the employer of when he or she wants to take Adoption Leave no more than seven calendar days after being notified that he or she has been matched with a child.

Only one period of Adoption Leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Ordinary Adoption Leave

During Ordinary Adoption Leave, the employee is entitled to receive all his or her normal contractual benefits (including annual holiday entitlement), but excluding pay. An employee is entitled to return to his or her original job at the end of the Ordinary Adoption Leave period.

Additional Adoption Leave

Additional Adoption Leave follows immediately after the end of Ordinary Adoption Leave. There can be no gap between the two.

During Additional Adoption Leave, the employee is entitled to receive all his or her normal contractual benefits (including annual holiday entitlement), but excluding pay. The employee is entitled to return to his or her original job at the end of Additional Adoption Leave. However, if this is not reasonably practicable, he or she should be offered a similar job on no less favourable terms and conditions.

Notification Procedures for Adoption Leave

To be permitted to take Adoption Leave the employee must comply with the rules and procedures set out below.

Within seven calendar days of being matched for a child, the employee must give his or her employer notice of:

- the date the placement is expected to take place; and
- the date on which the employee intends to start Adoption Leave. This must be in writing if requested by the employer.

The employee should also give the employer the matching certificate from the adoption agency as evidence of entitlement to Adoption Leave.

Within 28 calendar days of the employee giving notice, the employer will respond in writing to the employee, confirming the date when the Adoption Leave will end. This will normally be 52 weeks from the start of the Adoption Leave.

An employee who is adopting may choose to start Adoption Leave:

- from the date of the child's placement;
- or from a fixed date which can be up to 14 calendar days before the expected date of the placement.

The employee may change his or her mind about the start date of Adoption Leave, as long as he or she gives the employer at least 28 calendar days' notice of the change. The period of 28 days must be before the earlier of the original planned start date or the new planned start date.

Notification of Return to Work

The employee does not need to give notice of a return to work if he or she simply returns at the end of the Adoption Leave period.

If the employee wishes to return to work before the full entitlement to Adoption Leave has ended, the employee must give his or her employer a minimum of eight weeks' notice of the date of the earlier return.

If the employee fails to give the required eight weeks' notice of an earlier return to work, the employer may postpone the return until the end of the eight weeks' notice the employee should have given, or until the end of the Adoption Leave period, whichever is earlier.

The employee may change his or her mind about the date of his or her return, but he or she must always give the employer at least eight weeks' notice of any changes.

An employee does not lose the right to return to work if he or she does not follow the correct notification requirements. However, the employer may take appropriate disciplinary action if the employee fails to return to work at the end of his or her adoption leave period.

Holidays and Adoption Leave

Because holiday entitlement will continue to accrue during Adoption Leave, the employee should discuss with the employer when holiday will be taken. Holiday can not be taken simultaneously with Adoption Leave, but could be taken either before the beginning or after the end of Adoption Leave.

Contact with the Employee during Adoption Leave

The Employer may make reasonable contact with the employee during Adoption Leave.

Statutory Adoption Pay

To qualify for Statutory Adoption Pay, the employee must:

- have been continuously employed for at least 26 weeks by the date he or she is informed by the adoption agency that the adopter has been matched with a child;
- have average weekly earnings equal to or above the lower earnings limit for National Insurance purposes over the eight week period leading up to the date the adopter is matched with a child;
- give the employer the required minimum notice that he or she intends to be absent from work because of adoption;
- provide the employer with a matching certificate from the adoption agency as evidence of entitlement to Statutory Adoption Pay; and
- provide a written declaration that the employee has chosen to receive Statutory Adoption Pay (SAP) rather than Statutory Paternity Pay (SPP).

Statutory Adoption Pay is payable for up to 39 weeks at a standard rate which changes from time to time. Where the employee's earnings are below the standard rate, the employee should be paid at 90% of his or her average earnings of the previous eight weeks up to and including the date the child is matched.

Employees who do not qualify for Statutory Adoption Pay may be able to claim financial support from their local Job Centre Plus office.

Pension Contributions during Adoption Leave

Where the employee has the benefit of contractual pension contributions made by the employer, these must continue to be paid at the full rate up to the end of the period when SAP is payable.

Where the employee is required to make pension contributions, these will be based on the pay he or she receives during adoption leave.

Keeping in Touch Days

Employees on Adoption Leave may do up to 10 days' work for the employer without losing their right to SAP.

Work will be paid at the employee's normal rate of pay, but any SAP will be taken into account.

Neither the employee nor the employer is under any obligation to agree to Keeping in Touch days.

Placement Ends

If the child's placement ends during the Adoption Leave period, the employee will be able to continue adoption leave for up to eight weeks after the end of the placement.

PATERNITY LEAVE AND ADOPTION

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

To qualify for Paternity Leave, the employee must have worked continuously for the employer for at least 26 weeks leading into the week in which the adopter is notified of being matched with a child.

The employee may decide to start Paternity Leave either from the date of the child's placement, from a chosen number of days or weeks after the date of the child's placement or from another chosen date. In all cases Paternity Leave must be completed within 56 calendar days of the child's placement.

Time off to accompany a pregnant woman to ante-natal appointments

Employees accompanying the expectant mother to her ante-natal appointments are entitled to unpaid leave for 1 or 2 appointments. The time off is capped at six and a half hours for each appointment. The leave is designed for a person who has a relationship with the pregnant woman or her unborn child.

Who can take the unpaid time off:

- The baby's father;
- The expectant mother's spouse, her civil partner, or partner (of either sex) in an enduring relationship; or
- Intended parents of a child in a surrogacy arrangement if they expect to be entitled to
 - and intend to apply for a parental order in respect of that child.

There is no qualifying period for employees.

An employer is not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card, as this is the property of the expectant mother attending the appointment.

However, an employer can request an employee to provide a signed declaration stating:

- That the employee has a qualifying relationship with a pregnant woman or her expected child;
- That the employee's purpose in taking time off is to accompany a pregnant woman to an ante-natal appointment;
- That the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse; and
- The date and time of the appointment.

PARENTAL LEAVE

After one year's service, employees are entitled to a maximum of 18 weeks unpaid Parental Leave for each of their children up to the age of 18 years. No more than four weeks may be taken per year, in minimum blocks of one week (a week equals the length of time a colleague normally works in a week) and before the child's 18th birthday. Any part of the week which is taken as Parental Leave will constitute a whole week in respect of your entitlement being used, however it will only be the actual days taken as Parental Leave which would be unpaid – you would be paid for any working days during that week

'Parents' of children awarded disability living allowance are entitled to 18 weeks unpaid Leave for each child and may take Leave in minimum blocks of one day and before the child's 18th birthday. If there is a multiple birth, for example twins, you can take 18 weeks Leave for each child born

You must have at least one year's service at the date of birth or adoption, be a parent named on the child's birth certificate, named on the child's adoption certificate, or legal parental responsibility for a child under 18. Both parents are entitled to Parental Leave, but this right cannot be combined or transferred to another person

Whilst on Parental Leave all terms and conditions e.g. pay and contractual holiday accrual are suspended, although statutory holiday accrual and non- contractual benefits do continue

An employee is required to give the employer a minimum of 21 calendar days notice in writing of his or her request to take Parental Leave.

Employers have the right to postpone Parental Leave for up to six months if the business would be unacceptably disrupted by the employee's absence. However, Parental Leave requested to take place immediately after the birth of a child may not be postponed provided that the employee has given 13 weeks notice of his or her intention to take Parental Leave at this time.

TIME OFF FOR DEPENDENTS

Employees are entitled to take reasonable unpaid time off to deal with sudden or unexpected problems with a dependant. A dependant is a partner, child or parent who lives with the employee as part of his or her family or any other person who reasonably relies on the employee for assistance.

Reasonable time off will be granted in the following circumstances:

- for the birth, sickness, injury or death of a dependant;
- to make arrangements for the care of a sick or injured dependant or to make arrangements to deal with an unexpected disruption to care arrangements; and
- to deal with an unexpected incident involving the employee's child during school hours.

The right is only to deal with emergencies and to put care arrangements in place. This means that in the case of a dependant's illness, for example, the employee is not entitled to time off for the duration of the dependant's illness.

Employees are required to inform the employer as soon as practicable of their absence, the reason for it and how long they expect to be away from work. There is no minimum service period for an employee to qualify for this right.

THE RIGHT TO REQUEST FLEXIBLE WORKING

All employees with more than 26 weeks service have the right to request flexible working.

Flexible working arrangements may include:

- Changes to an employee's days or hours of work
- Job sharing
- Arrangements to work during school term time only
- Working from home

Whilst Anglia Care Trust is not obliged to agree to a request for flexible working, the organisation does have a legal duty to consider such request seriously. Anglia Care Trust may refuse a request where there are sound business reasons for doing so.

Procedure

The employee must:

- make their request in writing, state the date the request is made, the change to working conditions they are seeking, and the date they would like the change to take effect
- state whether they have made a previous application for flexible work and the date of that application
- what change to working conditions they are seeking and how they think this may affect the business e.g. cost saving to the business
- if they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for disabled employee.

On receipt of the application, Anglia Care Trust has 28 calendar days either to agree to the employee's request or to arrange a meeting with the employee to discuss the request.

The employee has the right to be accompanied by a work colleague to any meeting. If Anglia Care Trust does not permit the employee to be accompanied, an Employment Tribunal may order them to pay the employee compensation of 2 weeks pay, subject to statutory limits.

If a meeting is held to discuss the application, Anglia Care Trust will write to the employee within 14 calendar days of the meeting setting out the decision.

- If the request is agreed to, Anglia Care Trust will confirm the details and a start date
- If the request is refused, Anglia Care Trust will set out in writing the grounds on which the request has been refused and an explanation of the refusal

If the employee wishes to appeal against the decision to refuse a request, he or she must appeal in writing within 14 calendar days, setting out the grounds for the appeal. When the employee has appealed, Anglia Care Trust will hold another meeting with the employee to discuss the appeal within 14 days. They will notify the employee of the result of the appeal meeting in writing, giving details as above, within 14 days.

Anglia Care Trust reserves the right to review flexible working arrangements after they have been in place for 12 months and retains the option to withdraw the flexible working arrangement in place.

Grounds for Refusal

Anglia Care Trust may refuse any application for flexible working on certain specific grounds. These grounds should be specified and a short explanation will be given when refusing any application. The grounds are, in reality, quite wide-ranging and are as follows:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

MEDICAL APPOINTMENTS

All medical and dental appointments should be made outside of normal working hours, or by utilising the flexitime system. Where this is outside of the control of personnel, such as hospital appointments allocated to personnel, then you should advise your line manager as soon as practicable.

Date of next review – October 2019