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# Family policy

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# 1. Purpose of the policy

At Whole Human Education (WHE) we value our team members highly and are committed to supporting you as a person as wholly as possible. This policy sets out the ways that WHE seeks to assist you in creating families and enjoying them.

This policy is divided into these main areas:

- Maternity
- Paternity
- Adoption
- Building alternative families
- Being a parent or carer

This procedure will not discriminate, either directly or indirectly, on the grounds of age, disability, gender reassignment, marriage/civil partnership, relationship/family structure, pregnancy/maternity, race, religion or belief, sex, sexual orientation, trade union membership, or any other personal characteristics.

Throughout this policy the organisation "Whole Human Education" will be referred to as WHE.

The policy and procedure will be reviewed periodically giving due consideration to any legislative changes.

## 2. Maternity (Birth)

If you are pregnant - **congratulations!** This is an exciting, and perhaps a bit scary, time and we would like to make it as easy as possible for you throughout your pregnancy and the period after your baby is born. This policy sets out your statutory rights and responsibilities whilst you are pregnant or if you have recently given birth, and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay.

The following definitions are used in this policy:

Term	Definition
Expected week of childbirth	The week, starting on a Sunday, during which the team member's doctor or midwife expects them to give birth.
Qualifying week	The 15th week before the expected week of childbirth.
Partner	This term refers to your spouse, civil partner or partner, or the father of your child as long as they intend to have parental responsibility.

### 2.1 Notification

You can let us know that you are pregnant as soon as you feel happy to do so. We know that life and work can be more challenging when you are pregnant, and the sooner we know, the more we will be able to do to help and support you through this exciting time of your life. You may be concerned about all sorts of employment issues like how your work will be covered when you are on leave and we are here to assure you that we will

happily sort everything out so you won't need to worry and you should feel nothing but great joy about your pregnancy in relation to work.

Once you have let us know, we will have a meeting with you to discuss anything that is concerning you, your intentions about leave, your antenatal appointments and your health and safety risk assessment. After this meeting, we will write to you within 28 days, confirming the details of the discussion, your rights and leave intentions. If your intentions or circumstances change during your pregnancy, as sometimes happens, please let us know as soon as possible.

To claim maternity leave, you must tell us that you are pregnant by the end of the qualifying week, and complete our maternity leave form, which will help inform us as to your wishes regarding maternity leave. You should also provide us with certificate MATB1, which confirms your expected due date and which is obtained from your midwife. We need this as soon as possible, but we are aware that many midwives do not provide this until a certain week of your pregnancy. Without this form, we are unable to pay you your maternity pay entitlement and the government is unable to pay your Statutory Maternity Pay (SMP).

## 2.2 Rights

During your pregnancy and on returning to work, you have some rights that are defined in law. These include:

### Time off for antenatal care

Once you have told us that you are pregnant you are entitled to take reasonable paid time off work to attend antenatal appointments as advised by your doctor, registered midwife or health visitor. We only ask that you endeavour to give us as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible, or around duties that are more difficult to cover. We know that this is not always possible.

## Health and safety

Once you have told us that you are pregnant we will commence a series of risk assessments. These will include one in relation to any risks to pregnant people that are present in the workplace, which will be carried out as soon as possible and any necessary adjustments made; and another, which will occur when you notify us that you are returning to work, that is in relation to any risks in relation to your having recently given birth or where you will continue to breastfeed/chest-feed your baby after your return to work. For further information about this, please refer to the section on returning to work.

## Sickness absence

If you are absent from work during pregnancy, owing to sickness, you will receive normal sick pay in the same manner as you would during any other sickness absence, provided you have not yet commenced ordinary maternity leave. If, however, you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your expected week of childbirth, your maternity leave will start automatically. For the purposes of monitoring levels of sickness absence, any pregnancy-related illnesses will be disregarded as causing concern in relation to the Wellbeing Policy.

## Your position

On resuming work after maternity leave, you are entitled to return to the same job as you occupied before commencing maternity leave, on the same terms and conditions of employment as if you had not been absent. However, if it is not reasonably practicable for this to happen, we may be forced to offer you suitable alternative work, on terms and conditions that are no less favourable than would have applied if you had not been absent.

## Hours of work

On your return to work you do not have the automatic right to return to a different work pattern than that which you were on before. However, all requests for part-time work or other flexible working arrangements will be considered in line with the WHE Wellbeing Policy in the section entitled "Work-life balance".

## Dismissal

You have the right not to be dismissed because you are pregnant. If your pregnancy means that you are unable to do your job adequately, or it is unlawful for a pregnant person to do your particular job, or where there is a health and safety risk to you or your baby that has been identified but cannot be eliminated, we will make every effort to make reasonable adjustments or find suitable alternative work. If this is not possible we may have to suspend you on full pay. We also reserve the right to require you to be examined by a doctor (either your GP or a doctor commissioned by us) where it is felt that your health, or that of your baby, may be suffering as a result of your continuing to work.

## 2.3 Maternity leave

You are entitled to 52 weeks maternity leave, which is made up of two types of leave: 26 weeks ordinary maternity leave and 26 weeks additional maternity leave. This is regardless of the number of hours you work or your length of service. Additional maternity leave begins on the day after ordinary maternity leave ends. You can start your leave at any time from the beginning of the 11th week before your expected week of childbirth (unless your baby is born prematurely before that date, in which case it will start earlier). If you are away from work because of your pregnancy in the four weeks before your due date, we can ask you to start your maternity leave from then.

When you tell us that you are pregnant we will ask you to think about, and let us know, when you intend to start your maternity leave, but you can either bring this forward or postpone it as long as you give us 28 days notice before the new start date or, if that is not possible, as soon as is reasonably practicable.

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

- Your chosen start date
- The day after you give birth



- The day after any day on which you are absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If you give birth before your maternity leave is due to start, you should let us know as soon as possible and confirm in writing the date of the birth as soon as reasonably practicable. The law obliges all employees to take a minimum of two weeks maternity leave (or four weeks if the role involves factory work) immediately after the birth of the child.

During both periods of maternity leave your contract of employment continues and you are entitled to receive all your contractual benefits, except for your normal salary.

### Maternity leave and annual leave

Due to the nature of working in education where annual leave does not accrue, but is set during the assigned holiday periods, you do not have any rights to accrue annual leave during your maternity leave.

## 2.4 Maternity pay

If you are eligible, Statutory Maternity Pay (SMP) will be paid to you for up to 39 weeks. For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of your average weekly earnings calculated over a specified period. The standard rate of SMP is paid for the remaining 33 weeks (or fewer if you return to work sooner). This is paid at a rate set by the Government for the relevant tax year, or 90% of your average weekly earnings if this is lower than the Government's set weekly rate. The current weekly rate can be found at <https://www.gov.uk/calculate-your-maternity-pay>

You are eligible for SMP if:

- You have been continuously employed by us for at least 26 weeks at the end of the qualifying week and are still employed during that week
- Your average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earning limit for national insurance

- You are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth)
- You provide a MAT B1 form stating your expected week of childbirth
- You give proper notification of your pregnancy in accordance with this policy.

Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions. Employees who are not entitled to SMP may be entitled to receive maternity allowance, payable by the Government.

Whilst we are aware that this is the minimum possible benefit allowed by law, we are currently unable, due to the high cost of covering team absence in a small business, to offer more at this time. We will keep this under review.

If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether ordinary or additional leave), we will adjust your maternity pay calculation to reflect the higher amount where applicable.

## *2.5 Contact during maternity leave*

As a member of a small and close team, we want you to keep in touch with us all and let us know how you're doing along the way. You can keep in contact with all of us by phone, email, text or by popping in to say hello at any time. Before you go on leave we will make sure that we have all your contact details and you can make sure you have ours. We will also discuss any further arrangement that we might want to make later on in your maternity leave for getting you back up to speed and more formal visits. If anything crops up whilst you are on maternity leave (organisational development, new roles in the business) we will make sure you know about it. We may choose to contact you occasionally to see how you are doing and to discuss your plans and intentions.

### *Keeping in touch days*

You can agree to work or attend training for up to 10 days during your maternity leave (as long as it is after the first two weeks after your baby is born), without that work bringing the period of your maternity leave and pay to an end and without a loss of a week's SMP.

These are known as “keeping-in-touch”(KIT) days. Any work carried out on a KIT day shall constitute a whole day’s work for these purposes. This could include only one hour of work but must not include more than eight in one day. You will be paid in full for the hours that you work during KIT days in addition to your maternity pay.

We have no right to require you to come to work for a KIT day, and you have no automatic right to undertake any work, during your maternity leave. Any work undertaken will be in line with normal contractual arrangements and is completely at the discretion of both parties. Any KIT days worked do not extend the period of maternity leave. Working more than the allotted 10 KIT days will affect your maternity pay and could end your leave entitlement early.

## *2.6 Return to work*

At the start of your leave, when we write to you to confirm the details of your leave and pay, we will confirm the date that we expect you to return to work if you take your full leave entitlement.

Before you go, and whilst you are on maternity leave, we will discuss with you your intentions regarding your return to work. If at any time, you change your mind about when you want to return to work, you should discuss this with us as soon as possible and are required to give us 8 weeks notice. We may be happy to waive this notice, if the new arrangements are suitable, but cannot guarantee we will do this.

If you reach the end of your maternity leave and you are unable to return to work due to ill-health, WHE’s normal procedure as set out in the WHE Wellbeing Policy will apply. In any other case, late return without prior agreement will be treated as an unauthorised absence.

When you come back to work, if you are still breastfeeding/chest-feeding, we will provide you with a suitable space in which to rest and express milk as needed. There are also suitable facilities for you to store chest/breast-milk during the working day. If there is anything else that you feel that we could do to support you in managing your return to work, please discuss this with us and we will try to help. We are also happy for someone to

bring your baby to work to visit you for feeding times, if you prefer this option. A suitable room will be provided.

If you decide, at any time during your maternity leave, that you do not wish to return to work, please let us know as soon as you decide. This will not affect your right to maternity leave and pay and will help us in business planning. You must give us at least your normal contractual notice of resignation and bear in mind that if notice is not given in time, we can require that you come in to work for the remainder of your notice period.

## *2.7 Transfer of additional maternity leave*

If you want to, you have the right to transfer some or all of your additional maternity leave entitlement to your partner. This means that you would return to work to allow your partner to take the leave instead of you. If you do this, any entitlement to SMP remaining will also be transferred to your partner.

If you want to return to work early to do this, you should give us proper notification as per the above procedure and notify us that you are intending to transfer your additional leave. We will be happy to provide a written statement to you that you can give to your partner's employer to show that you have returned to work and are transferring your leave. This will enable your partner to easily claim the leave and remaining pay (if applicable) from their employer. Further details should be obtained from your partner's employer. You may also have to complete a form for them.

The minimum period of additional paternity leave is two consecutive weeks so you must have at least two weeks of additional maternity leave left to transfer. There are more details about additional paternity leave in section 3 of this policy.

## *2.8 When things don't go as planned*

Unfortunately sometimes things go wrong with pregnancies and birth. There are a number of sad situations that we must mention to ensure that you know where you stand in these circumstances.

If you have a miscarriage within the first 24 weeks of your pregnancy, you are not entitled to maternity leave and pay. However, we will offer you up to one week of paid leave so that you can take care of your emotional wellbeing. If you give birth to a stillborn baby after 24 weeks of pregnancy, or if your baby dies during, or shortly after birth, you will be entitled to maternity leave and pay as per this policy.

If you are the partner (through marriage, civil partnership or long-term relationship) of someone who has a miscarriage within the first 24 weeks of pregnancy, you are not entitled to paternity leave and pay. However, we will offer you up to two days of paid leave so that you can take care of your emotional wellbeing and that of your partner. If you are the partner (through marriage, civil partnership or long-term relationship) of someone who gives birth to a stillborn baby after 24 weeks of pregnancy, or if your baby dies during, or shortly after birth, you will be entitled to paternity leave and pay as per this policy.

If you find yourself in any one of these sad situations, we will do all that we are able to make it easier for you.

### 3. Paternity (partner)

If your partner is pregnant or you and your partner are expecting a child in some other way - **congratulations!** This is an exciting and perhaps a bit of a scary time and we would like to make it as easy as possible for you. This policy sets out your rights and responsibilities and gives details of the arrangements for paternity leave and pay.

At WHE, paternity leave is available to people in the following situations:

- Your wife, civil partner, or partner is having a baby
- Someone, who you are not in a relationship with, is having your baby and you will have parental responsibility
- You are one of a couple adopting and the other parent is taking full adoption leave
- You are an intended parent through surrogacy and the other parent is being offered the equivalent of full adoption/maternity leave.

In addition you must have 26 weeks service at the 15th week before the baby is due to be born, or in respect of an adopted child, the week in which the child's adopter was notified of having been matched with a child. Paternity leave will not count as parental leave.

The following definitions are used in this policy:

Term	Definition
Expected week of childbirth	The week, starting on a Sunday, during which the associate's doctor or midwife expects her to give birth.
Qualifying week	The 15th week before the expected week of childbirth.

You may be asked to produce evidence of entitlement to paternity leave by signing a self-certification form declaring that you meet these eligibility criteria.

Paternity leave is granted in addition to normal holidays, but due to the nature of education, you do not accrue annual leave during paternity leave. Paternity leave can be taken in two one-week blocks within the first 52 weeks following the child's birth. If the child is born early, it can be taken from the time of birth up to 52 weeks after the expected date of childbirth.

Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

### *3.1 Notification*

#### **Birth**

If you want to request paternity leave in respect of the birth of a child, you must give the following information in writing no later than 15 weeks before the expected week of childbirth:

- The expected week of the child's birth
- How long you intend to take as leave (one or two weeks)
- The date on which you intend to start your paternity leave
- Whether you intend to share leave with your partner
- If you wish to request any annual leave or parental leave following completion of your paternity entitlement.

If you have chosen to start paternity leave on a pre-determined date, and your baby is not born on or before that date, you must change this date and notify us of the change as soon as possible. In all cases, you need to notify us as soon as possible after your baby is born, of their date of birth.

If you have elected to start paternity leave on the date that your baby is born and you are at work on that date, you may leave work as soon as you need to and your paternity leave will start the following day.

## Adoption

In the case of an adopted child, you must give written notice of your intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency.

The notice must specify the following:

- The date the child is expected to be placed for adoption
- The date you intend to start paternity leave
- The length of the intended paternity leave period
- The date on which the adopter was notified of having been matched with the child.

You may change the date on which you want your paternity leave to start providing you notify us of the change at least 28 days before leave was due to start. Where, for some reason, this is impossible, please talk to us as soon as possible.

## 3.2 Ordinary paternity leave

If you meet the eligibility criteria and have notified us appropriately, you can choose to take one week or two consecutive full weeks paternity leave and have the right to return to your job after your paternity leave.

You are entitled to Statutory Paternity Pay during ordinary paternity leave, details of which are given below.

## 3.3 Ordinary paternity pay

If you are eligible, Statutory Paternity Pay (SPP) will be paid to you for a maximum of 2 weeks. This is paid at a rate set by the Government for the relevant tax year, or 90% of



your average weekly earnings if this is lower than the Government's set weekly rate. The current weekly rate can be found at <https://www.gov.uk/paternity-pay-leave/pay>.

You are eligible for SPP if:

- You have been continuously employed by us for at least 26 weeks at the end of the qualifying week and are still employed during that week
- Your average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earning limit for national insurance
- You give proper notification of your partner's pregnancy in accordance with this policy.

Statutory Paternity Pay will begin at the same time as an employee's paternity leave commences and will be paid on the same date that salary would have been paid and will be subject to deductions for tax, National Insurance and any pension contributions in the usual way.

Whilst we are aware that this is the minimum possible benefit allowed by law, we are currently unable, due to the high cost of covering team absence in a small business, to offer more at this time. We will keep this under review.

### *3.4 Additional paternity leave and pay*

If you are eligible, you may take up to 26 weeks additional paternity leave (birth or adoption) within the first year of your child's life, provided that the mother or primary adopter has returned to work before using his or her full entitlement to maternity/adoption leave.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must

be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks. This means that the mother or primary adopter must be able to transfer at least two weeks to you.

During additional paternity leave, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Salary may be replaced by additional statutory paternity pay for some of the additional paternity leave period if you are eligible. The remaining period of additional paternity leave is unpaid.

We would like to encourage you to take any outstanding annual leave due before the commencement of additional paternity leave, and remind you that annual leave must be taken in the year that it is earned. This means that, if the annual leave year is due to end during additional paternity leave, you must take your outstanding entitlement before starting your additional paternity leave.

## Eligibility

In order to be eligible for additional paternity leave, you must satisfy each of the following criteria:

- You must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, married to, the civil partner of, or the partner of the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, you must have been matched with the child for adoption. In both cases you must be taking the leave to care for the child.
- You must have a minimum of 26 weeks service, as at the end of the 15<sup>th</sup> week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15<sup>th</sup> week before the week in which you were notified of having been matched with a child.

- You must remain in continuous employment until the week before the first week of additional paternity leave.
- The mother of the child must be entitled to one or more of the following: maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of the adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work and forfeited a portion of their maternity or adoption leave.

### Notification

If you wish to request additional paternity leave and pay, you must give us eight weeks written notice of the date on which you wish to take the leave and, if applicable, additional statutory paternity pay to commence. The request must be in writing and specify, in the case of a birth child, the date on which the child was expected to be born and the actual date of birth or, in the case of an adopted child, the date on which you were notified of having been matched with the child and the date of placement for adoption. In both cases, the notice must also specify your name and intended start and end date of additional paternity leave and statutory paternity pay.

You must also submit a written and signed self-certification form not less than eight weeks before the proposed start date of additional paternity leave and pay, stating that the purpose of the additional paternity leave/statutory paternity pay period is to care for the child and that you satisfy the relationship eligibility conditions for additional paternity leave and pay.

At the same time, the mother or primary adopter must submit a written and signed declaration form stating:

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

- The start date of their maternity or adoption pay period
- Confirmation that they satisfy the relationship eligibility conditions
- That they consent to us processing the information contained in the declaration form
- That you are, to their knowledge, the sole applicant for additional statutory paternity pay and, in the case of a birth child, also that you are, to their knowledge, the only person exercising the entitlement to additional paternity leave in respect of the child.

We may also ask you to produce the name and business address of the mother's or primary adopter's employer and a copy of the child's birth certificate or, in the case of an adopted child, evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

You can bring forward, delay or cancel your additional paternity leave, provided that you tell us in writing at least six weeks before either the new start date or the original start date, whichever is sooner. If for any reason that is not possible, please tell us as soon as is reasonably practicable.

When we have received your request we will formally respond in writing within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.

### Contact and keeping in touch

Shortly before your additional paternity leave starts, we will discuss the arrangements for you to keep in touch during your leave, should you wish to do so. We reserve the right in any event to maintain reasonable contact with you from time to time during your additional paternity leave. This may be to discuss your plans for returning to work, any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

You can agree to come to work (or attend training) for up to 10 days during additional paternity leave without that work bringing the period of your additional paternity leave and pay to an end. These are known as "keeping-in-touch" days. Any work carried out

on a day shall constitute a day's work for these purposes but must not exceed 8 hours in one day.

We have no right to require you to carry out any work, and you have no right to undertake any work without our approval during your additional paternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between us. Any keeping-in-touch days worked do not extend the period of additional paternity leave. Once the keeping-in-touch days have been used up, you must not work during your leave as it will affect your entitlement to statutory paternity pay and could bring your leave entitlement to an end.

### Returning to work after additional paternity leave

We will formally advise you, in writing, of the end date of your additional paternity leave. You are expected to return on the next working day after this date, unless you notify us otherwise. If you are unable to attend work at the end of additional paternity leave due to sickness or injury, our normal arrangements for sickness absence will apply (see WHE's Wellbeing Policy). In any other case, late return without prior authorisation will be treated as unauthorised absence.

If you wish to return to work earlier than the expected return date, you must let us know at least six weeks in advance of your early return, preferably in writing. If you fail to do so, we may postpone your return till the 6 weeks has elapsed, provided that this is not later than the expected return date.

If you decide not to return to work after additional paternity leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after additional paternity leave has ended, we may require you to work for the remainder of your notice period.

On resuming work after both ordinary and additional paternity leave (in the latter case where it was an isolated period of leave or taken with certain other types of statutory leave), you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been

absent. If for any reason this is not possible, a position of the same financial standing will be provided.

### *3.5 Additional paternity leave and pay*

Additional statutory paternity pay may be payable during some of the additional paternity leave. This is applicable if your partner who has taken maternity or adoption leave has returned to work before their entitlement to SMP/SAP has ended. The remaining allowance might be paid to you instead if:

- You are the father of the child or married to, the civil partner of, or the partner of, the child's mother, married to, the civil partner of, or the partner of, the child's primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) or, in the case of adoption, have been matched with the child for adoption, and in either case intend to care for the child during the additional statutory paternity pay period.
- You have a minimum of 26 weeks service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which you were notified of having been matched with the child.
- You remain in continuous employment until the week before the additional statutory paternity pay period begins.
- Your average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions.
- The mother is entitled to statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter is entitled to statutory adoption pay, and the mother or primary adopter has returned to work before their full entitlement to statutory maternity pay/maternity allowance/statutory adoption pay has been exhausted.
- The mother or primary adopter has at least two weeks of their maternity or adoption pay period that remains unexpired.
- They give proper notification in accordance with the rules set out above.

Any statutory paternity pay due during additional paternity leave will be paid at a flat rate laid down by statute or 90% of average weekly earnings if this is less. Please see the link above for the current amount. Statutory paternity pay is payable whether or not you intend to return to work after your additional paternity leave.

## 4. Adoption (primary adoptive parent)

If you have begun the adoption process or are considering adoption, **congratulations!** This is an exciting and perhaps a bit of a scary time for you and we would like to make it as easy as possible for you throughout the adoption process. This policy sets out your statutory rights and responsibilities in order that you can take appropriate leave to care for your adopted child as soon as they are placed with you.

Adoption leave applies where a child is newly matched with adoptive parents by an adoption agency, and is available if you have worked continuously for us for 26 weeks ending with the week in which you were notified of being matched with a child for adoption. If you adopt a child as a couple, you and your partner must decide which of you has adoption leave (which is broadly speaking equivalent to maternity leave). The other partner may qualify for paternity leave.

### 4.1 Notification

You can let us know that you are intending to adopt a child as soon as you are happy to do so. We know that the process can be challenging and the sooner we know the more we will be able to do to help and support you through this exciting time of your life. You may be concerned about all sorts of employment issues like how your work will be covered when you are on leave and we are here to assure you that we will happily sort everything out so you won't need to worry and you should feel nothing but great joy.

To claim adoption leave, you must tell us that you wish to do so within 7 days of being matched with a child by your adoption agency. When you do this you need to tell us the expected date that the child will be placed with you, and the date on which you intend to start your leave.

You must provide us with a matching certificate, which will be completed by the adoption agency and given to you. If you change your mind about the date on which you want to start your leave, or circumstances change, you should let us know at least 28



days before the date in question where reasonably practical. We will of course be as flexible as we can be.

We will formally respond in writing to this within 28 days, confirming the date on which you are expected to return to work if you take the full 52-week entitlement to adoption leave.

## 4.2 Rights

### Your position

On resuming work after adoption leave, you are entitled to return to the same job as you occupied before commencing adoption leave, on the same terms and conditions of employment as if you had not been absent. However, if it is not reasonably practicable for this to happen, we may be forced to offer you suitable alternative work, on terms and conditions that are no less favourable than would have applied if you had not been absent.

### Hours of work

On your return to work you do not have the automatic right to return to a different work pattern than that which you were on before. However, all requests for part-time work or other flexible working arrangements will be considered in line with the WHE Wellbeing Policy in the section entitled "Work-life balance".

## 4.3 Adoption leave

You are entitled to 52 weeks adoption leave which is made up of two types of leave: 26 weeks ordinary adoption leave and 26 weeks additional adoption leave. Additional adoption leave begins on the first day after ordinary adoption leave ends. You can choose to start your adoption leave up to 14 days before your child is placed with you for adoption.

### Adoption leave and annual leave

Due to the nature of working in education where annual leave does not accrue, but is set during the assigned holiday periods, you do not have any rights to accrue annual leave during your adoption leave.

## 4.4 Adoption pay

If you are eligible, Statutory Adoption Pay (SAP) will be paid to you for up to 39 weeks. For the first six weeks, SAP is paid at the higher rate, which is equivalent to 90% of your average weekly earnings calculated over a specified period. The standard rate of SAP is paid for the remaining 33 weeks (or fewer if you return to work sooner). This is paid at a rate set by the Government for the relevant tax year, or 90% of your average weekly earnings if this is lower than the Government's set weekly rate. The current weekly rate can be found at <https://www.gov.uk/adoption-pay-leave/pay>.

You are eligible for SAP if:

- You have been continuously employed by us for at least 26 weeks at the end of the week in which you are notified of having been matched with a child and are still employed during that week
- Your average weekly earnings are more than the National Insurance lower earnings limit
- You have been matched with a child to be placed with you by a UK adoption agency
- You have notified the agency that you agree that the child should be placed with you and the date of the placement
- You can provide a matching certificate completed by the adoption agency
- You give proper notification of your adoption in accordance with this policy.

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

Whilst we are aware that this is the minimum possible benefit allowed by law, we are currently unable, due to the high cost of covering staff absence in a small business, to offer more at this time. We will keep this under review.

If you become eligible for a pay rise between the start of the original calculation period and the end of your adoption leave (whether ordinary or additional leave), we will adjust your adoption pay calculation to reflect the higher amount where applicable.

## *4.5 Contact during adoption leave*

We are a small and close team, and we want you to keep in touch with us all and let us know how you're doing along the way. You can keep in contact with all of us by phone, email, text or by popping in to say hello at any time. Before you go off on leave we will make sure we have all your contact details and you can make sure you have ours. We will also discuss any further arrangement that we might want to make later on in your adoption leave for getting you back up to speed and more formal visits. If anything crops up whilst you are on adoption leave (organisational development, new roles in the business) we will make sure that you know about it. We may choose to contact you occasionally to see how you are doing and to discuss your plans and intentions.

### *Keeping-in-touch days*

You can agree to work or attend training for up to 10 days during your adoption leave, without that work bringing the period of your adoption leave and pay to an end and without a loss of a week's SAP. These are known as "keeping-in-touch"(KIT) days. Any work carried out on a KIT day shall constitute a whole day's work for these purposes. This could include only one hour of work but must not include more than eight in one day. You will be paid in full for the hours that you work during KIT days in addition to your adoption pay.

We have no right to require you to come to work for a KIT day, and you have no automatic right to undertake any work, during your adoption leave. Any work undertaken will be in line with normal contractual arrangements and is completely at the discretion of both parties. Any KIT days worked do not extend the period of adoption leave. Working more than the allotted 10 KIT days will affect your adoption pay and could end your leave entitlement early.

## *4.6 Returning to work after adoption leave*

At the start of your leave, when we write to you to confirm the details of your leave and pay, we will confirm the date that we expect you to return to work if you take your full leave entitlement. Before you go, and whilst you are on adoption leave, we will discuss with you your intentions regarding your return to work. If at any time, you change your mind about when you want to return to work, you should discuss this with us as soon as possible and are required to give us 8 weeks notice. We may be happy to waive this notice if the new arrangements are suitable, but cannot guarantee we will do this.

If you reach the end of your adoption leave and you are unable to return to work due to ill-health, WHE's normal procedure as set out in the WHE Wellbeing Policy will apply. In any other case, late return without prior agreement will be treated as an unauthorised absence.

As an adoptive parent it may seem unlikely that you will chest/breastfeed. However, we are aware that it is possible and so when you do come back to work, if you are chest/breastfeeding we will provide you with a suitable space in which to rest and express milk as needed. There are also suitable facilities for you to store chest/breast-milk during the working day. If there is anything else that you feel that we could do to support you in managing your return to work, please discuss this with us and we will try to help. We are also happy for someone to bring your baby to work to visit you for feeding times, if you prefer this option. We will provide a suitable room for this.

If you decide, at any time during your adoption leave, that you do not wish to return to work, please let us know as soon as you decide. This will not affect your right to adoption leave and pay and will help us in business planning. You must give us at least your normal contractual notice of resignation and bear in mind that, if notice is not given in time, we can require that you come in to work for the remainder of your notice period.

## *4.7 Transfer of additional adoption leave*

If you want to, you have the right to transfer some or all of your additional adoption leave entitlement to your partner. This means that you would return to work to allow your

partner to take the leave instead of you. If you do this, any entitlement to SAP remaining will also be transferred to your partner.

If you want to return to work early to do this, you should give us proper notification as per the above procedure and notify us that you are intending to transfer your additional leave. We will be happy to provide a written statement to you that you can give to your partner's employer to show that you have returned to work and are transferring your leave. This will enable your partner to easily claim the leave and remaining pay (if applicable) from their employer. Further details should be obtained from your partner's employer. You may also have to complete a form for them. In order to transfer any leave to your partner, you must have at least two weeks of additional adoption leave left to transfer.

## 5. Building alternative families

We intend to offer as much support as we are able to all team members who are building their families, or indeed supporting other people in building families. In this section we have set out the rights and entitlements that we offer team members at WHE in relation to this. Leave under this section of the policy is given in the spirit of our values and principles. We trust that you will take the minimum amount of time that you need and will remain mindful at all times that your absence impacts the success of the business.

### *5.1 Being a surrogate*

Surrogate mothers have exactly the same rights and entitlements to maternity leave and antenatal appointments as other pregnant women. We realise that, in order to become a surrogate mother, you will likely have to attend appointments for fertility treatment. To assist you in doing this we can offer you a greater degree of flexibility with your hours to allow you to accommodate these appointments.

### *5.2 Intended parents through surrogacy*

If you are using a surrogate to assist you in building your family, one parent can take adoption leave as described in section 4 of this policy, and their partner can take paternity leave as described in section 3 of this policy.

The leave is available in the same manner as adoption leave. This means that one parent can take the full intended parents leave and the other would take paternity leave. For example, if you as the WHE associate wish to take intended parent's leave, your partner cannot take the equivalent leave from their employer as well. If you do not choose to do this because your partner is taking the main part of leave, you will be entitled to the equivalent of paternity leave.

To be eligible for this leave you must provide a photocopy of your surrogate's MatB1 form by the 15th week before the expected date of delivery, along with a signed statement

from her that you are the intended parents, and will, upon the birth of the baby she is carrying, accept full parental responsibility for the child.

For more details about this leave, please look at the section on adoption leave.

### *5.3 Egg and sperm donors*

If you are acting as an egg or sperm donor to assist a family with conception, we will support you as far as we possibly can. Firstly, we would be happy to assist you by using our contacts to ensure that you find the best possible information and treatment available to you. Secondly, we will offer you appropriate flexibility with your hours of work to allow you to attend appointments.

### *5.4 Other fertility treatment*

If you require fertility treatment in order to build your family, we will support you as far as we possibly can. We understand that this may be a sensitive issue for you and hope that you feel that you can let us know as soon as you are ready. Once you have let us know we can help you in two ways. Firstly, we would be happy to assist you by using our contacts to ensure that you find the best possible information and treatment available to you. Secondly, we will offer you appropriate flexibility with your hours of work to allow you to attend appointments.

### *5.5 Families with more than two parents*

We understand that there are many different family situations and are completely supportive of all family structures. If your family has more than two parents, we will offer leave that reflects your credible status as parents. Only one parent in a family is able to take maternity or adoption leave and pay, and by law only one partner of that parent is able to take paternity leave. However, if you are an additional parent in the same family, we will offer you paternity leave as well, as long as you meet the usual criteria for paternity leave and pay, and as long as you will have parental responsibility for the child (this does not necessarily need to be formal as long as we know and can confirm the circumstances).

## 6. Parents and carers

Parents and carers that come to work have some rights in law and some entitlements set out in this section of the family policy. These rights and entitlements are designed to make it easier for you to balance your work commitments with the needs of your family and responsibilities as a parent or carer.

### 6.1 Parental leave

This section outlines your rights and responsibilities in relation to parental leave. To qualify for parental leave, you must have completed at least one year's continuous service. You are entitled to up to 18 weeks unpaid parental leave per child if you meet one of the following conditions:

- You are the parent of a child, or have acquired formal parental responsibility for a child, who is under five years of age
- You have adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18th birthday, whichever is the sooner)
- You are the additional parent or step-parent of a child and all the parents with formal parental responsibility agree that you are also responsible for the child.

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

Further to this definition in law, we extend this to include parents who clearly have parental responsibility, even if this is not recognised in law. Team members for whom this applies must tell us they have responsibility for a child in this way as soon as they start their employment, or as soon as they gain responsibility, whichever is sooner. It must be at least 6 months before claiming entitlements to leave.



## Rights

Your contractual rights of employment remain the same throughout your period of parental leave. This includes your right to accrue annual leave, your rights and responsibilities in terms of notice periods, redundancy and disciplinary and grievance procedures will also be protected.

## Restrictions

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

## Notice

You must give us at least 21 days notice, in writing, of taking parental leave. This notification must include the dates when the leave is to begin and end. If you wish to take leave immediately after the birth of a child or the placement of an adopted child, you should give 21 days notice before the expected week of childbirth or placement.

## Evidence

You may be asked to produce a copy of the child's birth certificate or, where you are exercising a right in relation to a disabled child, details of the child's entitlement to Disability Living Allowance. If this does not show proof of parental responsibility, you may also be required to produce further evidence, for example, adoption papers, written statements from other parents responsible for that child or other professional agencies.

## Taking parental leave

Parental leave must be taken in blocks of at least one week (except in relation to a child who is disabled). For these purposes, a week is considered to be your normal working week. This means that if, for example, your working week is 5 days, one day taken as parental leave will count as a week of your entitlement. Where you are normally required under your contract of employment to work at varying times in a week or a longer period or to work in some weeks and not others, a week is the total of those periods in a year divided by 52. A maximum of 4 weeks parental leave may be taken in one year.

Parents of disabled children can take their leave in blocks and multiples of one day rather than one week.

### Postponement of parental leave

Parental leave can be postponed in consultation with us in the following circumstances:

- Where more time is needed to make arrangements for covering your work.
- Where there is a peak in workload that is relevant to your area of expertise.
- Where your skills are needed at a particular time and the work cannot easily be covered.

Leave should be postponed for no longer than necessary and in any event no more than 6 months after the commencement of the period originally requested. Notice of postponement will be given to you in writing giving the reason for the postponement and the suggested dates for taking the leave. We will not postpone leave if the leave is to be taken upon the birth of a child or upon the placement of a child for adoption.

### Return to work

On return to work, if you have taken less than 4 consecutive weeks of parental leave (and this did not follow immediately from a period of additional maternity or adoption leave), you will be guaranteed return to the same post. If the parental leave was more than 4 weeks, every effort will be made for you to return to the same post. If not, the post offered will be similar to the one which you held before the start of the leave.

### Records

We will keep a record of your parental leave on your personal file. You will be asked to declare how much (if any) parental leave you have already taken with previous employers.

Any misuse of the scheme will be dealt with under the Dignity policy under the disciplinary section.

## *6.2 Emergency leave for dependants*

If you are a parent, or you care for someone that is dependent on you for that care, you have the right to take reasonable time off to deal with an emergency regarding the care of that person. A dependant is likely to be your child, spouse, parent or partner but could potentially be anybody for whose care you have responsibility.

An “emergency” must be unexpected, such as a dependant becoming suddenly ill or injured, or their usual care arrangements being interrupted unexpectedly. A hospital appointment or childminder’s holiday is not considered an emergency as it is planned in advance.

A “reasonable” time has not been defined in law but is generally agreed to be no more than one or two days in the majority of circumstances. This time is to allow you to deal with a crisis, and/or to make other arrangements for longer term or alternative care for the dependant.

Leave for dependants is unpaid.

## 7. Policy administration

### *7.1 Monitoring and Review*

The WHE directors monitor the effectiveness of this policy on an ongoing basis and review the policy at least annually. The Human Needs director is responsible for ensuring that this policy is compliant with employment legislation and represents the best interests of both the business and all team members.

### *7.2 Record keeping*

WHE keeps a variety of records in regard to the dignity of our team members. All instances of grievance, disciplinary, capability support, bullying and harassment and breaches of the EDI policy are monitored and logged in a secure document which is only accessible to relevant leadership. All personal details of team members are recorded securely in the team member's personal file and are kept highly confidential.

### *7.3 Related policies, procedures and documents*

- Behaviour policy
- Equality, Diversity and Inclusion policy
- Health and safety policy
- Team dignity policy
- Team wellbeing policy
- Team handbook