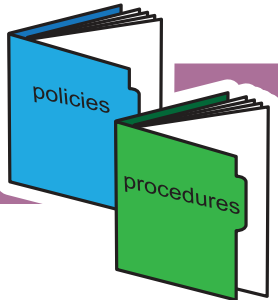


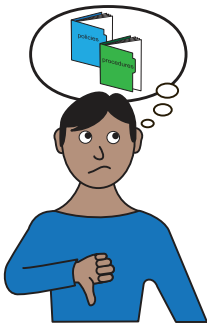


policies and procedures

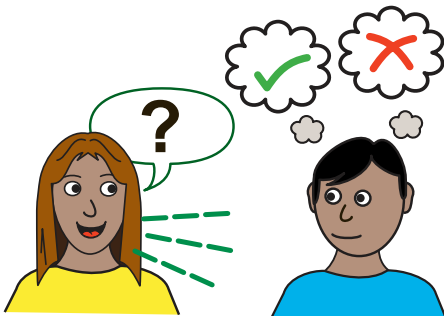


Our 'policies and procedures' are the rules about how we do things at Pyramid.

Following our policies and procedures helps to keep everybody safe.

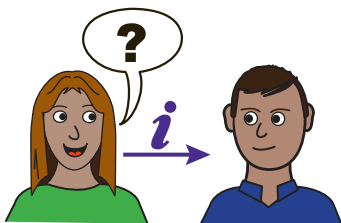


The policies and procedures also tell us what to do if something goes wrong.

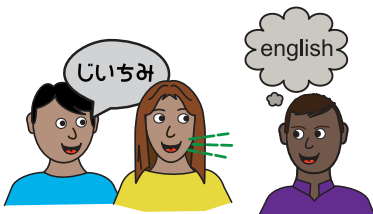


It is important that everybody at Pyramid can access and understand our policies and procedures.

The office team can help with this.



Please contact us if you would like support to read or understand this policy.



We can meet with you to talk about it. Or we can provide information in different format / language to suit your needs.



phone: **0113 234 6040**
text: **07531 215 999**
email: **info@pyramid.org.uk**



PYRAMID

Parental Leave and Pay Policy

This policy is based on the Pay and Employment Rights Service (PERS) Parental Leave and Pay model policy, dated 09/04/15.

Policy Statement

Pyramid recognises the need of its employees to balance their work life with other responsibilities, and the value to the organisation's performance and culture of a staff team which is fairly treated, fairly paid and whose members receive adequate and appropriate support throughout the various stages of their working life.

1. Maternity leave and pay

Current statutory rights will be adhered to by Pyramid.

Statutory Maternity Pay (SMP)

Statutory Maternity Pay (SMP) is paid for a period of 39 weeks.

Currently, women who have 26 weeks service with Pyramid by the end of the 15th week before the baby is due (broadly those women whose pregnancy began after they started work for Pyramid) and who earn above the current Lower Earnings Limit are entitled to 39 weeks Statutory Maternity Pay ("SMP") and additional pay, depending on length of service, as shown in the table below. 'Length of service' is taken to be months completed before the expected date of childbirth on the MatB1 form provided by your health professional. The contractual benefit shown is inclusive of any SMP:

length of service	contractual benefit
under 6 months	none
6 to 11 months	9 weeks 90%, 9 weeks half pay
12 to 29 months	13 weeks 90%, 13 weeks half pay
over 30 months	18 weeks 90%, 18 weeks half pay

SMP will be payable up to the end of the 39 week SMP period once contractual benefits have run out and /or whenever SMP is more than a half pay contractual entitlement.

Entitlements to Statutory Maternity Pay change regularly and the amount a woman gets, which is set in the Budget, changes annually. Employees can check changes to the rates and whether or not they qualify for



Statutory Maternity Pay (SMP) or for Maternity Allowance (MA) by consulting the PERS website www.pers.org.uk, and search for the Parental and Adoption Leave/ Pay leaflet or the HMRC website www.hmrc.gov.uk.

Maternity leave

Employees are entitled to reasonable paid time off for antenatal care. A mother's partner can take unpaid time off to attend 2 antenatal appointments lasting up to 6.5 hours each.

All employees are entitled to 52 weeks maternity leave regardless of their length of service.

Notice

A pregnant employee must tell her employer of her intention to take maternity leave by the end of the 15th week before the Expected Week of Childbirth ("EWC") unless this is not reasonably practicable. She will need to tell her employer, preferably in writing:

- that she is pregnant
- the week the baby is expected to be born
- when she wants to start her maternity leave

If the employee qualifies for Statutory Maternity Pay (SMP) she must give at least 28 days' notice of when she wants it to start and provide medical evidence of the due date. The MatB1 Certificate (issued after a 20 week scan) or equivalent can be used for this purpose.

Whenever reasonable, the employee must give 28 days' notice of any change of dates.

Start of maternity leave

The earliest start date for maternity leave is the beginning of the 11th week before the EWC.

Pyramid will respond to the employee's notification to take maternity leave in writing within 28 days. This letter will set out when Pyramid will expect the employee to return to work if she takes her full entitlement.

If the employee is absent from work with a pregnancy related illness during the four weeks before the start of the EWC, maternity leave and pay start automatically regardless of when she actually wants her maternity leave to start.



If the baby is born before the notified date or before any notification, the maternity leave period starts automatically and the employee should give notification as soon as is reasonably practicable.

Contractual rights

During maternity leave employees continue to benefit from all their terms and conditions except pay. In particular, employees continue to accrue paid holidays throughout maternity leave. Holiday is accrued at the contractual rate if this is greater than the statutory entitlement. All or some of the accrued paid holiday may be taken as an additional period of leave at the beginning or end of statutory maternity leave. Holiday should normally be taken in the holiday year to which it applies, with customary flexibility to carry over a limited amount by agreement.

Returning to work

After Ordinary Maternity Leave (the first 26 weeks) the employee will have the right to return to the same job as if there had been no absence.

After Additional Maternity Leave (the second 26 weeks) the employee will have the right to return to the same job, unless this is not reasonably practicable. If this is not practicable the employee will be offered a similar post on terms and conditions no less favourable than the original post.

If a redundancy situation has arisen the employee will be offered a suitable alternative vacancy where one is available. If no alternative is available, she will be treated fairly and in the same manner as all other employees. The maternity leave will not be taken into consideration.

Notice of return to work

Employees do not have to give notice to Pyramid of their intention to return to work unless they intend to return to work early (before the end of 52 weeks maternity leave) or curtail their maternity leave, see below. If the employee does intend to return to work early or curtail their maternity leave they must give eight weeks' notice/ a curtailment notice in writing to Pyramid. Please note that it is unlawful for a woman to return to work within two weeks of giving birth.

In addition to statutory maternity leave, a new mother with sufficient length of service also has the right to periods of unpaid parental leave.



Employees have the right to request flexible working patterns when they return to work. Pyramid will respond sympathetically and will do their best to accommodate any such requests where this can be done without detriment to the service.

'Keeping in touch days'

The Work and Families Act 2006 allows an employer to make contact with an employee (and vice-versa) whilst they are on maternity leave, as long as the amount and type of contact is not unreasonable. This may be to discuss their plans for returning to work, or to keep them informed of important developments at the workplace. They should also be informed of any relevant promotion opportunities or job vacancies that arise during maternity leave.

The Work and Families Act also allows an employee to do up to 10 days' work during their maternity leave, as long as both employer and employee have agreed for this to happen. They should also agree on what work is to be done and how much the employee will be paid for it. This will not affect the length of maternity leave.

Shared Parental leave

A mother can opt to share her remaining leave (any or all of it after the compulsory maternity leave period) and pay with her partner, provided both satisfy qualifying conditions, see below for further information. 'Shared keeping in touch days' are available for parents, see section 4.

2. Paternity leave and pay

Current statutory rights will be adhered to by Pyramid.

Paternity leave

For the purposes of paternity leave the term 'partner' also refers to one partner in a same sex couple. Similarly all references to he/ his could be she/ her.



Qualifying conditions

An employee is eligible for paternity leave if he has or expects to have responsibility for a baby's upbringing and is either or both:

- the biological father of the baby
- the mother's husband or partner

In addition the employee must:

- have worked continuously for Pyramid for 26 weeks ending with the 15th week before the baby is due and still be employed by Pyramid at the date of birth
- be taking time off either to care for the baby or support the mother

Ante-natal appointments

There is no right to paid time off to attend antenatal appointments for the partner of a pregnant woman, but unpaid time off can be requested for two appointments lasting up to 6.5 hours each.

Paternity Leave

The following paternity leave terms apply:

- Any person who has 26 weeks continuous service ending with the 15th week before the expected date of the birth of the baby and who is supporting a partner having a baby is entitled to paid leave of absence of up to 3 weeks, and up to a further 3 weeks unpaid leave, about the time of childbirth (see below). This includes Statutory Paternity Pay (SPP) and must be taken as one block of leave.
- For staff with less than the above length of service, entitlement is to 1 week paid leave and 1 week unpaid leave.
- Employees can only take one period of leave even if more than one baby is born.
- Paternity leave cannot start until the birth of the baby. Employees can choose to start their leave:
 - on the date of the baby's birth
 - on a date falling such number of days after the date on which the child is born as the employee notifies Pyramid

or

- on a chosen date as notified to Pyramid which falls after the first day of the expected week of childbirth.



- Paternity leave must be taken within 56 days of the actual birth of the child. If the child is born earlier than expected the leave must be taken between the birth and 56 days from the first day of the expected week of birth.

Notification

Employees must whenever reasonable inform Pyramid of their intention to take paternity leave before the 15th week before the EWC.

Statutory Paternity Pay (SPP)

SPP is paid for up to 2 weeks (see above), either at the current fixed rate for SPP or 90% of average weekly earnings, whichever is the lower.

Qualifying conditions

An employee must fulfil the same length of service requirements as for Statutory Paternity Leave (see above) **and** must earn above the Lower Earnings Limit for National Insurance Contributions.

Notification

To qualify for Statutory Paternity Pay (SPP) the employee must inform Pyramid at least 28 days before they intend to take paternity leave. Employees can notify their intention to take leave and claim SPP at the same time as long as this is before the 15th week before the EWC. The notification should include:

- the expected week of the baby's birth
- whether one or two weeks leave will be taken
- when the period of leave will start

The employee must give Pyramid a signed declaration in order to get SPP. This must state that the employee:

- is taking time off to care for the child or to support the mother or both
- has or expects to have responsibility for the upbringing of the child
- is the father of the child and / or the partner or husband of the mother

Pyramid will accept this declaration at face value unless there is significant evidence that this is not the case.

Any change to the period of requested paternity leave must be negotiated with the Director and the request should still be made more than 28 days before the period requested. If this isn't possible the employee must inform Pyramid as soon as is reasonably practicable and a new self-certification should be completed.



A new mother's partner who has insufficient length of service to qualify for paternity leave and pay is entitled to take limited unpaid time off at the time of the birth as dependants' leave.

Most new fathers are also entitled to periods of unpaid parental leave, provided they have sufficient length of service, see Parental Leave below.

Shared Parental leave

Employees whose partner is expecting a baby can opt to take shared parental leave with their partner, provided both satisfy qualifying conditions, see below for further information.

Premature Birth

a) Where an employee's baby is born alive prematurely the employee will be entitled to the same amount of maternity/paternity leave and pay as if the baby was born full term.

b) Where an employee's baby is born before the eleventh week before the expected week of childbirth and the employee has worked during the actual week of childbirth:-

Maternity leave will start on the first day of the employee's absence. If the baby is in hospital, the employee may split their maternity leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest of the leave following the baby's discharge from hospital.

Paternity leave entitlement and pay is the same as if the baby had been born in the expected week of childbirth.

Miscarriage, stillbirth or death

a) In the event of a miscarriage, stillbirth or death before the 25th week of pregnancy, normal sick leave procedures apply.

b) In the event of a stillbirth at any point from the commencement of the 25th week of pregnancy the employee is entitled to leave and pay as per this policy.

c) In the event of the death of a child occurring within 28 days of a live birth the employee is entitled to the full maternity leave and pay.

d) In the event of the death of a child occurring after the above period, employees are entitled to parental bereavement leave and pay of two weeks. Eligible parents can take both the leave and pay as either a single block of two weeks, or as two separate blocks of one week taken at different times. The employee has 56 weeks from the date of their child's death in which to take the entitlement.



3. Adoption leave and pay

Staff with continuous service required by legislation (currently 26 weeks at the date of matching for adoption) who are adopting a child under 18 years of age from the UK as a new member of the family through an adoption agency may have the equivalent of either maternity entitlement as above, or paternity entitlement as above.

Couples who are adopting should note that only one parent in an adopting partnership may have the full maternity entitlement.

Leave can start up to 14 days before the placement.

Individuals fostering a child under the “Fostering for Adoption” scheme operated by local authorities are also entitled to take adoption leave and pay (pay is subject to length of service and minimum weekly thresholds). Eligibility requirements are the same as those for adoption leave (see above).

Adoptive parents are entitled to the separate right to unpaid parental leave in the same way as employees taking paternity or maternity leave. They are also entitled to time off for adoption appointments. The main adopter can attend up to 5 appointments (paid time off) and the secondary one can attend up to two (unpaid).

Where a couple adopt a child one can choose to take adoption leave and the other can opt for maternity leave. Adoptive parents can opt to take shared parental leave in the same manner as natural birth parents provided both satisfy qualifying conditions.

Surrogate parents are also eligible for adoption leave.

4. Shared Parental Leave (SPL)

Employees expecting a child or adopting one can opt to share parental leave and pay between them, provided the mother curtails her maternity leave and they both satisfy the qualifying conditions below. All references to mother and maternity leave apply to a primary adopter and adoption leave.



Qualifying Conditions

Employees are eligible for SPL if:

- both parties (mother, adoptive or birth and her partner) have 26 weeks continuous service at the end of the qualifying week (15th week before the expected week of childbirth – EWC/ placement)

and

- have or expect to have responsibility for the baby's/child's upbringing
- the mother has curtailed her maternity leave
- for Shared Parental Pay (ShPP) – both parents' average earnings are over the Lower Earnings limit in the 8 weeks before the qualifying week.

Employees can check their eligibility here: <https://www.gov.uk/pay-leave-for-parents>

Curtilment notice and declarations

An employee must curtail her maternity leave with a leave curtailment notice prior to taking SPL. This can be issued pre or post birth and can only be withdrawn if it is issued pre-birth, if e.g. the mother's partner dies or either partner is no longer entitled to the leave, such as loss of employment.

At least 8 weeks before their first period of SPL, an employee must tell Pyramid of their intention to take SPL.

This 'period of leave notice' will include:

- Their and their partner's name and NI numbers
- The EWC/ child's date of birth/ placement
- The start and end dates of each period of SPL
- Their entitlement and intention to take SPL
- How much SPL is available and the amount of SPL each will take
- When they intend taking this leave (though this can be varied.)

The parents must also give Pyramid a declaration (SPL1) stating:

- That they are both entitled to the leave and satisfy the eligibility criteria, see above
- The information they have provided is accurate
- That if either fails to meet the eligibility criteria at any time in the future they will notify the employer
- Their joint consent to the amount of leave each will take.



Once Pyramid has received an employee's notice of intention to take SPL, Pyramid will request a copy of the child's birth/ placement certificate and the name and address of the employee's partner's employer. The employee has 14 days to respond to this request.

If an employee requests one period of continuous leave, Pyramid will honour this, but if the request is for discontinuous leave Pyramid may agree with the request, refuse it or vary it. Pyramid will not refuse or vary a request for SPL without first holding a meeting with the employee to discuss alternatives. The reasons a request for SPL could be refused are:

- additional cost
- a detrimental impact on service delivery, quantity or quality of work
- planned structural changes
- the inability to provide cover either by reorganising existing staff or recruiting new ones
- insufficient work during the requested period

If no agreement is reached in 14 days the employee can withdraw their request and take the leave in one continuous block. The employee has the right to accompaniment at this meeting(s) and a right of appeal to the Board of Trustees.

Contractual rights

An employee can share up to 20 SPLIT shared parental leave in touch days with their partner. As with KIT days these will not affect an employee's right to shared parental leave or pay. Other terms and conditions in place during SPL are:

- There are 50 weeks shared parental leave available for sharing
- There are 37 weeks shared parental pay available for sharing
- All non-cash benefits continue through SPL
- Pension contributions continue during SPL
- Contractual and statutory leave accrue throughout SPL.
- Service is not broken

There is no right to sick pay when on SPL.

Fathers and partners on SPL have the same rights as mothers on Maternity leave.



5. Unpaid Parental Leave, including adoptive parents

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

To qualify for parental leave the employee must:

- be named on the birth certificate

or

- have parental responsibility for the child, or expect to have in cases where parental responsibility is in the process of being determined by a Family Court

or

- have legally adopted the child

Employees must have worked for Pyramid continuously for a year by the time they want to take parental leave.

Parental leave must be to care for a child. This may include:

- to spend more time with the child
- to accompany a child during a stay in hospital
- to research pre-schools and schools / educational establishments
- to settle a child into new childcare arrangements/ schools
- to enable the family to spend more time together e.g. visiting grand parents
- attend (special) support sessions/ classes

If the employee uses parental leave for other purposes than to care for a child, the employee will be subject to Pyramid' disciplinary process.



- Parents, including adoptive parents, can take parental leave up to their child's 18th birthday.
- Parents are entitled to 18 weeks unpaid parental leave for each qualifying child.
- Employees can take up to four weeks of parental leave in a year (counted January - December).
- Employees must give 21 days' notice if intending to take parental leave of three days or more.
- Statutory parental leave is unpaid. Staff may wish to use holiday or TOIL if they wish to take paid time off to be with their children.

6. Time off for dependants / compassionate leave

Please see the separate 'Dependants Leave Policy' for taking time off to care for dependants (including dependant adults).

7. Flexible working arrangements

Pyramid endeavours to ensure that employees are able to work flexibly in order to meet their personal and family needs and as part of its Equality and Diversity and Health and Safety policies. Flexible working arrangements must be agreed with the employee's line manager and recorded in the employee's personnel file.

The needs of Pyramid and the associated services remain paramount.

8. Unpaid leave

There is no entitlement or right to unpaid leave, unless by statutory entitlement (e.g. parental or dependants leave) or in accordance with agreed contractual benefits as specified in this document and associated policies. Usually, unpaid leave will only be permitted in exceptional circumstances. Applications will be considered individually by the Director in consultation with the Board of Trustees.



Relevant legislation

Maternity & Parental Leave Regulations 1999

Work and Families Act 2006

Employment Rights Act 1996

Maternity & Parental Leave (Amendment) Regulations 2001

Flexible Working Regulations 2003

Sex Discrimination Act 1975 (Amendment) Regulations 2008

Paternity & Adoption Leave (Amendment) Regulations 2008

Children and Families Act 2014

Further information

PERS helpline 01924 428033 or admin@pers.org.uk or www.pers.org.uk following links to 'Publications'

www.workingfamilies.org.uk www.gov.uk

HM Revenue and Customs has forms and tables relating to entitlements to maternity and paternity pay www.hmrc.gov.uk/employers/. See link to 'statutory payments'.

<http://www.acas.org.uk/index.aspx?articleid=4911>