

## **37. TIME OFF FOR DEPENDANTS POLICY**

### **1. When Time off for Dependants can be taken**

You will be entitled to take a reasonable amount of time off, without pay, during your working hours where:

- 1.1 you have to provide assistance to a dependant who has fallen ill, given birth or is injured or assaulted,
- 1.2 you have to make arrangements for the provision of care for a dependant who is ill or injured,
- 1.3 the arrangements for the care of a dependant have been unexpectedly disrupted or terminated, or
- 1.4 there has been an incident involving your child which has occurred unexpectedly during a period in which an educational establishment such as a school which your child attends was responsible for him/her.

For the avoidance of doubt, the right to time off is for the purpose of arranging care for the dependant not for the purposes of providing it. The length of time off which will be reasonable under these provisions will depend upon particular circumstances but it is not envisaged that more than a few hours will normally be required.

### **2. Notice**

You will not be entitled to any time off in connection with the above unless you have notified the College the reason for your absence prior to leaving or, where in exceptional circumstances it is not possible to do so, as soon as reasonably practicable.

### **3. Definition of Dependant**

A dependant includes a spouse, a child, a parent and a person who lives in the same household as you otherwise than by reason of being your employee, tenant, lodger or boarder. A dependant may also be any person in terms of 1.1 or 1.2 above who reasonably relies on you for assistance on an occasion where he/she has fallen ill or is injured or assaulted or where a person reasonably relies on you to make arrangements for the provision of care in the event of illness or injury. A dependant may also include in terms of 1.3 above any person who reasonably relies on you to make arrangements for the provision of care.

### **4. Bereavement**

At the discretion of the College, a period not normally exceeding three days at any one time may be granted as bereavement leave in the event of death of an immediate family member up to a maximum of 5 days per year (paid at 8 hours per day). Prior permission must be sought from the Vice Principal.

**3 Please read section 6 of the Adoption Policy before deleting as appropriate.**

Please note that in the event that you are adopting jointly, only one of you is entitled to adoption leave and pay and you must therefore chose who is to take this entitlement. Your partner may be eligible for paternity leave and pay.

- I declare that I have chosen to take adoption leave and adoption pay, and not paternity leave and paternity pay, in respect of this adoption.

*Signature:* \_\_\_\_\_

**3.1 FORM B**

**Notice of Date of Return to Work**

**Please use this Notice only if you wish to return to work before your Adoption Leave period ends.**

This notice must be given to your Manager at least 8 weeks before you wish to return to work.

You are advised to read the Adoption Policy before completing this notice.

TO: \_\_\_\_\_ (Vice Principal)

C.C. Principal

FROM: \_\_\_\_\_ (Employee Name)

\_\_\_\_\_ (Position)

DATE: \_\_\_\_\_

- 
- I wish to return to work on \_\_\_\_\_

*Signature:* \_\_\_\_\_

remain in the plan for the duration of your Adoption Leave. You will continue to accrue benefits based on your pensionable salary before Adoption Leave.

However, you will only be required to pay your employees' contribution based on your actual (reduced) earnings. In some circumstances you will not be required to make any employee contributions. Please refer to the Vice Principal for further information.

## 9. Any Further Questions?

Please feel free to contact a member of the Vice Principal to discuss this document in more detail.

## FORM A - Notice of Adoption Leave

You are advised to read the Adoption Policy before completing this notice.

This completed form must be given to the Vice Principal within at least 7 days of being notified by your adoption agency that you have been matched with a child for adoption. If you are unable to give notice within this period, providing you give notice as soon as possible and you state the reason for the lack of notification, your adoption rights will not be affected.

The Vice Principal will write to you within 28 days of receipt of this notice to confirm your adoption leave and pay entitlement and the date on which your adoption leave period will end.

TO: \_\_\_\_\_ (Vice Principal)

C.C. Principal

FROM: \_\_\_\_\_ (Employee Name)

\_\_\_\_\_ (Position)

DATE: \_\_\_\_\_

- 
- I wish to inform you that I have been matched with a child by an adoption agency.
  - I expect the child to be placed with me on \_\_\_\_\_
  - The **original** copy of my Matching Certificate is attached / will follow.

## 2 Please delete as appropriate

- I wish to commence my adoption leave on \_\_\_\_\_
- *I intend / do not intend to return to work following my adoption leave.*

You do not need to take any action before commencing your Adoption Leave. We will look forward to your return on the date set out in our letter to you confirming your expected date of return. However, it would be helpful if you could keep us up-to-date with your plans.

If you do decide that you do not wish to return to work after the end of your Adoption Leave, please let the Vice Principal know as soon as possible. In any event, you should give us notice in accordance with the terms of your employment agreement.

**(iv) If you do not wish to return to work after your Adoption Leave**

You do not need to take any action *before* commencing your Adoption Leave. However, it would be helpful if you could advise the Vice Principal, as soon as possible of the date when you will be stopping work to commence your Adoption Leave. It would also be helpful when completing Form A to indicate that you will not be returning to work after the end of your Adoption Leave.

Please note that if you proceed in this way you will lose the right to return to work should you change your mind at a later date (or if your circumstances change). Nonetheless, if you are eligible for Adoption Pay you will still be entitled to receive it.

**(b) What Is Your Position On Return To Work?**

If you return to work immediately after conclusion of your Ordinary Adoption Leave, you will return to work in the same job that you left before you started your Adoption Leave.

If you return to work from a period of Additional Adoption Leave you will return to a job as provided for by your contract of employment. In exceptional circumstances, this will not necessarily be the same job that you were doing before you started your Adoption Leave. However, you will be offered a similar job which has the same or better status and terms and conditions than your previous job.

## **8. Entitlement To Company Benefits**

Your entitlement to the following College benefits will continue throughout the duration of your Adoption Leave as follows:

### **Holiday Entitlement**

You will continue to accrue holiday for the first 26 weeks of your Ordinary Adoption Leave only. This accrued holiday may be added on to the end of your Adoption

Leave period. Should you decide not to return to work at the end of your Adoption Leave this accrued holiday will be paid in full together with any final monies owing to you.

### **Pension**

If you are a member of the College Stakeholder Pension Scheme you will continue to

## **6. Keeping in Touch Days**

### **(i) General Rules**

To enable the college to keep in contact with you during your adoption leave, you can now work for up to 10 days without bringing the adoption leave period to an end. The keeping-in-touch days do not have to be consecutive. They can be used for training or any other activity, such as a staff meeting, that enables you to keep in touch with the workplace. Working for part of a day will count as one day's work.

Your manager may also make reasonable contact with you, regardless of whether or not you do any work during your leave, for example to discuss your return to work, if applicable. Doing so will not bring the leave period to an end.

Any work you do during your adoption leave will be by mutual agreement with your manager.

### **(ii) Payment for keeping-in-touch days**

If you do work for up to 10 days during your adoption pay period, you can do so without losing Statutory Adoption Pay, if you are entitled to it. You will also be entitled to receive your normal rate of pay, which will be offset against the SAP rate in force at that time.

Once the keeping-in-touch days have been used up, you will lose a week's SAP for the whole week even if you work only a few hours during the week. If a week contains, for example, the last of the keeping-in-touch days and another day of work, you will lose that week's SAP.

## **7. Returning to Work From Adoption Leave**

### **(a) When Do You Have to Notify Us?**

#### **(i) If you wish to return to work after your Adoption Leave**

You do not need to take any further action. We will look forward to your return on the date set out in our letter to you confirming your expected date of return.

#### **(ii) If you wish to return to work before the end of your Adoption Leave**

If you wish to return before the end of your Adoption Leave period (i.e. 52 weeks leave), you will need to give us at least 8 weeks notice of your intention to do so. Please use Form C on page 11 for this purpose.

#### **(iii) If you are not sure whether you will wish to return to work after your Adoption Leave**

We will not be able to pay your Adoption Pay without your Matching Certificate.

#### **4. Your Entitlements**

##### **(a) Adoption Leave**

If you are eligible for adoption leave, you are entitled to 52 weeks Adoption Leave, which consists of 26 weeks Ordinary Adoption Leave, followed immediately by 26 weeks Additional Adoption Leave.

##### **(ii) Other Leave Issues**

You are only entitled to one period of leave per placement, whether or not you adopt more than one child as part of the same arrangement.

If your child's placement ends during your Adoption Leave, you will be able to continue Adoption Leave for up to 8 weeks after the week in which the placement ends.

Should you commence your Adoption Leave prior to the date of the child's placement and you are then notified that the placement will not be made, you will be able to continue Adoption Leave for up to 8 weeks after the week in which the notification is received.

##### **(b) Adoption Pay**

Statutory Adoption Pay will be paid for 39 weeks:

- At the rate in effect at the time, less tax and National Insurance contributions, Or
- 90% of average weekly earnings if this is less than £100.00, less tax and National Insurance contributions, whichever is the lower.

##### **(ii) If you work for another Employer**

If you work for another employer during your Adoption Leave you must notify us as soon as possible, as your entitlement to Adoption Pay may be affected.

#### **5. When Does Your Adoption Leave and Adoption Pay Start?**

You may choose to start your leave:

- From the date of the child's placement
- From a fixed date which must be no more than 14 days before the expected date of placement.

Leave can start on any day of the week.

If you are matched with a child you may only choose to begin your period of Adoption Leave on a fixed date and at least 28 days after the written notice is given.

\*Please note that adoption leave and pay are **unavailable** when a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children. You may be either:

- An individual who is adopting, or
- One half of a couple where a couple adopt jointly (only one half of a couple may take Adoption Leave. The other person may be entitled to take Paternity Leave.)

### **3. Telling Us About Your Proposed Adoption**

#### **(a) Initial Notification**

We appreciate that in the early stages of the adoption process you may feel unwilling to divulge your intention to adopt. However, there may come a time when you need to speak to someone to clarify your adoption rights.

Please feel free to contact the Vice Principal , in complete confidence, for guidance on your rights at any time.

#### **(b) Formal Notification**

You must give notice in writing to the Vice Principal of your intention to take Adoption Leave within at least 7 days of being notified by your adoption agency that you have been matched with a child for adoption (or as soon as is reasonably practicable). Please complete Form A (Notification of Adoption Leave). This should confirm:

- That you have been matched with a child for adoption by an adoption agency
- The date when you expect the child to be placed with you
- \*The date when you intend the Adoption Leave to start

\*If you change your mind about when you wish to take Adoption Leave, you should give written notice within 28 days of the date on which you want Adoption Leave to start.

We will write to you within 28 days of receipt of your completed Form A. In this letter we will confirm the date on which we expect you to return to work, which will be the day after your Additional Adoption Leave period ends.

#### **(c) Providing us with confirmation of your proposed adoption**

You will need to provide your manager with your Matching Certificate, which is issued by your adoption agency. The Matching Certificate should contain the following information:

- The name and address of the agency
- The date on which you were notified that you had been matched with the child
- The date on which the agency expects to place the child with you.

you to take will begin and end; and

- 4.4 that notice is given to you not more than seven days after your notice was given to the College .

## **5. Minimum Period of Parental Leave**

You may not take parental leave in a period other than the period which constitutes a week's leave for you or a multiple of that period, except in a case where the child in respect of whom leave is taken is entitled to disability living allowance where individual days may be taken.

## **6. Maximum Period of Parental Leave**

You may not take more than four weeks leave in respect of any individual child during a particular year.

# **ADOPTION LEAVE POLICY**

## **1. Introduction**

First of all, congratulations! On behalf of the college we wish you every happiness on the arrival of your adopted child into your family.

The following document sets out the College policy on Adoption Leave, Adoption Pay and all other issues relating to adoption. The rules surrounding adoption issues are quite complex, so once you have read through this document, please feel free to contact the Vice Principal to discuss your rights in more detail if you have further queries.

As an employee of the College your specific entitlement to Adoption Leave and Adoption Pay will depend on your length of service with the Company. Provided you have at least 26 weeks continuous service, your main rights will be the right to 52 weeks Adoption Leave, which consists of 26 weeks Ordinary Adoption Leave, followed directly by 26 weeks Additional Adoption Leave; the right to Statutory Adoption Pay; and the right to return to work from Adoption Leave.

## **2. Your Eligibility For Adoption Leave**

To qualify for adoption leave, you must:

- Have worked continuously for the College for 26 weeks by the week in which you are notified of being matched with a child for adoption
- Be newly matched with a child under 18 for adoption by an approved adoption agency
- Have notified the adoption agency of your agreement to the placement of the child with you and to the placement date
- Follow the notification requirements as set out in "Telling us about your proposed adoption".



living allowance.

## **2. When Parental Leave can be taken**

The parental leave must be exercised before the child's fifth birthday except:

- 2.1 in a case where the child is entitled to a disability living allowance, where it can be exercised anytime before the date of the child's eighteenth birthday; or
- 2.2 in a case where the child was placed with you for adoption (other than a case where sub-paragraph 2.1 applies), where it can be exercised before the fifth anniversary of the date on which the placement began or the date of the child's eighteenth birthday whichever is the earlier; or
- 2.3 in a case where the College has postponed a period of parental leave which you would have taken but for the fact that the College may postpone it (see below) where it can be exercised as agreed with the College.

## **3. Conditions of Entitlement**

You will not be entitled to any parental leave unless:-

- 3.1 you have complied with a request by the College to produce for the College's inspection evidence of your responsibility or expected responsibility for the child in respect of whom you wish to take parental leave, the child's date of birth or in the case of a child who is placed with you for adoption, the date on which the placement began and in the case where your right to exercise an entitlement to parental leave or to take a particular period of leave depends upon

whether the child is entitled to a disability living allowance, the child's entitlement to that allowance.

- 3.2 you have given the College notice of the period of leave you propose to take together with the dates on which the period of leave is to begin and end at least 21 days before the date on which that period is to begin.

## **4. Postponement of Parental Leave**

The College may postpone a period of parental leave where:-

- 4.1 the College considers that the operation of the business would be unduly disrupted if you took leave during the period identified in your notice; and
- 4.2 the College agrees to permit you to take a period of leave of the same duration as the period identified in your notice and beginning on a date determined by the College after consulting you, which is no later than six months after the commencement of that period; and
- 4.3 the College gives you notice in writing of the postponement which states the reason for it and specifies the dates on which the period of leave the College agrees to permit

- a predetermined date following the birth or when child expected to be placed with the adopter but which must be before the end of 56 days following birth.

#### **4. Qualification for Paternity Pay**

You will be entitled to Statutory Paternity Pay (“SPP”) if you are eligible to take Paternity Leave provided you satisfy the following additional requirements:

- 4.1 you have been continuously employed for at least 26 weeks as at the relevant week and continuing until the date of the birth of the child; and
- 4.2 you have normal weekly earnings for the period of 8 weeks ending with the relevant week of not less than the lower earnings limit in force at that time for payment of National Insurance Contributions.

#### **5. Rate of Pay**

SPP will be paid for either one or two consecutive weeks, whichever period of leave you have chosen, beginning at the date on which you have chosen to commence your leave.

SPP is paid at whichever is the lesser of the statutory rate or 90% of your normal weekly earnings for the period of 6 weeks preceding the relevant week.

#### **6. Giving Notice**

Notice referred to at 2.4 above must be given in writing on or before the 15<sup>th</sup> week before childbirth or as “soon as reasonably practicable”.

In the event you wish to change the start date you must give notice to the College of the date when PL is to begin at least 28 days in advance or as soon “as is reasonably practicable”;

### **PARENTAL LEAVE POLICY**

#### **1. Entitlement to Parental Leave**

Subject to the provisions below, if you have been continuously employed with the Company for a period of not less than one year you will be entitled to parental leave, without pay, for 13\* weeks per child for the purpose of caring for any child for whom you have or expect to have parental responsibility provided such leave is taken:

- 1.1 on or before the child’s 5th birthday or;
- 1.2 where the child is adopted, within the first 5 years following adoption or;
- 1.3 where the child is receiving disability living allowance, any time until the child’s 18th birthday.

\*the amount of leave increases to 18 weeks where the child is receiving disability