



Lancashire
Global Education Centre

Family Friendly Policies

Purpose

LGEC recognises that good family friendly policies are essential for the effective and efficient operation of the organisation, for the safety and well being of all employees and for the maintenance of an environment in which staff can gain satisfaction from their work whilst maintaining a good work/life balance.

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Maternity Policy

The right to maternity leave

Pregnant employees, working under an LGEC contract of employment, are entitled to take up to 52 weeks' statutory maternity leave (SML) around the birth of their child. This includes surrogate mothers and mothers who have undergone IVF treatment.

The SML period is made up of 26 weeks' ordinary maternity leave (OML) followed immediately by 26 weeks' additional maternity leave (AML).

Compulsory maternity leave

An employee must take a minimum of two weeks' leave after the birth of her child.

Multiple births

SML remains at 52 weeks regardless of the number of children resulting from a single pregnancy.

Stillbirths

If the birth results in a stillborn baby, there is still the entitlement to maternity leave - but only if the birth happens after 24 weeks of pregnancy.

If the stillbirth occurs before the end of the 24th week of pregnancy, there is the opportunity for the employee to take sick or compassionate leave instead.

Death of baby during or after the day of birth

If the baby is born alive at any point in the pregnancy but then later dies, the employee is still entitled to maternity leave.

The right to return to work

The right to return to work is determined by how much leave is taken. If only OML is taken, the employee is entitled to return to her original job. If AML is taken, the employee is still entitled to return to her job, subject however to the proviso that if it is not reasonably practicable, LGEC may provide a job that is suitable and appropriate for her on terms and conditions no less favourable.

Maternity leave

Maternity leave can start at any time from the 11th week before the expected week of childbirth. The employee will decide when to start their maternity leave.

If the employee is ill during the last 4 weeks of pregnancy, with a pregnancy related illness, the employee's maternity leave will start automatically, from the first day of absence due to sickness.

If the employee wants to take maternity leave, she must provide the employer with the following information in writing no later than the end of the 15th week before the expected week of childbirth:

- i. that they are pregnant
- ii. the expected date of childbirth, by the means of the medical certificate form MATB1
- iii. the date on which they want to start maternity leave

- iv. if the employee wants to take Extended Maternity Absence (see 16 below) she must also give notice of this intention.

The employee can change the date she wants her leave to start as long as she notifies the employer 28 days before the date she originally chose or, if it is earlier, 28 days before the new date she wants her leave to start.

All pregnant employees are entitled to reasonable paid time off for antenatal care, including doctor's appointments.

An employee taking maternity leave has the right to return to work to the same job that they left in line with current legal provisions. If the employee intends to return to work at the end of their maternity leave period she does not have to give notice of this fact. However, it is helpful to LGEC if notice is given as soon as possible in advance of the return to work. If the employee wants to return to work before the end of the maternity leave period, they must give LGEC at least 8 weeks notice in writing of this, calculated backwards from the date of the proposed new return date.

During the ordinary maternity leave and additional maternity leave the employee is entitled to the same benefits from her normal terms and conditions of employment.

Additional Maternity Leave

Employees are entitled to 26 weeks' additional maternity leave. Additional maternity leave period begins at the end of ordinary maternity leave. This can be up to 52 weeks in total (11 weeks leave may be taken before the expected date of childbirth and up to 41 weeks after the baby is born)

If the employee intends to return to work at the end of their Additional Maternity Leave Period she does not have to give notice of this fact. However, it is helpful to LGEC if notice is given as soon as possible in advance of the return to work. If the employee wants to return to work before the end of the Additional Maternity Leave Period, they must give LGEC at least 8 weeks notice in writing of this. There is no penalty if the employee does not in fact return to work.

Maternity Pay

Employees are entitled to Statutory Maternity Pay (SMP) for up to 39 weeks if they satisfy all of the following conditions:

- i. The employee has worked for LGEC continually for at least 26 weeks, by the 15th week before the expected week of childbirth (the qualifying week).
- ii. The employee's average weekly earnings during the 8 weeks to two months up to and including the qualifying week, have been at least equivalent to the lower earnings limit.
- iii. The employee has given LGEC notice of their intention to take maternity leave as set out in the paragraphs above.

If the employee qualifies for SMP they will receive 90% of their average weekly earnings for the first 6 weeks of leave. The remaining 33 weeks are paid at the flat rate of SMP.

Pregnancy-related absence

If an employee is absent after the beginning of the fourth week before the EWC with a pregnancy related illness, the maternity leave will start from the first day of absence.

The following situations will be treated as normal:

- any non-pregnancy-related sickness absence after the beginning of the fourth week before the EWC
- any sickness absence before the fourth week before the EWC

Earlier-than-expected childbirth

SML also begins on the day after the birth of the child if the birth is before the notified SML start date and the employee has notified LGEC of the date.

This applies even if the birth takes place before the start of the 11th week before the EWC. In these circumstances, the employee should give notice - in writing of:

- the date of the birth if it has already taken place
- the original expected date of birth

The employee is required to provide the evidence of the actual and expected dates of birth on the maternity certificate (MAT B1) provided by her doctor or midwife.

Keeping in touch days

“Keeping in touch” days form part of both statutory and additional maternity leave.

The employee may work for up to 10 days without bringing maternity leave to an end or losing

SMP. This is to enable the employee to keep in touch with LGEC during their leave if they wish

to do so. The employee can work during ordinary or additional maternity or leave but cannot work during the two weeks of compulsory maternity leave immediately after the birth.

The keeping-in-touch days do not have to be consecutive. They can be used for any work-related activity including training, conferences or meetings. Working for part of a day will count as one day's work. LGEC may make reasonable contact with the employee during maternity or adoption leave, for example, to discuss returning to work. Any work during maternity or adoption leave must be by agreement and neither the employee nor LGEC can insist on it. Days of work will not extend your maternity or adoption leave period. The rate of pay for any days worked during “keeping in touch days” is the staff member's normal rate of pay.

Paternity Policy

Paternity leave

Employees who have worked continuously for their LGEC for 26 weeks leading into the fifteenth week before the baby is due and also up to the birth of the child are entitled to take one or two consecutive weeks' paternity leave providing that:

- i. The employee resumes work and continues to be employed by LGEC following the period of paternity leave
- ii. The paternity leave is arranged in a similar manner to holiday leave

To qualify, an employee must be the biological father of the child or the mother's husband or partner and must have or expect to have responsibility for the child's upbringing. Leave must normally be completed within 56 days from the birth of the child and must be taken to care for the child or support the mother. The employee must write to confirm whether he wishes to take one or two weeks' paternity leave and when he wants his leave to begin.

The partner of an individual who adopts, or the member of a couple adopting jointly who is not taking adoption leave may be entitled to paternity leave. The qualifying conditions are similar to those given above, except that he or she must have worked for LGEC for 26 weeks leading into the week in which the adopter is notified of being matched with a child, and must continue to be employed up to the date of placement of the child for adoption.

During paternity leave employees are entitled to benefit from all their normal terms and conditions of employment and are entitled to return to the same job at the end of their leave.

Paternity Pay

During their paternity leave employees are entitled to one or two consecutive weeks at 90% of their average weekly earnings. The qualifying conditions for SPP are the same as those for SMP (see section 17 above).

Adoption Policy

Where a child is placed for adoption, employees who have worked continuously for LGEC for 26 weeks ending with the week in which they are notified of being matched with a child for adoption will be eligible for up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The right is available to individuals who adopt or one member of a couple adopting jointly.

The employee is required to inform LGEC of their intention to take adoption leave within seven days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They must tell LGEC:

- i. When the child is expected to be placed with them and
- ii. When they want their adoption leave to start

LGEC will respond to the notice within 28 days notifying them of the date on which they expect them to return to work if the full entitlement to adoption leave is taken. They can choose to start leave from the date of the child's placement or from a fixed date, which can be up to 14 days before the expected date of placement.

During adoption leave employees are entitled to benefit from all their normal terms and conditions of employment and are entitled to return to the same job at the end of their leave.

Employees who intend to return to work at the end of their full adoption leave entitlement do not have to give any further notification to their employers. Employees who want to return to work before the end of their adoption leave period must give their employers 28 days' notice of the date they intend to return.

Statutory Adoption Pay

A person who is adopting a child is entitled to Statutory Adoption Pay (SAP) if he or she has been employed by their employer for a continuous period of at least 26 weeks ending with the week in which they are notified by the adoption agency that they have been matched with a child for adoption. The qualifying conditions and rate for SAP are the same as those for SMP (see section 17 above).

Keeping in touch whilst on adoption leave

"Keeping in touch" days form part of both statutory and additional adoption leave.

The employee may work for up to 10 days without bringing maternity leave to an end or losing SMP or statutory adoption pay. This is to enable the employee to keep in touch with LGEC during their leave if they wish to do so. The employee can work during ordinary or additional maternity or leave but cannot work during the two weeks of compulsory maternity leave immediately after the birth.

The keeping-in-touch days do not have to be consecutive. They can be used for any work-related activity including training, conferences or meetings. Working for part of a day will count as one day's work. LGEC may make reasonable contact with the employee during maternity or adoption leave, for example, to discuss returning to work. Any work during maternity or adoption leave must be by agreement and neither the employee nor LGEC can insist on it. Days of work will not extend your maternity or adoption leave period. The rate of pay for any days worked during "keeping in touch days" is the staff member's normal rate of pay.

Parental Leave

Parental leave is available to employees who have, or expect to have, parental responsibility for a child. Employees who have completed one year's service with LGEC are entitled to 13 weeks' unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption with the employee or as soon as the employee has completed a year's service, whichever is later. It may be taken at any time up to the child's fifth birthday (or until five years after placement in the case of adoption). Parents of disabled children can take 18 weeks up to the child's 18th birthday.

Employees remain employed while on parental leave and some terms of their contract, such as contractual notice and redundancy terms, still apply. At the end of parental leave they have the right to return to the same job as before or, if that is not practicable, a similar job which has the same or better status, terms and conditions as the old job; where leave is taken for a period of four weeks or less, the employee is entitled to go back to the same job.

Parental Leave is arranged in a similar manner to holiday leave.

Flexible Working

If you have a child aged 16 or under, you are an employee (but not an agency worker or in the armed forces) and you have worked for your LGEC for 26 weeks continuously before applying, you have the statutory right to ask for flexible working from 6 April 2009. In order to qualify for this right an individual must:

- i. Make the request no later than two weeks before the child's sixth or eighteenth birthday, as appropriate
- ii. Be responsible for the child as its parent
- iii. Be making the application to enable them to care for the child
- iv. Have worked for their employer continuously for 26 weeks at the date the application is made

Applications must be in writing to the LGEC Chief Executive. If the request is agreed, the new working pattern forms change to the employee's terms and conditions, until child reaches the sixth or eighteenth birthday, as appropriate.

Employers can reject an application where they have a clear business reason to do so. LGEC must provide a written explanation setting out why the business reason applies in the circumstances.

Compassionate Leave

LGEC will give sympathetic consideration to any request for compassionate leave on the grounds of hardship or difficulty such as bereavement, severe illness of a relative, etc. Each request for compassionate leave may be granted at the discretion of the Chief Executive up to agreed guidelines. The LGEC Management Committee will consider requests in addition to these without recourse to any precedent and leave may be granted with or without pay or reduced pay. Please see the LGEC Compassionate Leave Guidelines in the Staff Handbook.