



# EPSOM

COLLEGE

## **FAMILY LEAVE AND FLEXIBLE WORKING POLICY – SUPPORT STAFF**

This entire policy is intended to provide guidance on your statutory entitlement to family leave and flexible working and is subject to change. It does not form part of your contract of employment.

This policy only applies to employees employed under a contract of employment directly by Epsom College.

### **SECTION 1**

#### **1. MATERNITY LEAVE AND PAY**

All pregnant employees are entitled to paid time off to attend antenatal appointments. Please confirm your appointment times with your Head of Department giving as much notice as possible. You may be asked for your appointment card.

Parent craft classes or relaxation classes should be attended out of core working hours wherever possible. Where this is not possible please discuss with your Head of Department giving as much notice as possible.

#### **Maternity Leave**

All pregnant employees regardless of length of service or hours worked are entitled to take up to 52 weeks maternity leave, of which 26 weeks is Ordinary Maternity Leave and 26 weeks is Additional Maternity Leave. Additional Maternity Leave follows Ordinary Maternity Leave and there can be no gap between the two.

All pregnant employees must take a minimum of 2 weeks' maternity leave immediately following the birth. This is compulsory maternity leave.

You may start your maternity leave any time from the 11th week before the Expected week of confinement (EWC), provided that you notify the School by the 15th week before the EWC, of:

- the fact that you are pregnant;
- the date of the EWC;
- the intended start date of maternity leave.

and submit a Form MAT B1 to the HR Department which is a certificate from your GP or midwife confirming the EWC.

The School will reply to you within 28 days to inform you of the date by which you are expected to return to work if you take your full leave entitlement.

You can change the start date of your maternity leave providing you give the School 28 days notice. If it is not reasonably practicable to give this much notice, for example if the baby is born early and leave must start early, then you do not have to give the above notice but should give the School as much notice as possible.

Maternity leave cannot start any earlier than 11 weeks before the EWC, unless the baby is born early and maternity leave starts automatically.

A pregnancy related illness during or after the 4th week before the EWC automatically triggers maternity leave.

### **Statutory Maternity Pay (SMP)**

To qualify for SMP you must:-

- be pregnant and have reached the start of the 11th week before the EWC or have had your baby by then; have been continuously employed for at least 26 weeks by the end of the Qualifying Week (which is the 15th week before the EWC);
- have had normal weekly earnings at a rate not less than the lower earnings limit for National Insurance contributions for a period of 8 weeks immediately preceding the Qualifying Week;
- have stopped actually working for the School;
- give 28 days' advance notice of your absence and submit Form MATB1.
- The SMP period lasts for a maximum of 39 weeks.

If you are entitled to maternity leave, you will be able to receive SMP for the 39 weeks that you are away from work, unless you return to work earlier in which case your entitlement to SMP will stop on your return.

There is no distinction between part-time and full-time employees for SMP purposes.

If you are entitled to SMP, you will receive 9/10ths of your usual salary for the first 6 weeks and at the current weekly SMP rate for the remaining period, (usually 33 weeks) subject to the usual deductions.

If you earn less than the weekly SMP rate or not entitled to SMP you may be able to claim the Maternity Allowance which is payable by the Department for Work and Pensions. You should refer to the HR Department to obtain further information.

### **Enhanced Maternity Pay**

If the employee is absent on maternity leave and meets:-

- (i) the qualifying provisions for Statutory Maternity Pay (SMP), and
- (ii) the Governors' requirements concerning return to work set out below she will be paid:
  - (a) during the first 6 weeks of absence, full pay; and
  - (b) for the next 12 weeks of absence, half pay or flat rate SMP if that is a greater amount.

Thereafter standard SMP flat rate up to a maximum of a further 21 weeks. Any further absence is without pay.

If the employee does not qualify for SMP she may qualify for Maternity Allowance (MA). In their discretion the Governors may make payments to the employee if she does not qualify for SMP of a sum or sums which (after allowing for any MA payments receivable) do not exceed the amounts which would be payable pursuant to the above provisions if she qualified for SMP.

The Governors' requirements concerning return to work are that the employee will make herself available for full-time (or equivalent part-time) duty for a period of not less than 13 weeks, which may include a period of school holiday, following the end of her maternity leave period. If the employee is not able to satisfy this Condition, and the Governors do not exercise a discretion to waive it in whole or in part, she shall be required to refund a sum not exceeding the difference between her SMP entitlement and the sums actually paid to her under

these provisions. An employee who has completed at least two years continuous service with the school at the date when her maternity leave period ends will not be required to refund any part of the payment made to her for the first 18 weeks of absence.

### **Return to Work**

If you wish to return to work before the end of the full 52 weeks maternity leave, you must give the School at least 8 weeks' notice of your intention to return to work early. If you decide you would like to change the date of your return to work, you can do so providing you give the School at least 8 weeks' notice.

If you do not wish to return to work following your maternity leave you should provide the School with at least the amount of notice required by your contract of employment. If you confirm that you will not return to work after having the baby, you will still be entitled to 39 weeks' SMP if you qualify.

Maternity returnees are entitled to any salary increases or enhanced benefits that are introduced in their absence.

### **"Keeping in Touch Days"**

During the maternity leave period the School may make reasonable contact with you. The School will keep you informed of promotion opportunities or information relevant to your job by way of notices, staff wide emails, website vacancy listings and updates via your Head of Department and you are asked to review such emails and notices and the School website from time to time if you wish to be updated.

During the maternity leave period, by agreement with the School you may do up to ten days' work. These are known as Keeping in Touch days. You will be paid for any Keeping in Touch Days at a rate agreed with the School, in addition to any SMP. The type of work you may carry out will be a matter to be agreed between you and the School, and may include attending training or team meetings. Keeping in Touch days may not take place within two weeks after the baby is born.

Keeping in Touch days are not compulsory and you will not suffer any consequence if you decline the offer of a Keeping in Touch day. Similarly, you do not have a right to Keeping in Touch days and the School is under no obligation to agree to a Keeping in Touch day.

## **SECTION 2**

### **2. PATERNITY LEAVE AND PAY**

The School offers two types of paternity leave and pay:-

- A. Statutory Entitlement
- B. Enhanced.

A member of staff who qualifies may opt for option A. or B. but is not entitled to both.

#### **Paternity Leave - Statutory Entitlement**

If you are the biological father of a child, or the husband, civil partner or partner of the mother, or in any case have parental responsibility for a child's upbringing, you may be entitled to paternity leave.

You will only be entitled to paternity leave if you have worked continuously for the School for 26 weeks leading into the 15th week before the baby is due.

If you are eligible, you can take 2 weeks paternity leave. To claim entitlement to paternity leave you will need to give the School notice, in the form of a certificate which can be obtained from the HR Department, by no later

than the 15th week before the baby is due. Providing false information on a certificate in order to claim paternity leave will be a disciplinary offence.

Paternity leave must be taken within 56 days of the birth (or, if the birth is early, any time between birth and 56 days after the date the baby was due). You can take either one week or two weeks, but not odd days. If two weeks are taken they must be consecutive. A maximum of two weeks' paternity leave is permitted per pregnancy, regardless of how many children are born.

You can change your mind about the date on which you want your paternity leave to start providing you tell the School at least 28 days in advance. If you are unable to give 28 days' notice, you should give the School as much notice as possible.

### **Paternity Pay - Statutory Entitlement**

If you take statutory paternity leave in accordance with this policy, you will be eligible for Statutory Paternity Pay (SPP), provided your weekly earnings are over the lower earnings limit for National Insurance purposes.

If you are entitled to SPP, you will receive the current weekly rate from time to time in force or 90% of your average weekly earnings, whichever is the lower.

An employee who is not entitled to SPP may be entitled to Income Support from the Department of Work and Pensions. Please refer to <https://www.gov.uk/income-support>

### **Enhanced Entitlement**

The School recognises that the staff may wish to spend time with their new born baby in a flexible and less rigid approach than that detailed under the statutory entitlement regulations, and therefore is able to offer the following option instead of the statutory entitlement above.

If you are the biological father of a child, or the husband, civil partner or partner of the mother, or in any case have parental responsibility for a child's upbringing, you may be entitled to enhanced paternity leave which will replace of the statutory paternity leave entitlement and associated payment.

You will only be entitled to enhanced paternity leave if you have worked continuously for the School for 26 weeks leading into the 15th week before the baby is due. Paternity leave must be taken within 56 days of the birth (or, if the birth is early, any time between birth and 56 days after the date the baby is due).

To claim enhanced paternity leave you will need to give the School notice, in the form of a certificate which can be obtained from the HR Department, by no later than the 15th week before the baby is due. Providing false information on a certificate in order to claim paternity leave will be a disciplinary offence.

Enhanced entitlement will be instead of statutory entitlement, and you are not entitled to both. Only one week of enhanced paternity leave is permitted per pregnancy, regardless of how many children are born.

In advance of any enhanced paternity leave a member of staff is expected to have prepared any necessary pre/planned work for the duration of their absence in agreement with their Head of Department.

Where appropriate and depending upon the role, you would also be expected to update/complete any outstanding work on your return in a timely manner as deemed necessary by the Head of Department. In addition, the member of staff is expected to maintain email contact during enhanced paternity leave, responding only to any of an urgent nature.

### **Paternity Pay - Enhanced Entitlement**

Subject to meeting the requirements noted above with regard to enhanced entitlement the employee will be paid their normal salary during the one week of enhanced paternity entitlement. Payment will be for a maximum of one week.

### **General**

Normal terms and conditions of employment continue during paternity leave except for terms relating to salary with regard to statutory paternity leave and pay.

You are entitled to return to the same job following paternity leave.

### **Time off for antenatal care**

You may have the right to take time off to accompany the pregnant woman with whom you are having a child up to two antenatal appointments. This time off may be considered unpaid.

To be eligible to take this form of time off:

- you are the baby's father;
- you are the pregnant woman's spouse, civil partner or are living with her in an enduring family relationship and she is not your sister, mother, grandmother, aunt or niece; or
- you are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The School expects that normally no more than half a day is needed for an antenatal appointment, and your leave includes the time needed to travel to the appointment and any waiting time needed at the appointment and can be for a maximum of six-and-a-half hours on each occasion.

If you would like to make a request for time off to accompany someone at an antenatal appointment you should in the first instance contact your Head of Department.

You should endeavour to give the School as much notice as possible (ie as soon as the appointment is notified by the medical advisor) of when you require the time off for the antenatal appointment and, wherever possible, try to arrange them to fit around the School and departmental operation/timetable.

## **3. SHARED PARENTAL LEAVE**

This policy outlines the arrangements for shared parental leave and pay in relation to the birth of a child.

This policy applies to employees. It does not apply to agency workers or self-employed contractors. It should be read in conjunction with related areas such as maternity leave, adoption leave, paternity leave, time off for dependants and flexible working.

### **Frequently used terms**

The definitions in this paragraph apply in this policy.

Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).

Partner: spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Qualifying Week: the fifteenth week before the expected week of childbirth.

### **What is shared parental leave?**

Shared parental leave (SPL) is a form of leave available to working parents following the birth of a child. It applies in respect of children who are expected to be born on or after 5 April 2015.

SPL allows parents to take up to 52 weeks leave in total on the birth of a child. They may be able to take this leave at the same time or at different times.

### **Entitlement to SPL**

You are entitled to SPL in relation to the birth of a child if:

- you are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- you are the child's father and share the main responsibility for the care of the child with the child's mother; or
- you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The following conditions must also be fulfilled:

- you must have at least 26 weeks continuous employment with the School by the end of the Qualifying Week, and still be employed by the School in the week before the leave is to be taken;
- the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

## **Opting in to shared parental leave and pay**

Not less than eight weeks before the date you intend your SPL to start, you must give the HR Department written opt-in notice giving:

- your name and the name of the other parent;
- if you are the child's mother, the start and end dates of your maternity leave;
- if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
- how much of that will be allocated to you and how much to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken;
- how much of that will be allocated to you and how much to the other parent. (You can change the allocation by giving the Head of Department and HR Department a further written notice, and you do not have to use your full allocation);
- an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- declarations by you and the other parent that you meet the statutory conditions for entitlement to SPL and ShPP.

## **Ending maternity leave**

If you are the child's mother and are still on maternity leave, you must give the Head of Department and HR Department at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth.

You must also give the HR Department and Head of Department at the same time as the curtailment notice, a notice to opt into the SPL scheme (see above) or a written declaration that the child's father or your partner has given his or her employer an opt-in notice and that you have given the necessary declarations in that notice.

The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.

The curtailment notice is usually binding and cannot be revoked. You can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:

- if you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, you can revoke the curtailment notice in writing up to eight weeks after it was given;
- if you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- if the other parent has died.

Once you revoke a curtailment notice you cannot submit a second curtailment notice, unless the revocation was given in the circumstances outlined in bullet point two above.

If you are the child's father or the mother's partner, you will only be able to take SPL once the mother has either:

- returned to work;
- given her employer a curtailment notice to end her maternity leave;
- given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).

### **Evidence of entitlement**

You must also provide on request:

- A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- The name and address of the other parent's employer (or a declaration that they have no employer).

### **Notifying us of your SPL dates**

Having opted into the SPL system you will need to give a period of leave notice telling the HR Department the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim shared parental pay, if applicable.

If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

You can give up to three period of leave notices. This may enable you to take up to three separate blocks of shared parental leave. In exceptional circumstances we may agree to accept more than three period of leave notices.

### **Procedure for requesting split periods of SPL**

In general, a period of leave notice should set out a single continuous block of leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your Head of Department in advance of submitting any formal period of leave notices. This will give the School more time to consider the request and hopefully agree a pattern of leave with you from the start.

You must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave). Alternatively, you may:

- choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell the HR Director and Head of Department within five days of the end of the two-week discussion period; or
- withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).



### **Changing the dates or cancelling your SPL**

You can cancel a period of leave by notifying HR Department in writing at least eight weeks before the start date in the period of leave notice.

You can change the dates for a period of leave by giving the HR Department and Head of Department at least eight weeks' notice before the original start date and the new start date.

You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify your Head of Department and HR Department in writing of the change as soon as you can.

A notice to cancel or change a period of leave will count as one of your three period of leave notices, unless:

- the variation is a result of your child being born earlier or later than the EWC;
- the variation is at the School's request; or
- we agree otherwise.

### **Shared parental pay**

ShPP of up to 39 weeks (less any weeks of statutory maternity pay or adoption pay claimed by you or the other parent) may be available provided you have at least 26 weeks' continuous employment with the School at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.

### **Other terms during shared parental leave**

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

### **Keeping in touch**

We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during your SPL. This is in addition to any KIT days that you may have taken during maternity leave. KIT days are not compulsory and must be discussed and agreed with the Head of Department and HR Director.

You will be paid for any KIT day at a rate agreed with the School, in addition to any ShPP.

### **Returning to work**

If you want to end a period of SPL early, you must give the HR Department and Head of Department eight weeks' prior notice of the return date. It is helpful if you give this notice in writing.

If you want to extend your SPL you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three period of leave notices. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to business need.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- if your SPL and any maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- if you took SPL consecutively with more than four weeks of ordinary parental leave (under our Parental Leave Policy).

If you want to change your hours or other working arrangements on return from SPL you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

## **SECTION 4**

### **4. ADOPTION LEAVE AND PAY**

The school follows the statutory provisions for adoption leave and pay. Adoption leave and entitlements are broadly similar to that available under maternity and paternity leave detailed within this policy. If you are adopting a child you should read the policies in this section regardless of your gender.

## **SECTION 5**

### **5. TIME OFF DEPENDANTS**

You are entitled to take a reasonable period of time off work to deal with an unexpected disruption in your care arrangements or an emergency involving a dependant.

This may include, but is not limited to;

- If a dependant falls ill or has been injured or assaulted;
- To deal with an unexpected disruption or breakdown in care arrangements e.g. when the child minder or nurse fails to turn up;
- To deal with an incident involving your child during school hours.

A dependant is your husband, wife, child or parent or someone who lives with you as part of your family. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee.

In case of illness or injury or where care arrangements break down, a dependant may also be someone who reasonably relies on you for assistance, for example an aunt who lives nearby who you look after outside work falls unexpectedly ill.

In the event of an emergency or unexpected disruption in care arrangements involving a dependant you are entitled to a reasonable amount of time off. For most cases 1 or 2 days should be sufficient to deal with the problem.

There is no limit on the number of times which you can be absent from work under this right.

Any time off under this right is unpaid.

You are required on the first day of absence or before the absence where the absence is anticipated to inform your Head of Department and seek authorisation from your Head of Department before your normal starting or as soon as possible of the reason for your absence and if possible, the likely length of its duration.

Upon return to work you will be required to discuss your absence with your Head of Department.

Abuse of this right will be dealt with in accordance with the School's disciplinary procedure.

## SECTION 6

### **6. “Ordinary” PARENTAL LEAVE (not shared parental leave or paternity leave as detailed above).**

Staff with one year's continuous service and a child (including adopted children) under the age of 18 are entitled to take parental leave. This should be distinguished from shared parental leave or paternity leave which is dealt with separately in this Policy.

You are entitled to a total of 18 weeks' leave per child.

You must give at least 21 days' written notice of your intention to take parental leave.

You have the right to take the leave until the child's 18<sup>th</sup> birthday.

The leave is unpaid.

Parental leave may only be taken in blocks or multiples of 1 week, up to a maximum of 4 weeks' leave in a year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date. Parents of disabled children can take leave in blocks or multiple blocks of 1 day.

The School may postpone leave for up to 6 months where the School considers that the employee's absence would be unduly disruptive. The School cannot postpone leave when an employee gives notice to take it immediately after the child is born or placed with the family for adoption or if a postponement of the requested leave would result in the leave being taken after the child's 18<sup>th</sup> birthday.

The School may ask for evidence from an employee regarding parental leave entitlement.

Employees will remain employed whilst on parental leave and will be entitled to receive all their normal benefits (other than pay).

Employees taking ordinary parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and
- participation in any other business.

Employees may not take more than four weeks' leave in respect of any individual child in any year.

## **Section 7**

### **7. OTHER LEAVE**

The School will recognise other statutory rights to take paid time off work, for example:

- Recognised union and accredited safety representatives may take reasonable time off to attend to their duties and undergo training.
- Employees under notice of redundancy, who have at least two years' service, may take reasonable time off to seek work or arrange training.

The holders of certain public offices may have the statutory right to take reasonable unpaid time off to fulfil their duties and the School recognises such rights.

The School may also, at its discretion, allow time off work in other circumstances, including time off to attend court as a witness, or to carry out jury service. If you need to take time off work for any reason you should speak to your Head of Department as far in advance as possible. Such time off will require approval by the Head of Department.

Employees should schedule appointments for the doctor, dentist etc outside of School hours wherever possible. Where this is not possible, they should be arranged at the start or the end of the working day to minimise disruption. Advance permission to attend appointments during working hours should be obtained from your Head of Department.

## **Section 8**

### **8. PARENTAL BEREAVEMENT LEAVE**

The School complies with the statutory requirements in respect of parental bereavement leave.

All employed bereaved parents who lose a child below the age of 18 (or experience a still birth after 24 weeks of pregnancy) have a statutory right to take up to two weeks' leave. There is no minimum service requirement.

The leave may be taken in blocks of one or two weeks but must be taken within 56 days of the date of the child's death.

For the purpose of this leave, a "bereaved parent" includes parents and primary carers (such as adopters, foster parents, guardians and those classed as 'kinship carers', who may be close relatives or family friends that have assumed responsibility for looking after a child in the absence of parents).

If employees have at least 26 weeks' continuous service at the time of their child's death, they will also be entitled to statutory parental bereavement pay during the two weeks' leave. Employees will remain employed whilst on parental bereavement leave and will be entitled to receive all their normal benefits (other than pay).

For further details, please speak to the HR Department.

## SECTION 9

### 9. FLEXIBLE WORKING POLICY

We are committed to providing equality of opportunity in employment and to developing working practices and policies that support a work-life balance. This Flexible Working Policy gives employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests.

The law does not provide an automatic right to work flexibly as there may be circumstances when the School is unable to accommodate the employee's desired work pattern. However, the policy and procedure set out below aims to facilitate discussion and encourage both the employee and the School to consider flexible working patterns.

No one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.

Prior to making a request we rely on you to think carefully about your desired working pattern and the implications for both you and the school when making an application. In return the School will follow a specific procedure to ensure that all requests are given full consideration and facilitated unless they cannot be accommodated for business or operational reasons.

#### Eligibility

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

- be an employee (as opposed to an agency or contract worker);
- have worked for the School continuously for 26 weeks at the date the application is made;
- not have made a formal request to work flexibility during the last 12 months

#### Scope of a Request

You will be able to request:

- a change to the hours you work;
- a change to the times when you are required to work;
- to change your place of work.

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

#### Procedure

The procedure will be as follows:

You will only be able to make one application within a 12-month period and an accepted application will mean a permanent change to your own terms and conditions of employment. Therefore, it will be important that, before making an application, you give careful consideration to making the request and any financial implications a change in your working pattern might have on you if the new arrangements involve a drop in salary.

The procedure for submitting a formal request will be as follows:

1. Any employee interested in flexible working should make a considered application in writing to the Director of HR and copy to your Head of Department.
2. Your application should be submitted in good time before you would like the changes to take effect. The application should:
  - a. State that it is a flexible working request;
  - b. Explain the reasons for your request;
  - c. Provide as much information as you can about your current and desired working pattern (including working days, hours and start and finish times) and give the date from which you want the changes to take effect;
  - d. Identify the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application; and
  - e. Provide confirmation that you meet the eligibility criteria set out above, including the dates of any previous formal requests for flexible working.
3. If it is felt that your request can be granted immediately, then a meeting may not be necessary. We will inform you of this in writing. Otherwise, we will arrange to meet with you to discuss the request as soon as possible, normally within 28 days. This will provide us with the opportunity to discuss the request. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in your application. We will try to arrange the meeting at a time and place that is convenient to everyone. If it is not possible to meet in person, we may discuss the request with you by telephone/Teams call.

The meeting will be used to discuss the working arrangements you have requested. You will be able to explain how the arrangements will accommodate your needs. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues. If it is felt that it may not be possible to accommodate your request, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

4. We will consider your request carefully against the following criteria:
  - burden of additional cost;
  - inability to reorganise work amongst existing staff;
  - detrimental effect on our ability to meet customer demands;
  - inability to recruit additional staff;
  - detrimental impact on quality or performance;
  - insufficiency of work during the periods you want to work; and
  - planned structural changes.
5. We will notify you of the decision as soon as possible, usually within 14 days of the meeting. We will write to you to either agree to a new work pattern and a start date; or to provide clear business ground(s) as to why your application cannot be accepted and the reasons why the ground(s) apply in the circumstances. We will also remind you of your right of appeal against the decision. If we need to take further action before notifying you of our final decision, we will let you know at this time and try to agree a timescale with you. This may be

necessary, for instance, if we cannot agree to your initial request, but a compromise may be possible which we need to discuss with you further.

6. We will aim to complete the procedure within no more than three months from the date on which you submit the formal request. There may be exceptional occasions when this will not be possible. In such an instance, we will seek to agree an extension of time with you and confirm this in writing.
7. In some circumstances, we may agree to offer you the new working arrangements on a trial basis. This will give you and the School the opportunity to review the working arrangements and decide whether they should be made permanent.
8. You have the right to appeal the decision within 14 days of it being notified to you. Any appeal should be made in writing to the Bursar setting out the reasons and grounds for your appeal. The Bursar will arrange a meeting with you, usually within 14 days of receiving notice of your appeal, to consider your appeal. You can be accompanied by a colleague at the appeal meeting if you wish. You will be given a final decision in writing as soon as possible, usually within 14 days of the appeal meeting, giving detailed reasons for the decision. If it is felt that your appeal can be granted immediately, then an appeal meeting may not be necessary. The decision of the appeal will be final.

You may withdraw your request at any time before it is granted. If you do choose to withdraw the request, you will not be eligible to submit a further request for twelve months from the date of your original request

It is important that you communicate with us about your request and attend meetings to discuss it. If you repeatedly fail to attend meetings or respond to communications, the School has the right to assume that you have withdrawn your request and may write to you to confirm this fact. This will mean that you cannot make another request for flexible working arrangements for a further year.

Where an employee works either part time or a flexible working pattern, pay and benefits will be calculated on a pro-rata basis