



## Parental and Family Leave Policy

### Policy Statement

Spirit is committed to helping staff find a balance between their working and family lives. It is our policy to recognise all the statutory rights for parents at work.

This Policy sets out your statutory and contractual rights and the conditions you need to fulfil in order to be eligible for:

1. Maternity leave and pay
2. Paternity leave and pay
3. Adoption leave and pay
4. Shared Parental leave
5. Parental Leave, Childcare and dependants' leave
6. Flexible working requests – caring for children or adults

### Policy Definitions

“Matching for adoption” is the decision by a registered adoption agency that a particular child or children should be placed with a prospective adopter or adopters.

A "partner", in relation to a child's mother or adopter, means a person, whether of a different sex or the same sex, who lives with the mother or adopter and the child in an enduring family relationship, but is not the mother's or adopter's parent, grandparent, sister, brother, aunt or uncle.

### Policy Guidelines

#### 1. Maternity Leave and Pay

If you become pregnant during your employment with Spirit you are entitled to:

- ✦ Take up to 52 weeks' maternity leave at any time from the beginning of the 11<sup>th</sup> week before the expected week of childbirth, plus up to four weeks' unpaid parental leave if you choose to take this leave at this stage rather than subsequently<sup>1</sup>.
- ✦ The full benefits of your normal terms and conditions of employment, except for terms relating to payment and employers' contributory pension, continue throughout your maternity leave.
- ✦ Accrue annual leave during your period of maternity leave.
- ✦ Reasonable paid time off for ante-natal care, including doctors' appointments.

### Shared Parental Leave

While female employees are entitled to a possible 52 weeks' leave, some couples may choose to divide the period of leave entitlement between them. If you are a Spirit staff member and the partner of a woman who has returned to work after less than 52 weeks, you may opt to take Shared Parental Leave for the remainder of the period. Shared Parental Leave will be paid at the same rate and in the same way as Spirit's maternity pay entitlement for the remainder of the leave period (at EMP or SMP). For example, if your partner returns to work after the initial 6-week period at 90%, you will commence your leave on SMP or half pay, depending how long you have been employed with us. If you wish to take Shared Parental Leave you must give 8 weeks written notification. If you are on Maternity Leave from Spirit and wish to take Shared Parental Leave you must give us 8 weeks-notice of your intention to return and your partner's Shared Parental Leave will be paid by their employer under their terms and conditions of service. (see Section 4 for more details).

### Statutory Maternity Pay (SMP)

If you have worked for Spirit for 26 weeks by the end of the 15<sup>th</sup> week before the Expected Date of Childbirth, and have average weekly earnings in the 8 weeks up to and including the 15<sup>th</sup> week at or above the lower earnings limit for the payment of National Insurance, you will be entitled to Statutory Maternity Pay for 39 weeks. The rate for the first 6 weeks of SMP is to 90% of average weekly earnings and the rate for the remainder is the lower statutory level or 90% of the average weekly earnings if this is less than the current SMP rate.

### Enhanced Maternity Pay (EMP)

If you have worked for Spirit for 2 years (24 months) by the end of the 15<sup>th</sup> week before the expected Date of Childbirth, you are entitled to Enhanced Maternity Pay. You will be entitled to the first 6 weeks at 90% of your average weekly earnings (as SMP), then to a further 12 weeks at 50% of your average weekly earnings (plus SMP). For the remainder of the paid Maternity Leave period, 21 weeks, you will be entitled to Statutory Maternity Pay (SMP).

---

<sup>1</sup> If you choose to take further parental leave, there is another 14 weeks' entitlement to unpaid parental leave to be taken before your child's fifth birthday.

## Starting Maternity Leave

The earliest date you can start maternity leave is the beginning of the 11<sup>th</sup> week before your baby is expected to be born. You cannot work in the two weeks after your baby is born.

You must notify Spirit in writing no later than the end of the 15<sup>th</sup> week before your baby is due to be born (i.e. by the end of the 24<sup>th</sup> week of pregnancy), of your intention to take maternity leave and the date you wish to begin your leave. We will respond to this notification within 28 days and confirm the date by which we expect you to return to work after you finish your maternity leave entitlement (i.e. the end of the maximum 52-week period). Please address requests to the Chief Executive.

After notifying Spirit, you are entitled to change the date you intend to start your maternity leave by giving us 28 days' notice unless this is not reasonably practical (for example if your baby is born early and you have to start your leave straight away).

Spirit can trigger the period of maternity leave automatically if you are absent for pregnancy related sickness 4 weeks before the expected week of childbirth. If your baby is born before the date on which your maternity leave is due to start, your maternity leave will start on the day after the day your baby is born.

We will ask to see a certificate (MATB1) confirming the Expected Date of Childbirth of your baby.

## Returning to Work after Maternity Leave

On returning to work, you have the right to return to the job in which you were employed (if returning after 26 weeks). If you are returning after 52 weeks' leave we will offer you one of equivalent status, with protected rights to pay and conditions and benefits.

If you are returning from the full 52-week maternity leave period, you do not need to give Spirit any further notice. However, if you wish to come back to work before the end of the full 52-week maternity leave period, you must give us 8 weeks' notice in writing.

We will require you to pay any Enhanced Maternity Pay (above SMP) to Spirit if you do not return to work for 3 months following your Parental Leave period.

If you have taken SMP there is no penalty if you do not in fact return to work but you should give Spirit notice of your intention to leave in accordance with your contractual notice period.

## Neo-Natal Leave

If your baby is born early and requires a period of stay in a hospital neo-natal unit you will be able to add the hospitalisation time to the end of your maternity or shared parental leave up to a maximum period of 3 months.

## Keeping in Touch during Maternity Leave

### Contact

During maternity leave, we may make reasonable contact with you and in the same way you may make contact with us. The frequency and nature of the contact will depend on factors such as the nature of the work and your post, any agreement that you have reached with us before your maternity leave began as to contact and whether either party needs to communicate important information to the other, such as for example news of changes at Spirit that might affect you on your return.

### “Keeping in Touch” days

You may, by agreement with Spirit, undertake up to ten days’ work, known as “Keeping in Touch” days, under your contract of employment during your maternity leave without losing your SMP or maternity leave rights. “Keeping in Touch” days may be undertaken at any stage during your Maternity Leave, by agreement, other than during the first two weeks after your baby is born.

“Keeping in Touch” days are different from the reasonable contact that you and Spirit may make during your maternity leave. During “Keeping in Touch” days, if you and Spirit agree, you can undertake and be paid for work.

We cannot require you to work during your maternity leave, neither are you required to agree to undertake any work. Spirit is also not required to provide or agree to any work or any request to work by you under this arrangement. You will not suffer any detriment if you choose not to undertake any work under this arrangement.

Any work done on any day during the Maternity Leave Period will count as a *whole* “Keeping in Touch” day, up to the 10-day maximum. For example, if you come in for a one-hour training session and do no other work that day, you will have used one of your “Keeping in Touch” days.

The type of work that you might undertake on “Keeping in Touch” days is a matter for agreement between us. The days may be used for any activity which would ordinarily be classed as work under your contract, but also could be used to enable you, for example, to attend a conference, undertake a training activity or attend a team meeting.

If you undertake work under this arrangement you are entitled to be paid for all hours worked. Payment will be based on your normal salary levels on an hourly basis, where applicable. Payment for any work undertaken would be made in the next available payroll. Where you are receiving SMP and undertake work under the “Keeping in Touch” arrangement, we will continue to pay SMP and pay the difference between the SMP rate and your normal rate of pay for all hours worked.

## 2. Paternity Leave and Pay<sup>2</sup>

If you are the partner of a mother or an adopter, you may be entitled to paid paternity or adoption leave to support the mother or adopter or to look after the child.

### Eligibility

To be eligible for 2 weeks' **ordinary paternity leave and pay**, you must have 26 weeks' service with Spirit by the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC), in the case of a mother, and by the beginning of the week on which a child is matched with the adopter in the case of adoption.

### Period of Paternity Leave

You must take Paternity Leave as a single period of one week or two consecutive weeks within 56 days of the child's birth or 56 days of the first day of the expected week of childbirth, whichever is later.

### Notice of Paternity Leave

Either before or during the 15th week before the EWC or as soon as practicable after this, you must notify us in writing:

- ✚ How much paternity leave you would like to take.
- ✚ The date of the Expected Week of Childbirth.
- ✚ The date when you want the leave to begin. This date can be the actual date of the birth, or a date falling a specified number of days after the birth, or a predetermined date which is later than the first day of the expected week of childbirth.

We recognise that if you are a prospective adopter, you may not know with any certainty of the date when a child will be matched with you. You are, however, expected to act responsibly, to give us as much information as you have and to comply with the notification requirements as far as you are able.

## 3. Adoption Leave and Pay

Adoption pay and leave are available for the same period and at the same rate as enhanced or statutory maternity entitlements for one adoptive parent when a child is matched or placed for adoption, and for the same period and at the same rate as paternity entitlements for the other parent. The maternity-equivalent leave and pay are called adoption leave and adoption pay. The paternity-equivalent leave and pay are called paternity leave (adoption) and paternity pay (adoption).

Where there are two adopters, they can decide who takes the adoption leave and pay and who takes the paternity leave and pay (adoption). Where there is one adoptive parent that one takes the adoption leave and pay, and their partner, if they have one, takes the paternity leave and pay (adoption).

### Eligibility

---

<sup>2</sup> The right to paid paternity leave is in addition to any parental leave rights, for example Shared Parental Leave.

For both adoption and paternity leave and pay (adoption) the parent(s) must have been employed by Spirit for at least 26 weeks ending with the week when an approved adoption agency matches an adopter with a child. For enhanced adoption pay, you must have been employed by Spirit for two years (24 months), as set out for Enhanced Maternity Pay. We recognise that if you are a prospective adopter, you may not know with any certainty the date when a child will be matched with you. We do, however, expect you to act responsibly, to give us as much information as you have and to comply with the notification requirements as far as you are able.

#### **4. Shared Parental Leave**

Female employees who take maternity leave are entitled to up to 52 weeks' leave, and under current legislation some couples may choose to divide the period of leave entitlement between them. The mother must take 2 weeks compulsory maternity leave following the birth. If she then returns to work during the 52-week maternity leave period, her partner may opt to take Shared Parental Leave for the remainder of the period. We will pay Shared Parental Leave at the same rate and in the same way as maternity and adoption pay at the rate applicable to the period it is being taken (i.e. for EMP - SPL taken after the initial 6-week period at 90% will be paid at half pay, between 18 and 39 weeks it will be paid at SMP, thereafter unpaid). Likewise, if it is the Spirit staff member on Maternity Leave, your partner will be paid by their employer according to their terms and conditions of service. You may take SPL in blocks of time rather than one continuous period during the 52-week period.

If you wish to take Shared Parental Leave you must give Spirit 8 weeks written notification ('binding notice') of your intention to return (for the mother) or to take SPL (for the partner).

You can find more information on Shared Parental Leave on the ACAS website.

#### **5. Parental Leave, Child Care and Dependants' Leave**

If you have one year's service or more with Spirit and have children, you are entitled to 18 weeks' unpaid parental leave to be taken before the child's 5th birthday, or the fifth anniversary of the adoption of a child.

The leave can start once the child is born or placed for adoption. If the children are twins, the entitlement will be 18 weeks for each child. If the child is disabled, the leave will be 18 weeks and may be taken up to the child's 18th birthday.

The maximum amount of leave will be four weeks in any one year.

This entitlement can be taken in blocks or multiples of one week. Where the child is disabled it may be taken in blocks of one day.

Ordinarily, you need to give us 21 days' notice of the intention to take the extended unpaid leave and how much you wish to take, unless, for example there is a medical emergency. All Spirit staff are entitled to up to 5 days discretionary paid leave to cover urgent, short term family emergencies (see Annual Leave policy).

Parental leave can be subject to postponement for up to six months if Spirit considers that the organisation cannot cope with your absence at a particular time, unless the leave is being added to a period of maternity or additional paternity leave.

You are also entitled to a reasonable amount of unpaid time off to attend to essential matters relating to children you are parenting and/or any dependant person(s) for whom you are acting as carer.

For the purposes of claiming dependant's leave, a dependant is defined as a partner, parent or other close relative, close friend or another person for whom you are undertaking a caring obligation on a voluntary basis which, in normal circumstances, does not conflict with your working hours.

## **6. Flexible Working Requests – Caring for Children or Adults**

If you have caring responsibilities for children or adults, including elderly or disabled relatives, you have the right to make a request to extend Spirit's existing flexible working arrangements (following the procedure outlined in the Flexible Working Policy).

### **Monitoring and Review of this policy**

We will review this policy once every three years, or if an issue arises that requires us to amend it for example change to relevant legislation. We will train staff in the process and hold refresher training annually, so all staff know what to do if an issue arises.