

Maternity, Paternity, Parental, Adoption and Dependant Leave

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For many women, having a baby is a very important event in their life. We would like to make sure you know about your rights and benefits whilst you are pregnant.

The College's priority is to ensure that existing practice complies with the complex statutory rules, governed by both UK Employment Law and EC Directives. In addition to the key policies and procedures outlined below, you should also refer to Section 2 (Employment Policy) in this handbook.

Women employees have had statutory maternity rights for many years. Since April 2003, fathers and adoptive parents also have statutory rights to paternity leave and adoption leave. Paternity and adoption leave rights also apply to partnerships of the same sex, therefore any references to father, male employee, men, he, him, etc should be taken as including women in same sex partnerships.

Statutory Maternity Pay or Maternity Allowance (see 5.1) is available to all employees who satisfy the requirements outlined in section 5.1.4.

College Maternity, Paternity and Adoption Pay (see 5.4) is available to all employees who satisfy service requirements outlined in section 5.4.1.

5.1 Maternity Leave

The law relating to maternity rights is extremely complex, and you are advised to read through the following section with great care, following procedures closely. This will help you to preserve your legal rights. If you have any queries regarding any areas relating to maternity you should contact the Human Resources Department.

There are three levels of Maternity Leave:

Compulsory Leave

Refers to the 2 week period immediately after giving birth during which a woman is not permitted to work. This forms part of the Ordinary Maternity Leave period.

Ordinary Maternity Leave (OML)

Refers to the 26 weeks' Maternity Leave allowed to all women.

If you take OML and return to work, your terms and conditions (excluding salary) will be maintained and you will have the right to return to your current job after OML.

Additional Maternity Leave (AML)

Refers to the 26 weeks leave beginning at the end of the OML. Women whose expected date of childbirth is on or after 1 April 2007 are entitled to AML regardless of their length of service.

If you take AML and return to work, you will usually be able to return to your current post. If this is not reasonably practicable, you will be offered a suitable and appropriate

alternative post, the terms and conditions of which will be no less favourable than those which applied to your previous post immediately before your leave commenced.

5.1.1 Maternity Leave Notification Procedure

The College is committed to complying with its statutory obligations.

For Health and Safety reasons and to assist your department in planning for your absence, it is helpful if you inform your Head of Department/School and Human Resources as soon as possible. At this point a risk assessment will be carried out to confirm that it is safe for you to continue in your existing role during your pregnancy and Human Resources will advise you of your entitlements.

You will continue to be employed in your existing job unless the risk assessment has identified that job as potentially unsuitable for you because it involves one or more risks either to you or your unborn child. If you or your unborn child is considered to be at risk, then we will work with you to decide whether we can alter your role so as to eliminate whatever risks have been identified. If this is not possible you will not be able to continue in your job, instead we will work with you to find you a suitable alternative role in the College on your existing rate of pay.

You should notify the College of:

- Your pregnancy;
- Your expected week of childbirth (EWC), and
- The date you expect to begin your maternity leave.

You must confirm these details in writing at least 15 weeks before you begin your Maternity Leave, or as soon as is reasonably practicable.

You must also provide a certificate (MATB1) from a registered GP or midwife stating your expected week of childbirth. You should ask your GP or midwife for your MATB1 when you reach the 20th week before the week in which your baby is due (the 21st week of pregnancy). It cannot be given to you any sooner.

If you choose to leave the College at any time, you must give the required notice under your terms and conditions of employment of the date on which your employment will terminate.

You are able to change your mind regarding the date you intend to commence your Maternity Leave provided you inform the College at least 28 days in advance (unless this is not reasonably practicable).

Upon receipt of your notification, the College will respond to your plans in writing within 28 days, and will advise you of the date on which you are expected to return to work.

Illness During Pregnancy

Your Maternity Leave will start automatically if you are absent from work for a pregnancy related illness during the four weeks before the start of your EWC, regardless of your original notified date of intention to commence your leave.

In order to preserve your rights, you must, as soon as is reasonably practicable, give the College notice that you are absent from work, wholly, or partly because of pregnancy. Odd days of pregnancy-related illness in the four weeks' prior to the expected week of childbirth may be disregarded at the Head of School/Department's discretion after consultation with Human Resources, if you wish to defer the start of your maternity leave period.

If the baby is born before the expected week of childbirth (EWC) or before you have notified the College, your Maternity Leave will start automatically and in this situation, you must notify the College of the birth as soon as is reasonably practicable.

5.1.2 Important Dates Before Your Expected Week of Childbirth (EWC)

At least 15 weeks prior to commencing Maternity Leave

The latest date by which you must confirm details of your pregnancy, EWC and expected date to commence Maternity Leave in writing (or as soon as is reasonably practicable).

Beginning of the 11th week before EWC

This is the earliest date on which you are able to commence your OML.

Beginning of the 4th week before EWC

Absence from work for a pregnancy related illness between this date and your EWC will result in your Maternity Leave starting automatically, regardless of your original notified date of intention to commence your leave.

20th week before EWC

Ask your doctor or midwife for a maternity certificate (form MATB1)

5.1.3 Ante-Natal Care

You are entitled to paid time off for antenatal care which may include relaxation and parent craft classes, as well as medical examinations. These rights are applicable, regardless of your length of service. You must be prepared to show your Head of Department/School on request:

- Your MATB1 certificate from your GP or midwife confirming you are pregnant; and
- An appointment card or other document showing that an appointment has been made.

5.1.4 Statutory Maternity Pay (SMP) and Maternity Allowance (MA)

Statutory Maternity Pay (SMP)

If you satisfy **all** the qualifying conditions listed below, you will be entitled to SMP. You must:

- have been continuously employed by the College for at least 26 weeks continuing into the 15th week (the qualifying week) before the week the baby is due;
- have average weekly earnings in the eight weeks up to and including the qualifying week of not less than the lower earnings limit for National Insurance purposes (£90 per week for 2008/9 - Payroll Office will calculate earnings in qualifying period);
- still be pregnant at the 11th week before the week the baby is due or have had the baby by that time;
- give the College medical evidence (form MATB1) of the date your baby is due;
- have stopped working for the College; and
- have given the College notice of the date your Maternity Leave is due to start, at least 15 weeks beforehand.

Subject to the above conditions, you are entitled to SMP even if you do not intend to return to work after the baby is born. Once entitlement has been established in the qualifying week, the College will pay SMP. Please note, SMP is payable only when you are absent from work.

SMP is payable for 39 weeks, the first 6 weeks of which will be paid at 90% of average weekly earnings and the remainder at the lower statutory level (£123.06 per week as at 1 April 2009 or 90% of the average weekly earnings if this is less than £123.06 per week).

SMP Rates are normally increased in April each year. The college offers enhanced payment rates in certain circumstances as detailed in section 5.4.1.

Maternity Allowance (MA)

If you do not qualify for SMP you may qualify for MA. This is based on your recent employment and earnings record and is a state benefit. To qualify you must:

- be employed but not qualify for SMP, or be self-employed, or recently employed
- have been employed or self-employed on at least 26 weeks of the 66 weeks ending with the week before the EWC. (The 26 weeks do not have to be in a row and it does not matter how much you earn. You do not have to be actually physically at work to be employed or self-employed; you might be off work sick for example)
- your earnings, on average, must be at least equal to the Maternity Allowance Threshold (MAT) in any 13 weeks in the test period (the MAT is currently £30). If you have more than one employer, all earnings will count when working out the average.

The test period is the period of 66 weeks up to and including the week before the week your baby is due. Your average earnings are worked out using earnings from any 13 weeks in the test period.

If eligible you are entitled to 26 weeks' OML and a Maternity Allowance payable from the Benefits Agency. You are not entitled to Statutory Maternity Pay (SMP) from the College.

Maternity Allowance (MA)

- MA from your local Jobcentre Plus or Benefits Agency worth £123.06 per week for 39 weeks or 90% of your earnings for 39 weeks if this is less than £123.06 per week.

MA rates are normally increased in April each year.

5.1.5 Important Dates After Your Expected Week of Childbirth (EWC)

First 2 Weeks After Childbirth

You may not return to work for the College during this period immediately after childbirth. This period is Compulsory Maternity Leave as stated by Employment Legislation.

This date may be extended if there exists another statutory requirement (apart from any reason to suspend you from work under Health & Safety Regulations) which prohibits you from working after having recently given birth.

26 Weeks After Commencement of OML

If you are eligible for OML only, this is the latest date you can return to work. No action is required by you after your original notification of commencing your leave. This date will be included in the written acknowledgement from the College of your original notification of commencing your leave.

26 Weeks From End of Ordinary Maternity Leave (i.e. 52 weeks total)

This is the latest date you can return to work following AML. No action is required by you after your original notification of commencing your leave. This date will be included in the written acknowledgement from the College of your original notification of commencing your leave.

5.1.6 Changing Return To Work Date

Notwithstanding the above time scales, should you wish to change the date you return to work from your Maternity Leave, you must give the College at least eight weeks' notice of the revised date you intend to return.

5.1.7 Keeping in Touch Days

Keeping in touch can make it easier to return to work following your maternity leave and, although you are not obliged to do any work or attend events during your maternity leave, if appropriate and agreed by the College and yourself, you can do up to 10 days' work during your maternity leave. These are known as 'keeping in touch' days and can be used to ease your return to work, without bringing your maternity leave to an end or losing out on maternity pay.

These days are not limited to your usual job, they can be used for training or other events and they must be agreed by yourself and the College. You are not obliged to take up these days and the college is not obliged to offer them. You will not be demanded to come in nor will you be penalised for refusing to take up an offered keeping in touch day

You can only use KIT days with the employer paying you SMP. If you are receiving SMP from the College and, after your baby is born, you do any work for another employer, your SMP will stop.

The College will record any KIT days used and process them at the end of your maternity leave as lieu days unless previously agreed otherwise.

5.1.8 Annual Leave Entitlement

You have a statutory entitlement to accrue a minimum of 4.8 weeks annual leave per annum. The College annual leave entitlement is more generous than the statutory minimum and you will continue to accrue your contractual annual leave when you are on maternity leave. You will not be entitled to accrue public holidays or days when the institution is closed in the interests of efficiency.

Under the Working Time Regulations 1998, statutory annual leave entitlement must be taken and cannot be paid nor carried forward into another annual leave year. Therefore, when you give notice of your intention to take maternity leave your statutory annual leave balance for the year will be discussed and leave arrangements planned. The remaining balance of leave (your College leave entitlement less statutory leave entitlement) should also be discussed, however there is more flexibility to carry some of the leave forward. In the exceptional circumstances that your period of maternity leave coincides exactly with the College annual leave year the Human Resources representative will discuss ways in which you can avoid losing paid annual leave.

5.1.9 Summary of Rights Before, During and After Maternity

In addition to maternity leave and pay, if you satisfy the relevant qualifying conditions you are entitled to:

- Paid time off to receive ante-natal care
- Return to the job in which you were employed, or one of equivalent status, with protected rights to pay and conditions and benefits
- Time off to attend appointments for ante-natal care at the normal rate of pay, on producing proof of the appointment
- Risk assessment during pregnancy
- Request alternative work where any risks to your or your unborn child's health can be avoided
- Your remuneration not being affected if you are unable to work in your role or an alternative role on grounds of health & safety
- Have a flexible working request considered, which may encompass reduced hours of work, part-time working, job shares etc
- Unpaid parental leave
- Time off for care of dependents in an emergency
- Not be subjected to a detriment, disadvantage, unfair treatment or dismissal because of the pregnancy, maternity leave, etc

5.2 Paternity Leave

Fathers are entitled to take up to 2 weeks' paid leave to care for their new baby and support the mother. You will need to satisfy the following conditions in order to qualify for Paternity Leave. You must:

- Have or expect to have responsibility for the child's upbringing; and
- Be the biological father of the child or the mother's husband or partner; and
- Have worked continuously for the College for 26 weeks leading into the 15th week before the baby is due.

You will be required to complete a self-certificate as evidence that you meet the above eligibility criteria for Paternity Leave. The self-certificate should be included with your original notification of your intention to take Paternity Leave, alternatively it can be completed in the payroll month in which you return to work following the period of leave.

The entitlement to leave is based on a relationship with the child's mother, so paternity leave also apply to employees who are not the father but are the mother's partner (including same sex partners) and expect to have responsibility for the child's upbringing.

5.2.1 Length of Paternity Leave

Eligible employees will be entitled to choose to take either one week or two consecutive weeks' paternity leave (not odd days). You can choose to start your leave:

- From the date of the child's birth (whether this is earlier or later than expected), or
- From a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected), or
- From a chosen date.

Leave can start on any day of the week on or following the child's birth but must be completed:

- Within 56 days of the actual date of birth, or
- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Only one period of leave will be available, irrespective of whether more than one child is born from the same pregnancy.

5.2.2 Statutory Paternity Pay (SPP)

During Paternity Leave, you will be entitled to Statutory Paternity Pay (SPP) from the College. Statutory Paternity Pay will be paid for either one or two consecutive

weeks as you have chosen. The rate of SPP will be the same as for Statutory Maternity Pay (SMP) i.e. £123.06 per week or 90% of average weekly earnings if this is less than £123.06.

An employee whose earnings are below the lower earnings limit for National Insurance Purposes does not qualify for SPP. Such employees may be entitled to other welfare benefits.

All other terms and conditions of employment (except salary) are preserved during Paternity Leave.

5.2.3 Paternity Leave Notification Procedure

You will be required to inform the College of your intention to take Paternity Leave by the 15th week before the baby is expected, unless this is not reasonably practicable. You will need to advise:

- The week the baby is due;
- Whether you wish to take one or two week's leave;
- When you wish your leave to start.

You will be able to change your mind regarding the date on which you wish to commence your Paternity Leave provided you inform the College at least 28 days in advance (unless this is not reasonably practicable).

5.2.4 Annual Leave Entitlement

You have a statutory entitlement to accrue a minimum of 4.8 weeks annual leave per annum. The College annual leave entitlement is more generous than the statutory minimum and you will continue to accrue your contractual annual leave if you are on paternity leave. You will not be entitled to accrue public holidays or days when the institution is closed in the interests of efficiency.

5.2.5 Summary of Rights Before, During and After Paternity Leave

You will be entitled to:

- Return to the same post following your Paternity Leave.
- Return to the same terms and conditions of employment
- Not be subjected to a disadvantage, unfair treatment or dismissal due to taking Paternity Leave
- Unpaid parental leave
- Have a flexible working request considered, which may encompass reduced hours of work, part-time working, job shares etc

5.3 Adoption Rights

The following people are entitled to adoption rights:

- Individuals who adopt; or
- One member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).

The partner (including same sex partner) of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to maternity or paternity leave and pay.

5.3.1 Eligibility

To qualify for paid adoption leave, you must:

- Be newly matched with a child for adoption by an approved adoption agency;
- Have worked continuously for the College for 26 weeks leading into the week in which you are notified of being matched with a child for adoption.

Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.

5.3.2 Length of Adoption Leave

You will be entitled to up to 26 weeks' Ordinary Adoption Leave followed immediately by up to 26 weeks' Additional Adoption Leave - a total of up to 52 weeks' leave.

Ordinary Adoption Leave (OAL)

Refers to the 26 weeks' Adoption Leave allowed to all eligible employees.

If you take OAL and return to work, your terms and conditions (excluding salary) will be maintained and you will have the right to return to your current job after OAL.

Additional Adoption Leave (AAL)

Refers to the 26 weeks leave beginning at the end of the OAL. AAL is available regardless of length of service.

If you take AAL and return to work, you will usually be able to return to your current post. If this is not reasonably practicable, you will be offered a suitable and appropriate alternative post, the terms and conditions of which will be no less favourable than those which applied to your previous post immediately before your leave commenced.

5.3.3 Adoption Leave Notification Procedure

You will be required to inform the College of your intention to take adoption leave within 7 days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable.

You must inform the College of:

- When the child is expected to be placed with you and
- When you want your Adoption Leave to start.

You will be able to change your mind about the date on which you want your leave to start providing you inform the College at least 28 days in advance (unless this is not reasonably practicable). You will also have to tell the College the date you expect any payments of SAP to start at least 28 days in advance, unless this is not reasonably practicable.

The College will respond to your notification plans in writing within 28 days, which will include the date on which you are expected to return to work if the full entitlement to Adoption Leave is taken.

Adoption Leave may commence:

- From the date of the child's placement (whether this is earlier or later than expected), or
- From a fixed date which can be up to 14 days before the expected date of placement.

Adoption Leave can start on any day of the week. Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement. If the child's placement ends during the adoption leave period, you will be able to continue Adoption Leave for up to eight weeks after the end of the placement.

5.3.4 Matching Certificate

You will be required to give the College documentary evidence – a 'matching certificate' – from your adoption agency as evidence of your entitlement to Adoption Rights. You should ask your adoption agency for a matching certificate which will include basic information on matching and expected placement dates.

5.3.5 Important Dates Before Your Adoption Leave Commences

Within 7 days of receiving notification of match

The date by which you are required to inform the college of your intention to take adoption leave (unless this is not reasonably practicable).

14 days before the expected placement date

The earliest date from which adoption leave can commence.

5.3.6 Statutory Adoption Pay (SAP)

Employees who satisfy the eligibility criteria outlined in section 5.3.1 are entitled to:

SAP is payable for 39 weeks, the first 6 weeks of which will be paid at 90% of average weekly earnings and the remainder at the lower statutory level (currently £123.06 per week or 90% of the average weekly earnings if this is less than £123.06 per week).

Adopters whose average weekly earnings are below the lower earnings limit for National Insurance purposes do not qualify for SAP but may qualify for other welfare benefits.

5.3.7 Keeping in Touch Days

Keeping in touch can make it easier to return to work following your adoption leave and, although you are not obliged to do any work or attend events during your adoption leave, if appropriate and agreed by the College and yourself, you can do up to 10 days' work during your adoption leave. These are known as 'keeping in touch' days and can be used to ease your return to work, without bringing your adoption leave to an end or losing out on adoption pay.

These days are not limited to your usual job, they can be used for training or other events and they must be agreed by yourself and the College. You are not obliged to take up these days and the college is not obliged to offer them. You will not be demanded to come in nor will you be penalised for refusing to take up an offered keeping in touch day.

You can only use KIT days with the employer paying you SAP. If the College is paying you SAP and, after your baby is born, you do any work for another employer, your SAP will stop.

The College will record any KIT days used and process them at the end of your maternity leave as lieu days unless previously agreed otherwise.

5.3.8 Annual Leave Entitlement

You have a statutory entitlement to accrue a minimum of 5.6 weeks annual leave per annum. The College annual leave entitlement is more generous than the statutory minimum and you will continue to accrue your contractual annual leave if you are on adoption leave. You will not be entitled to accrue public holidays or days when the institution is closed in the interests of efficiency.

Under the Working Time Regulations 1998, statutory annual leave entitlement must be taken and cannot be paid nor carried forward into another annual leave year. Therefore, when you give notice of your intention to take adoption leave your statutory annual leave balance for the year will be discussed and leave arrangements planned. The remaining balance of leave (your College leave entitlement less statutory leave entitlement) should also be discussed, however there is more flexibility to carry some of the leave forward. In the exceptional circumstances that your period of adoption leave coincides exactly with the College annual leave year the Human Resources representative will discuss ways in which you can avoid losing paid annual leave.

5.3.9 Summary of Rights Before, During and After Adoption

You are entitled to the benefit of your normal terms and conditions of employment, except for terms relating to wages or salary (unless your contract of employment provides otherwise), throughout your 26 week Ordinary Adoption Leave period.

During Additional Adoption Leave, the employment contract continues and some contractual benefits and obligations remain in force, for example compensation in the event of redundancy and notice periods.

If you intend to return to work at the end of your full adoption leave entitlement, you will not have to give any further notification to the College. However, should you wish to return to work before the end of your adoption leave period, you must give the College 28 days' notice of the date you intend to return.

You will be protected from suffering detriment or unfair dismissal for reasons related to taking, or seeking to take, Adoption Leave.

You have the right to have a flexible working request that may encompass reduced hours of work, part time working, job shares etc. considered

5.4 College Maternity, Paternity and Adoption Pay

The following is a summary of the College Maternity, Paternity and Adoption Leave and Pay provisions which are enhanced over and above the statutory entitlement.

5.4.1 College Maternity Pay

An employee who has been employed by the College for more than 26 continuous weeks prior to the qualifying week (15th week before the baby is due) is normally entitled to the following maternity pay:

COLLEGE MATERNITY PAY OPTION

18 weeks' full pay (inclusive of SMP); 21 weeks' at SMP; up to 13 weeks' unpaid leave. Higher rate SMP is included in the first 6 weeks full pay. Standard rate SMP is included in the next 12 weeks full pay. Standard rate SMP only is then paid for the remaining 21 weeks' leave.

The employee has to sign an undertaking that she will return for a minimum of 3 months if a recipient of these advanced rates.

5.4.2 College Paternity Pay and Leave

Whilst complying with the statutory definitions of paternal responsibility detailed in section 5.2 all staff wishing to elect to take College Paternity Pay can take either one or two weeks' consecutive leave at full pay. Standard rate SPP is included in this leave. Staff must take this leave in one block and cannot separate into odd days or weeks'; this is specifically related to the reimbursement of SPP.

5.4.3 College Adoption Pay and Leave

Provision for adoption leave follows College Maternity Pay provisions for one parent (not necessarily the mother) and College Paternity Leave provisions for one parent. Further legislative guidance is expected as to how to provide proof of which parental role an employee assumes.

5.4.4 Limitation on the number of applications

An employee can apply for any of the enhanced Maternity, Paternity and Adoption Pay and Leave conditions once during any two-year period. Therefore, the expected week of childbirth between one pregnancy and a subsequent pregnancy (or the date of being matched with a child for adoption) must be at least two calendar years apart. If an employee wishes Maternity, Paternity or Adoption Pay and Leave for a second time within a two-year period then statutory provisions would apply in the second instance.

5.5 Parental Leave

Parental leave is a right to take unpaid time off work to look after a child up to the child's fifth birthday (or 18th birthday for disabled children) or make arrangements for the child's welfare. The right applies to mothers and fathers and to a person who has obtained formal parental responsibility for a child.

Staff who are parents and have completed at least one years' service with the College are entitled to 13 weeks' unpaid Parental Leave to care for their child. Parental Leave can be taken as soon as the child is born or placed for adoption, or as soon as you have completed one years' service with the College, whichever is the later.

5.5.1 Key Elements Which Apply in Every Case

- You are entitled to 13 weeks' Parental Leave for each child (18 weeks for each child entitled to a disability living allowance);
- Parents of disabled children born on or after 15 December 1994 are able to use their leave over a longer period, up until the child's 18th birthday;
- You remain employed by the College while on Parental Leave, and some terms and conditions such as contractual notice will still apply;
- At the end of Parental Leave, you are guaranteed the right to return to the same post as before, or, if this is not practicable, a similar post which has the same or better status, terms and conditions as the previous post. Where leave is taken for 4 weeks or less, you are entitled to return to the same post.

5.5.2 Length of Parental Leave

You may take Parental Leave:

- In blocks or multiples of one week;
- After giving at least 21 days notice;
- Up to a maximum of four weeks leave in a year;
- Subject to postponement by the College for up to 6 months where there is a business requirement. However, leave will not be postponed if you give notice to take it immediately after the time the child is born or placed for adoption.

If you are the parent of a disabled child, you have the flexibility to take leave a day at a time or longer if you wish. A disabled child is a child for whom Disability Living Allowance is awarded.

5.5.3 Proof of Eligibility

The College is entitled to ask for evidence of:

- Your responsibility or expected responsibility for the child in respect of whom you seek to take Parental Leave;
- The child's date of birth or (in the case of adoption) the date on which the placement began; and
- (If relevant) your child's entitlement to a Disability Living Allowance.

You are not entitled to take Parental Leave if you do not comply with a request by the College for the type of evidence set out above.

5.6 Time Off For Dependants

All staff (regardless of length of service) are entitled to take a reasonable period of unpaid time off work to deal with an unexpected or sudden problem concerning a dependant and to make any necessary longer term arrangements.

5.6.1 Qualifying Circumstances for Time Off

The right enables you to take action which is necessary:

- if a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically;
- when a dependant is having a baby;
- to make longer term care arrangements for a dependant who is ill or injured (either mentally or physically);
- to deal with the death of a dependant, for example, to make funeral arrangements or to attend a funeral;
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example when the childminder or nurse fails to turn up;
- to deal with an unexpected incident involving your child during school hours.

5.6.2 Definition of a Dependant

Your partner, child or parent, or someone who lives with you as part of your family is a dependant. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on you for assistance, e.g. where you are the primary carer or you are the only person who can help in an emergency.

5.6.3 Duration of Time Off

There is not a set limit. In most cases, the College will allow one or two days, but this will depend on individual circumstances. Thereafter, absence should be negotiated with, in the first instance, the Head of School/Department (copy to Human Resources Department).

5.6.4 Time Off Notification Procedure

You are required to inform the College as soon as practicable, the reason for your absence and how long you expect to be away from work.

5.6.5 Protection from Detriment and Dismissal

You will be protected from suffering detriment or unfair dismissal for reasons related to taking, or seeking to take time off for dependants.

5.7 Flexible Working

The College is committed to helping working parents. Staff who are parents of children aged under 17 or of disabled children aged under 18 along with staff who are carers for adults will have the right to apply to work flexibly. The College has a statutory duty to consider applications seriously.

You will not have an *automatic* right to work flexibly as there will always be circumstances when the College is unable to accommodate your desired work pattern. The right is designed to meet both your needs and the needs of the College, to facilitate discussion and to find a solution that suits both you and the College. You therefore have a responsibility to think carefully about your desired working pattern when making an application, and the College will follow a specific procedure to ensure requests are considered seriously.

5.7.1 Eligibility

In order to make a request for flexible working, you must:

- be an employee of the College;
- have worked with the College continuously for 26 weeks at the date the application is made;
- not be an agency worker;
- not have made another application to work flexibly under the right during the past 12 months.

AND EITHER

- have a child under 17, (or under 18 in the case of a disabled child);
- make the application no later than 2 weeks before the child's 17th birthday (or 18th birthday in the case of a disabled child);
- have or expect to have responsibility for the child's upbringing;
- be making the application to enable you to care for the child;

OR

- Be or expect to be caring for a person aged 18 or over who is either:
 - married to or the partner or civil partner of the employee or
 - a relative of the employee or
 - living at the same address as the employee
- where a relative is a mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, son, step-son, daughter, step-daughter, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent and includes adoptive relationships and relationships of the full blood or half blood or in the case of an adopted person, such of those relationships as would exist but for the adoption

- be making the application to enable you to care for the relative

For the purposes of flexible working the definition of partner is, the other member of a couple consisting of:

- A man and woman living as man and wife, or
- Two people of the same sex living together as if they were civil partners

5.7.2 Scope of a Request

Eligible staff will be able to request:

- a change to the hours you work;
- a change to the times when you are required to work;
- to work from home.

This covers working patterns such as annualised hours, compressed hours, flexitime, home working, job-sharing, shift working, and term-time working.

Applications for a change in working pattern will not always require a significant alteration. For example, you may simply wish to start work half an hour later to take your child to school and make up the time later in the day.

5.7.3 Procedure for Making a Request

The initial onus is on you to make a considered application in writing to Human Resources. You will be able to make only one application a year under the right, and an accepted application will mean a permanent change to your own terms and conditions of employment. It will therefore be important that, before making an application, you give careful consideration to which working pattern will help you best care for your child or relative, including any financial implications it might have, and any effects the potential change will have on the College and how these might be accommodated.

Within 28 days of receiving your written request, the College will arrange a meeting with you. This will provide both you and the College the opportunity to explore the desired work pattern in depth, and to discuss how best it might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating your original request. You will, if you so wish, be able to bring a work colleague to the meeting.

Within 14 days after the date of the meeting, the College will write to you to either agree a new working pattern and a start date, or to provide a clear business ground(s) as to why the application cannot be accepted and the reasons why the ground(s) applies in the circumstances. The procedure will also provide for occasions when the College will want to take further action before notifying you with the final decision.

5.7.4 Appeal Procedure

The procedure provides you with the right to appeal against the College's decision within 14 days of the decision being notified to you. The appeal process is designed to be in keeping with the overall aim of enabling both you and the College to reach a satisfactory outcome regarding your working pattern.