Managing Attendance Policy

This Policy sets out Cafcass' approach to the management of attendance, including dealing with absence from work due to sickness and other reasons. It is a corporate priority to maximise attendance at work and this Policy provides a framework to support this objective, whilst providing a range of leave of absence options to support staff.

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CONTENTS

1.0 INTRODUCTION AND SCOPE....3

1.1 Introduction....3

1.2 Sickness Absence and other approved leave of absence....3

1.3 Sickness Absence and Monitoring Procedure....3

1.4 Right to be accompanied....3

1.5 Family Related Benefits and Leave....3

1.6 Annual Leave and other Leave Arrangements....3

1.7 Policy monitoring and review....4

1.8 Related Policies....4

2.0 SICKNESS ABSENCE AND MONITORING PROCEDURE....4

2.1 General Principles and Support Mechanisms....4

2.2 Sickness Monitoring Procedure (short and long term absence)....7

2.3 Stage 3: The Capability Hearing (Repeat Short Term and/or Long Term Absence)....9

3.0 FAMILY RELATED BENEFITS AND LEAVE....11

3.1 Maternity, Adoption and Shared Parental Leave and Pay....11

3.2 Other Family Related Leave and Pay....17

4.0 ANNUAL LEAVE AND OTHER LEAVE ARRANGEMENTS....19

4.1 Introduction....19

4.2 Annual Leave....19

4.3 Public, Jury and other service....20

4.4 Disability Related Leave....20

4.5 Special Leave....20

4.6 Blood/Organ/Bone Marrow Donors....21

4.7 Infertility Treatment....22

4.8 Overstaying / Delayed Returns....22

4.9 Severe Weather Conditions....22

4.10 Leave of Absence without Pay....22

1.0 INTRODUCTION AND SCOPE

1.1 Introduction

This Policy applies to all employees of Cafcass. The Policy provides a framework to support maximum attendance at work to ensure that Cafcass can deliver effective services for children and families. A pro-active approach to help reduce sickness related absences is highly desirable. This includes managers and individual staff taking positive steps to address wellbeing issues at the earliest opportunity. It also provides a range of authorised leave options for staff to access if they are eligible. Further guidance and support are available to staff and managers from the Human Resources (HR) team.

1.2 Sickness Absence and other approved leave of absence

This Policy provides Cafcass managers and staff with information about the process which should be followed in respect of sickness absence and other forms of leave of absence from work.

1.3 Sickness Absence and Monitoring Procedure

Good engagement between managers and their staff to address wellbeing needs and identify solutions may prevent periods of sickness absence occurring. Early management intervention in sickness absence cases is crucial. If staff do become sick and require time off from work, this Policy covers requirements for notification and support so that absences can be kept to the minimum period possible. This Policy provides a monitoring process to cover both short term and long-term absence and the formal management of health capability issues.

1.4 Right to be accompanied

At all formal stages of procedure, the employee is entitled to be accompanied by a recognised Trade Union Representative or work colleague. For the avoidance of doubt, this includes Stage 1 and 2 Formal Monitoring Meetings; Stage 3 Capability Hearings; Appeal Hearings; and any meeting to discuss redeployment or Ill-Health Retirement as per point 2.1.6 of this Policy.

Cafcass will attempt to convene any such meetings in conjunction with the employee and their representative where applicable. If the employee is unable to attend, an alternative date within 5 working days of the original date will normally be offered. Where there is agreement, flexibility to extend beyond 5 working days will be considered along with alternative means to engage in the meeting. Where there is further delay, which has the potential to impede a timely resolution, consideration may be given to undertaking the meeting in the employee's absence.

For clarification regarding an individual being accompanied at a Return to Work meeting, particularly where a phased return is being discussed following a long-term absence from work, please refer to paragraph 2.1.5 of this Policy.

1.5 Family Related Benefits and Leave

This section outlines the benefits and eligibility criteria for leave and payment of Cafcass' family related benefits such as: Maternity Leave and Pay, Adoption Leave and Pay, Birth Support Leave, and Parental Leave.

1.6 Annual Leave and other Leave Arrangements

As well as outlining annual leave entitlements, the Policy identifies the different types of leave to which an employee could be entitled under certain circumstances.

1.7 Policy monitoring and review

This Policy has been agreed with Cafcass Trade Union partners at the National Partnership Committee (NPC). The Policy will be reviewed three years from implementation. Separate *Management Guidance* is available to help with the application of this Policy.

1.8 Related Policies

This Policy should be read and considered, where necessary and appropriate, in conjunction with the following related Cafcass policies and guidance:

- Health & Safety Policy (and associated guidance)
- Working Time Regulations
- Stress Management
- Domestic Abuse Policy for Staff Support
- Equality and Diversity Strategy

2.0 SICKNESS ABSENCE AND MONITORING PROCEDURE

2.1 General Principles and Support Mechanisms

2.1.1 Preventative Measures

A range of proactive support is available to assist staff in achieving high levels of attendance. Staff Health, Safety and Wellbeing are a key feature of Performance and Learning Review (PLR) meetings and Cafcass has a comprehensive a Health and Wellbeing service to provide additional support, including a health cash plan offering support for dental and optical care; annual health checks and complimentary therapies such as physiotherapy.

Given the potentially sensitive nature of sickness issues, it is important that managers and staff seek to minimise sickness through support mechanisms such as:

- Managers providing accessible advice to members of staff during supervision, in person and via telephone or email.
- Holding regular joint reviews of workloads, case allocation, and working hours;
- Managers encouraging full use of annual leave and identifying entitlement to other forms of authorised leave (e.g. Time off in Lieu);
- Managers ensuring that staff carrying out emotionally challenging work are offered appropriate forms of support;
- Having a collective responsibility to manage stress, anxiety and conflict;
- Staff accessing and co-operating with specialist support as required, including stress and wellbeing audits;
- Timely and appropriate use of Occupational Health and Access to Work services

2.1.2 Specialist support

Specialist advice can be accessed via HR, Occupational Health (OH), Access to Work (A2W) and the Employee Assistance and Counselling Programme.

2.1.3 Occupational Health (OH)

OH will provide independent professional medical opinion and advice on matters relating to employment and health. OH will also screen all potential employees at the pre-employment stage, to ensure that they are fit for the role and to assess whether or not they require any reasonable adjustments in the workplace.

Managers may refer employees to OH for advice and/or assessment at any time during their employment based on an understanding of the individual circumstances to ensure appropriate support is being provided to staff on a timely basis. OH referrals will be discussed with the member of staff before they are submitted in order to ensure accuracy and fullness of information. However if an employee chooses not to engage with the OH referral process, the referral may still be submitted on the basis of all available information.

2.1.4 Maintaining Regular Contact with Employees

Managers should maintain regular contact with the member of staff who is absent due to sickness and need to be sensitive to the physical and emotional state of the staff member, which should inform the frequency and method of communication. Contact should be agreed between the manager and the absent employee and, where possible, confirmed in writing. The frequency of contact will normally be proportionate to the length of absence. This contact will be useful in establishing the likely further duration of absence and in ascertaining any practical assistance that can be provided to help facilitate a return to work at the earliest possible time. It is important and expected that managers and staff engage effectively in order to facilitate a return to work as soon as possible. Employees have a responsibility to maintain contact with their line manager, to keep them informed about their current health situation and likely length of absence. The separate *Management Guidance* provides more information about the reasonableness of contact with absent employees.

2.1.5 Phased Return to Work

A temporary reduction in hours, alteration to duties and change of working pattern can help reintegrate employees back to work. A phased return to work will normally entail one or more of the above (or a combination) for a defined period, usually up to 4 weeks, although the precise timescale will be determined after consideration of any OH advice and guidance. Staff on a phased return will normally receive their usual full pay for the period. Consideration will be given to G.P. and Occupational Health advice when establishing a phased return to work programme. If OH advises a period longer than 4 weeks, then this will be considered.

It is expected that arrangements for a suitable phased return to work after a long-term absence, will usually be made following a dedicated Return to Work meeting between the individual employee and their line manager (or another appropriate manager where necessary). Whilst there is no legal entitlement for the individual to be accompanied at any such meeting by a Trade Union or other representative (e.g. work colleague), it is acknowledged that it can be helpful and facilitative to the process of expediting a return to work if the individual can be accompanied. Any such requests will normally be accommodated, with the priority remaining the need to expedite the individual's return to work at the earliest possible opportunity. It will not be acceptable, where appropriate notice has been provided by the manager, for the meeting and, therefore, potentially the return to work itself, to be delayed due to the non-availability of the employee's desired companion.

2.1.6 Redeployment / Ill Health Early Retirement

Following advice from OH and discussions with the member of staff, redeployment and/or consideration for Ill Health Early Retirement may be explored. The member of staff should be made aware that redeployment within Cafcass is not guaranteed and that Ill Health Retirement is subject to the regulations of the Local Government Pension Scheme.

The HR Service is only able to provide procedural advice and support in these situations and cannot provide advice affecting an individual's pension benefits. For advice on how their pension benefits would be affected in these circumstances, the member of staff can seek guidance from either the pension provider (i.e. WYPF or PCSPS) or The Pension Advisory Service (TPAS), prior to any decision being made.

2.1.7 Counselling

A counselling service providing confidential advice and support for employees to discuss work or personal concerns is available as part of the Employee Assistance Programme. This service will be brought to the attention of all new entrants in their induction. Support is available for personal as well as professional issues.

2.1.8 Notification of Sickness Absence

Employees must contact their manager on their first day of absence from work due to sickness to explain the nature of their illness, the expected duration of the absence and whether they will be seeking medical treatment or visiting their GP. This should be via a telephone conversation between the individual and their line manager, usually no later than 9.30am on a normal working day. Where this is not practically possible, staff should make all reasonable efforts to notify their manager at the earliest opportunity. It is accepted that there may be certain exceptional circumstances in which there is no practical possibility of an employee contacting their line manager directly within a reasonable timeframe (e.g. because of sudden or unexpected admission to hospital, incapacitation etc.). Where this is the case, the employee may contact their manager via a suitable proxy, normally a member of their immediate family or a trade union representative where applicable.

During periods of sickness absence, employees may be contacted by their manager or HR to discuss their health and wellbeing needs. On some occasions managers may need to contact employees during their sickness absence for urgent work-related queries that cannot otherwise be resolved in the employee's absence. Managers must ensure that any such contact is sensitive and appropriate, taking into consideration individual circumstances. Further advice is provided within the separate Management Guidance.

It is recognised that there may be exceptional circumstances which make direct contact difficult during the period of absence; however reasonable steps to maintain regular and appropriate contact will be made by the manager and should be reciprocated by the member of staff wherever possible.

2.1.9 Self Certification and Statement for Fitness to Work

Employees must complete a self-certification form for absences up to seven consecutive days, including non-working days. If an absence lasts for more than seven consecutive calendar days, employees must provide a signed Statement of Fitness to Work ('Fit Note') from their G.P. or documentation from hospital where appropriate. Unauthorised absence may be treated as misconduct.

2.1.10 Return to Work Documentation

Upon return to work, an employee must complete the return to work form available via the intranet. Managers have some discretion to agree the format of return to work meetings depending on the circumstances. A face-to-face meeting is preferable, especially following a long-term absence period, however these meetings may be convened remotely using other methods of communication (e.g. video-conference facilities/MS Teams) where there is agreement as to the efficacy and appropriateness of this.

Managers should then complete the return to work proforma on iTrent with a summary of the meeting and any actions agreed.

2.1.11 Sickness Pay and Benefits

Details of Occupational and Statutory Sick Pay and Benefits are provided in the employee's contract of employment and can be requested from the HR service.

2.1.12 Sickness and Annual Leave

If sickness occurs during annual leave, the normal sickness absence reporting and certification requirements must be followed, with a fit note for the period of sickness absence, signed by a GP. This ensures that cases of sickness during holiday periods can be recognised and appropriate annual leave days reinstated. Employees will not be able to self-certify in these circumstances. Employees are able and expected to request annual leave in the normal way during any period of sickness absence.

2.1.13 Time off for medical, dental and other health related appointments

All G.P, Dental and Hospital appointments should be made in an employee's own time. Where this is not possible, then an appointment may be made in normal working hours and reasonable time off with pay will be granted.

2.1.14 Treating Employees Equally

If employees are affected by a disability or by health issues that are covered by the Equality Act 2010, managers should take appropriate advice to ensure any support measures, reasonable adjustments, monitoring and recording procedures adhere to current legislation.

2.1.15 Medical Suspension

In exceptional circumstances, if a line manager reasonably considers that a member of staff's health situation presents a risk to themselves, their teams, children and families or members of the public, they may be suspended, with full pay, on health grounds. Any medical suspension is subject to prior approval by a Director and the Chief People Officer and will be based on a full consideration of the detailed circumstances.

It is recognised that circumstances could arise whereby an employee presents as being unwell at work and does not accept that they should go home. In these circumstances it may be appropriate for their manager to request that they go home and refrain from work, pending further appropriate advice being sought from their G.P. and/or Occupational Health.

2.1.16 Workplace Injury

Absence as a result of an injury at work will be recorded as sick leave subject to appropriate certification as per point 2.1.9. Managers should refer to relevant Health and Safety information. Further guidance is available via Connect and from the National Health, Safety and Wellbeing Advisor.

2.2 Sickness Monitoring Procedure (short and long-term absence)

2.2.1 Focussing on Health, Safety, Wellbeing and levels of attendance in supervision

There is a mutual obligation on the part of Cafcass as an employer and every employee to maintain a suitable focus on issues pertaining to health, safety and wellbeing in the workplace. In addition to Cafcass' duty of care as an employer, it is the responsibility of every individual employee to look after their own health, safety and wellbeing and ensure that appropriate G.P. or specialist advice is being accessed where appropriate.

2.2.2 Informal Stage

Absences should be reviewed initially through the supervisory relationship wherever possible. Providing appropriate, direct and timely advice and support is the most effective approach. Accurate reporting of sickness absence and the reasons for it helps to identify trends and patterns and ensures that appropriate support can be provided and any appropriate action taken, where necessary. An agreed note or record of absence related discussions should be retained as part of the supervision records.

In the case of short-term absences, managers should review the overall record of absence, usually over the previous 6 months and establish any underlying patterns. If Managers are concerned about a pattern of absence, a formal Stage 1 monitoring process may be commenced.

Alternatively, in cases where it becomes evident that an absence is likely to become long term, then a formal Stage 1 monitoring process may also be commenced. The *Management Guidance* provides further information around this.

2.2.3 Stage 1 Formal Monitoring Meeting

At this stage OH advice should be obtained to help understand the underlying nature of the medical issues and what support can be provided to help facilitate a return to work or improved attendance. Clarifying any underlying medical issues is an important element of a fair and reasonable approach to improving attendance, including consideration of wellbeing needs. In cases of short-term absence, a Stage 1 Formal Monitoring Meeting should be organised to focus on the need for improved attendance, the requirements for the role (in relation to any impact of the individual's health and/or wellbeing on their ability to meet these requirements) and review the support needs for each individual. The meeting will outline the improvement in attendance which is required within a reasonable timescale. In case of long-term absence, the purpose of the meeting will be the same with the exception that it will focus on achieving a return to work, rather than improved attendance.

The Manager will confirm the arrangements for a Stage 1 meeting in writing, giving at least 7 working days' notice. This letter will include the right of the employee to be accompanied.

Following the Stage 1 Monitoring Meeting, the Manager will confirm, in writing, the expectations for sustained attendance or a return to work and the review period for monitoring. The manager will also advise the employee that, should their attendance not improve, or should they be unable to return to work within a reasonable timescale, then this will result in progression to Stage 2 of the Monitoring Process.

The objective at Stage 1 is to facilitate improved attendance or a sustainable return to work, in order that the Stage 1 monitoring period can be concluded. Should the employee be unable to achieve a return to work or if their attendance does not improve or deteriorates again during the two months following the end of the Stage 1 monitoring period, then the procedure may be progressed to Stage 2.

2.2.4 Stage 2 Formal Monitoring Meeting

The aim of the Stage 2 Formal Monitoring Meeting is to explore the reasons for continued or repeated absence and establish what further steps or support measures could help improve attendance or facilitate a return to work.

At least 7 working days' notice of the meeting will be provided. Advice should be obtained from OH about the underlying nature of absence and any prospects for return to work where applicable. Options for redeployment, adjustment to working hours, or Ill-Health / Early retirement may appropriately be explored at this stage of the procedure.

The following outcomes/considerations may arise from the Stage 2 Monitoring Meeting:

- Whether there is any prospect for a return to work and/or a sustained improvement in attendance.
- Clarification of any further expectations for improved and/or sustained attendance, confirming the support measures discussed, and the end date of the review period.
- Whether Redeployment is a feasible and appropriate option.
- The need for the matter to progress to Stage 3 of the procedure.
- Whether Ill-Health Early Retirement is a potential consideration and should be explored.

The Manager will confirm the outcome of the meeting to the employee, in writing, advising that further prolonged or frequent absence may result in matters having to be considered at Stage 3 of this procedure, namely a formal health capability hearing. This letter will advise the employee that, as they are unable to meet the confirmed expectations for sustained attendance, or to achieve / sustain a planned return to work, this may result in progression to such a hearing, at which dismissal on the grounds of health-related capability would be one possible outcome.

2.3 Stage 3: The Capability Hearing (Repeat Short Term and/or Long-Term Absence)

2.3.1 Hearing Arrangements

The appropriate Manager will arrange the Stage 3 Hearing, providing at least ten working days notice in writing to the employee.

If the Ill Health Retirement process has been formally initiated, a Stage 3 Hearing will not be convened whilst a decision about eligibility for Ill-Health Retirement is being reached.

Any papers for consideration at the Stage 3 hearing should be provided to the employee (and their representative where appropriate) as soon as practically possible, and not later than 5 working days prior to the hearing. The arrangements for the hearing will be confirmed to the employee in this letter and will confirm the following:

- The date, time and location of the hearing, together with the reason for the hearing being convened.
- Persons to be in attendance, including those who will be presenting and hearing the case on behalf of Cafcass.
- Any witnesses that might be required to provide evidence.
- That one possible outcome of the hearing could be dismissal.
- Where to obtain further support and guidance.

- Confirmation of the right to be accompanied.

One possible outcome of the hearing may be dismissal. Therefore, the Chair of the hearing should be an appropriate senior manager with the authority to dismiss.

2.3.2 Possible Outcomes

The manager who has heard the case will reach one of the following decisions:

2.3.2.1 There is no requirement for any further action at this time, under these procedures.

2.3.2.2 It is appropriate to issue a verbal, written or final written warning about the level of absence, and to set a further monitoring period for improvement.

2.3.2.3 To dismiss the employee, on the grounds of health capability, with contractual notice.

2.3.2.4 To offer the employee (subject to the needs of the service) a transfer to an alternative post, at the same or lower grade, as an alternative to dismissal. In these circumstances, the employee will be made aware that a refusal to accept the transfer will mean the dismissal decision stands. Where a lower graded post is offered and accepted, there shall be no protection of pay.

The outcome of the Stage 3 Hearing will be confirmed to the employee in writing, usually no later than five working days following the conclusion of the hearing (unless in exceptional circumstances, e.g. where updated OH advice is required or new health related information is presented by the employee). Where a warning or dismissal has been recorded, this letter will also provide details of the employee's right of appeal within Cafcass procedures. A formal written record of the hearing will normally be produced and shared within ten working days of the conclusion of the hearing. Where this is not possible, agreement about the timescales for providing these will be reached with the individual and (where appropriate) with their representative.

2.3.3 The Right of Appeal

The Appeal submission of the employee should set out the specific grounds for appeal and should be made in writing to the Chief People Officer within ten working days of the outcome from the Stage 3 hearing being received. The appeal will be heard by an appropriate senior manager who has had no prior involvement in the case.

2.3.4 Appeal Arrangements

Cafcass will arrange the Appeal Hearing within a reasonable period of time following receipt of the Appeal Submission. A letter confirming the arrangements for the Appeal Hearing will be sent to the employee, providing at least ten working days notice and including the following information:

- The specific grounds of appeal which will be considered at the Hearing.
- The date, time and location of the Appeal Hearing.
- The details of the Appeal Hearing Chair, the manager presenting the case and the names of any witnesses who are to be called.

2.3.5 Exchanging Evidence and Witness Statements

All relevant evidence and case related papers (including the names of witnesses who will be providing statements as part of the Appeal Hearing process) should be exchanged and provided to the Chair of the Appeal Hearing in good time before the Appeal, and no later than 3 working days prior to the commencement of the hearing. Normally only evidence

that has material relevance to the issues being considered within the grounds of appeal will be considered. The Chair of the Hearing has discretion over whether to accept any late evidence during or at the outset of the Hearing.

2.3.6 Possible Appeal Outcomes

The Chair of the Appeal Hearing will reach one of the following decisions:

- Uphold the appeal.
- Confirm the original decision.
- Set a further period of attendance monitoring and review.
- Substitute an alternative decision e.g. redeployment as an alternative to dismissal (subject to the same stipulations set out at 2.3.2.4 above)

The decision will normally be confirmed in writing to the employee within five working days of the Appeal. A formal written record of the Appeal Hearing will normally, and wherever possible, be produced and shared within ten working days of the appeal hearing being concluded. The *Management Guidance* explains the possible appeal outcomes in more detail.

3.0 FAMILY RELATED BENEFITS AND LEAVE

3.1 Maternity, Adoption, Foster Care and Shared Parental Leave and Pay

3.1.1 Introduction

This section of the Policy applies to all employees of Cafcass including those employed on fixed term contracts with certain benefits being subject to a qualifying length of service criteria, which is detailed accordingly in each paragraph.

3.1.2 Maternity and Adoption Benefits and Leave

As the level of benefits for both maternity and adoption are similar, the two have been combined for the purpose of this Policy. Where any differences occur, these will be referenced accordingly in each section.

3.1.3 Maternity Leave and Pay

Maternity Leave

Subject to the employee complying with the notification requirements below, all pregnant employees are entitled to a minimum of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave, regardless of how long they have worked for Cafcass.

When an employee is absent due to pregnancy-related illness during the four weeks prior to the week (Sunday to Saturday) that the baby is due, then her maternity leave and pay will automatically commence.

Statutory Maternity Pay

To qualify for Statutory Maternity Pay (SMP) the employee must have had 26 weeks' continuous employment with Cafcass by the 15th week before the Expected Week of Childbirth and their gross average earnings need to be above the lower earnings limit for the payment of National Insurance contributions. Previous reckonable service with other employers does not count for the purposes of SMP.

First six weeks: 90% of the employee's average weekly earnings with no upper limit.
Remaining 33 weeks: Standard rate or a rate equivalent to 90% of the employee's average weekly earnings, whichever rate is the lower.

Occupational Maternity Pay

To qualify for Occupational Maternity Pay, the employee must have 1 years' continuous service at the 11th week before the Expected Week of Childbirth. In the event that the employee does not return to work at Cafcass and remain at work for a period of at least 3 months following Ordinary Maternity Leave or Additional Maternity Leave, then the employee shall refund the difference in monies between the Occupational Maternity Pay and Statutory Maternity Pay.

First 13 weeks: Full Pay
Subsequent 13 weeks: Half Pay plus SMP capped at a rate equivalent to full pay
Remaining 13 weeks: SMP

3.1.4 Adoption Leave and Pay

Ordinary Adoption Leave is available to one member of a couple where a couple adopt jointly and when a child is newly placed for adoption. In these circumstances, the couple must choose which partner takes adoption leave.

Adoption Leave

All employees, regardless of their length of service, will be entitled to 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave, if they are the prime adopter. Additionally, employees are also entitled to up to three days paid leave for assessment and initial training period prior to approval as an adopter.

Statutory Adoption Pay (SAP)

To qualify for SAP employees must have 26 weeks' continuous employment with Cafcass prior to being matched with a child for adoption and their gross average earnings need to be above the lower earnings limit for the payment of National Insurance contributions. Previous reckonable service with other employers does not count for the purposes of SAP.

First six weeks: 90% of the employee's average weekly earnings with no upper limit.
Remaining 33 weeks: Standard rate or a rate equivalent to 90% of the employee's average weekly earnings, whichever rate is the lower.

Occupational Adoption Pay

To qualify for Occupational Adoption Pay, the employee must have 1 years' continuous service prior to being matched with a child. In the event that the employee does not return to work at Cafcass and remain at work for a period of at least 3 months following Ordinary Adoption Leave or Additional Adoption Leave, then the employee shall refund the difference in monies between the Occupational Adoption Pay and Statutory Adoption Pay.

First 13 weeks: Full Pay
Subsequent 13 weeks: Half Pay plus SAP capped at a rate equivalent to full pay
Remaining 13 weeks: SAP

Dual Approved Prospective Adopters (Fostering to Adoption) Leave and Pay

Employees who are eligible as a Dual Approved Prospective Adopter will be entitled to take Adoption Leave and Pay from up to 2 weeks before the child is expected to be placed with the employee on an interim care order initially for fostering. The entitlement for Adoption Leave and Adoption Pay in this instance will be the same as outlined above. In this circumstance should an employee choose to commence Adoption Leave and Pay, they cannot access further Adoption Leave and Pay in respect of the same child at the point of adoption.

In the event where the anticipated adoption does not go ahead, then the entitlement to Adoption Leave and Adoption Pay (including SAP) will end eight weeks after the child is removed from the interim care order or at the end of the Adoption Leave, whichever is earlier.

3.1.5 Foster Care Leave and Pay

Foster care leave and pay applies to staff who:

- Are applying to become foster carers
- Are approved foster carers and have a child in placement (or have had a child in placement for 75% of the previous 12 months) or are an approved kinship carer
- And have three months or more employment service with Cafcass.

Staff who are eligible for foster care leave and pay are entitled to paid time off in any 12-month period as follows:

- Assessment and initial training prior to approval as a foster carer – up to three days;
- Attendance at panel for approval – one day
- Long-term placement of a child/young person – please refer to Parental Leave section 3.2.3 to find out more about parental leave eligibility
- Child review meetings, annual foster carer review meeting and training – up to five days.

Staff must notify Cafcass within 7 days of being matched with a child, or as soon as is reasonably practical. The employee's line manager will consider the leave request considering individual circumstances of each request and operational requirements of the business. The leave will be considered and approved on a pro rata basis.

Where more than the maximum entitlement of fostering friendly paid leave is requested (as outlined above), the line manager and the staff member should discuss other means available e.g. annual leave, TOIL, flexible working, unpaid leave.

3.1.6 Shared Parental Leave and Pay

Shared Parental Leave (ShPL)

Subject to complying with the notification requirements below, parents or adopters (who share the main responsibility for the care) of children due to be born or placed for adoption on or after 5 April 2015 will be entitled to up to 50 weeks (52 weeks less any taken maternity or adoption leave) Shared Parental Leave (ShPL) if:

- They have 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth or at the week the adopter was notified of having

been matched and are still employed by Cafcass in the week before the leave is to be taken;

- The other parent must have worked (in an employed or self-employed capacity) at least 26 of the 66 weeks before the expected week of childbirth, or at the week the adopter was notified of having been matched, and had average weekly earnings of at least £30 during 13 of those weeks; and
- The mother or adopter has given notice to 'curtail' their maternity or adoption entitlements as set out in the notification requirements.
- The entitlement to Shared Parental Leave for those eligible as Dual Approved Prospective Adopters will also be up to 50 weeks providing that they meet the notification requirements. Where an employee has ended their Adoption Leave and/or Pay to opt into the Shared Parental Leave and Pay and the anticipated adoption does not go ahead, they are entitled to take the Shared Parental Leave that they have booked. Any leave that has not been booked is no longer available.

Statutory Shared Parental Pay (ShPP)

To qualify for up to 37 weeks (39 weeks less any weeks of taken SMP or SAP) the employee must have had 26 weeks' continuous employment with Cafcass by the 15th week before the Expected Week of Childbirth or the week the adopter was notified of having been matched and their gross average earnings need to be above the lower earnings limit for the payment of National Insurance contributions. Previous reckonable service with other employers does not count for the purposes of ShPP.

Occupational Shared Parental Pay (OShPP)

Subject to complying with the notification requirements, employees will be entitled to Occupational Shared Parental Pay if they have 1 years' continuous service at the 11th week before the Expected Week of Childbirth. If the employee does not return to work at Cafcass and remain at work for a period of at least 3 months following the last period of Shared Parental leave, then the employee shall refund the difference in monies between the OShPP and ShPP. Any occupational maternity, adoption or birth support pay you have received will be counted towards your OShPP entitlement.

First 13 weeks:	Full Pay
Subsequent 13 weeks:	Half Pay plus ShPP capped at a rate equivalent to full pay
Remaining 13 weeks:	ShPP

3.1.7 Notification Requirements

Maternity leave

An employee is unable to commence maternity leave earlier than 11 weeks prior to the baby's due date.

By the end of the 15th week before her Expected Week of Childbirth, an employee must notify Cafcass in writing of her intention to take maternity leave, unless this is not reasonably practical. This notification should include:

- A copy of the MATB1 Form which will indicate the employee's Expected Week of Childbirth. These can be obtained from a midwife or doctor.

- The expected date when the employee wants to commence Ordinary Maternity Leave.

Adoption leave

For adopters, the requirement is to notify Cafcass within 7 days of being matched with a child for placement, or as soon as is reasonably practical. This notification should include:

- Documentary evidence from the adoption agency e.g. a Matching Certificate;
- The expected date of when the employee wants to commence Ordinary Adoption Leave.

Shared Parental Leave (birth cases)

Using the pro-formas in Appendix 1 and 2, not less than eight weeks before the date the employee intends to commence shared parental leave, they must provide a written opt-in notice giving:

- Their name and the name of the other parent.
- If they are the child's mother, the start and end dates of their maternity leave.
- If they 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 Maternity Allowance period.
- The total ShPL available, which is 52 weeks minus the number of weeks maternity leave, SMP or MA period taken or to be taken. A minimum of 2 weeks maternity leave must have been taken.
- How many weeks of the available ShPL will be allocated to the employee and how many to the other parent.
- If the employee is 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 many weeks of available ShPP will be allocated to the employee and how much to the other parent.
- An indication of the pattern of leave the employee wishes to take. An employee can request to split their leave into three separate blocks. If Cafcass cannot immediately agree to the request, a 2-week discussion period will commence with the employee to seek mutual agreement on an alternative pattern. If an alternative cannot be agreed, the requested leave will be taken as a continuous block commencing from the earliest date requested.
- Declarations by the employee and the other parent that they both meet the statutory conditions to enable them to take ShPL and ShPP. An assessment can be undertaken by the employee online.
- Consent for Cafcass to retain and process the information provided including contacting the employer of their partner to confirm eligibility as might be required.

Shared Parental Leave (Adoption cases)

Using the pro-formas in Appendix 1 and 2, not less than eight weeks before the date the employee intends to commence shared parental leave, they must give a written opt-in notice giving:

- Their name and their partner's name.
- If they are taking adoption leave, their adoption leave start and end dates.
- If they are not taking adoption leave, their partner's adoption leave start and end dates, or if their partner is not entitled to adoption leave, the start and end dates of their SAP.
- The total ShPL available, which is 52 weeks minus the number of weeks' adoption leave or SAP taken or to be taken by the employee or their partner.

- How many weeks of the available ShPL will be allocated to the employee and how many to their partner.
- If they are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken).
- How many weeks of the available ShPP will be allocated to the employee and how many to their partner (the allocation can be changed).
- An indication of the pattern of leave the employee wishes to take. An employee can request to split their leave into three separate blocks. If Cafcass cannot immediately agree to the request, a 2-week discussion period will commence with the employee to seek mutual agreement on an alternative pattern. If an alternative cannot be agreed, the requested leave will be taken as a continuous block commencing from the earliest date requested.
- Declarations by the employee and their partner that they both meet the statutory conditions to enable them to take ShPL and ShPP. An assessment can be undertaken by the employee online.
- Consent for Cafcass to retain and process the information provided including contacting the employer of their partner to confirm eligibility as might be required.

An employee is entitled to submit up to 3 ShPL notifications.

Should an employee wish to alter their start date of Ordinary Maternity, Adoption or Shared Parental Leave, then 28 days' notice in advance of the originally stated date must be given, or as soon as is reasonably practical. An employee may request changes to the dates of blocks of shared parental leave by giving a minimum of 8 weeks' notice. The employee's entitlement to Maternity, Adoption or Shared Parental Leave and pay is dependent on fulfilling the above requirements. Cafcass will respond to an employee's leave requests within 14 days.

3.1.7 Ante-Natal Care / Attending Application Vetting Interviews

A pregnant employee has a right to paid time off for ante-natal care or for adopters this will extend to attendance of application vetting interviews, if proof of appointment is provided when requested. In addition, the partner of an expectant mother has a right to take unpaid time off to accompany the expected mother to two ante-natal appointments.

3.1.8 Surrogate Mothers and Intended Parents

Surrogate mothers are entitled to maternity leave and pay as outlined elsewhere in this Policy (providing all qualifying conditions are met).

The intended mother in a surrogacy arrangement will not be entitled to take maternity leave.

Where an intended mother and father become 'parental order parents' via the granting of a parental order then the mother and/or father will be entitled to adoption, paternity or shared parental leave as outlined elsewhere in this Policy (providing all qualifying conditions are met).

3.1.9 Keeping in Touch Days

Employees on Maternity or Adoption Leave can work up to 10 days during their leave period. In addition, employees on Shared Parental Leave can take up to 20 Shared Parental Leave in Touch (SPLIT) days.

Any days worked, will be paid at the employee's normal rate of pay.

3.1.10 Terms and Conditions during Maternity, Adoption or Shared Parental Leave

During Ordinary Maternity, Adoption or Shared Parental Leave all the normal terms and conditions of employment will remain in place including the accrual of annual leave, but with the exception of normal remuneration. Employees must continue to abide by their contract of employment during maternity or adoption leave.

Terms relating to notice periods, redundancy entitlement, grievance and disciplinary procedures will also remain in force and be adopted as required. Employees will continue to pay pension contributions as normal during their paid leave. Upon returning from Maternity, Adoption or Shared Parental Leave, the employee will have the opportunity to make up pension contributions for any period of unpaid leave as per Cafcass' Pensions Guidance.

3.1.11 Returning to Work Following Maternity, Adoption or Shared Parental Leave

If the employee returns to work by the end of Ordinary Maternity, Adoption or Shared Parental Leave, then they are entitled to the same job with the same terms and conditions, unless a redundancy situation has arisen. If the employee returns to work following the end of the Additional Maternity, Adoption or equivalent Shared Parental Leave, and it is not reasonably practical for them to return to the same post, then a similar job with no less favourable terms and conditions than the employee's original job will be offered, unless a redundancy situation has arisen.

As the expected return to work date has already been agreed, there is no obligation for an employee to inform Cafcass of when they expect to return to work. However, if the employee wishes to return to work prior to the end of their Maternity, Adoption or Shared Parental Leave, then 8 weeks' notice will need to be given by the employee.

3.1.12 Risk Assessments

The line manager, supported by HR, will carry out a risk assessment for employees who have notified them that they are pregnant in accordance with Health and Safety legislation. Further information can be obtained from the National Heath and Safety Advisor.

3.1.13 Deciding Not to Return to Work

Should an employee not return to work following their Maternity, Adoption or Shared Parental Leave, then they must give written notice as outlined in their contract of employment. In such cases, the employee will be obliged to refund the differences in additional pay granted.

3.2 Other Family Related Leave and Pay

3.2.1 Birth Support Leave and Pay

Birth Support Leave and Pay is an enhanced contractual benefit, which is offered by Cafcass as an alternative to Statutory Paternity Leave and Pay provisions. Birth Support Leave of 15 days with pay shall be granted to the child's father or the expectant mother's spouse, civil partner or nominated carer*, or partner of a main adopter. The leave may be taken in a single period or in up to 3 blocks of not less than 1 week and must be taken within 12 months of the child's birth or placement in adoption cases. In order to ensure that service delivery is managed appropriately, the employee should plan their leave with their manager, as far as is reasonably practical.

If an employee plans to take Shared Parental Leave, they should consider using Birth Support Leave and Pay before taking ShPL. Birth Support Leave and Pay is additional to

any ShPL entitlement, but an employee will lose any entitlement to Birth Support Leave and Pay once they commence a period of ShPL.

If an employee is the parent in a joint Dual Approved Prospective Adoption situation who is not taking Adoption Leave and Pay, they will be entitled to Birth Support Leave and Pay as outlined above. Should the employee take Birth Support Leave and Pay when the child is placed with the family initially for fostering, they will not be entitled to additional Birth Support Leave and Pay or Paternity Leave when the adoption process begins.

*A nominated carer is the person nominated by the expectant mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

3.2.2 Extended Paternity Leave

Extended Paternity Leave has been abolished as part of the Children and Families Act (2014).

3.2.3 Parental Leave

For employees with one years' service, Cafcass will grant up to 18 weeks unpaid leave for each child and adopted child. Employees can take a maximum of 4 weeks' leave in any year for any individual child, with the leave being taken in multiples of one week, unless the child has a disability, in which case it may be taken as individual days. Parental leave can commence once the child is born or placed for adoption with the employee, or as soon as the employee has completed one year's service, whichever is later. The leave may be taken at any time up to the child's 18th birthday.

Parental leave applies to each child not to an individual's job. Therefore, an employee must declare any periods of leave taken with a previous employer.

Employees must give at least 21 days' notice before the Parental Leave begins, of both the start and end dates of the leave they intend to take. In order to ensure that service delivery is managed appropriately, the employee should plan their parental leave with their manager as far as is reasonably practical, with due regard to business priorities.

3.2.4 Neonatal Leave and Pay

Parents of premature babies are entitled to extra paid leave in addition to the current maternity or paternity allowance. This is available to all parents with a premature child in neonatal care for more than one week.

Neonatal leave applies as follows:

- Mothers who give birth prematurely (before 37 weeks of gestation) are entitled to extend their maternity leave by the number of days a baby was born prior to their due date, up to a maximum of 12 weeks. This leave is paid in full and will be recorded as Neonatal Leave.
- Fathers/partners/nominated carers are entitled to up to two weeks paid neonatal leave in addition to the current Birth Support Leave and Pay (see section 3.2.1). This leave can be saved or split so that it is used when the baby comes home from hospital.
- Formal and informal working pattern requests as well as paid/unpaid leave can be provided following the birth of a premature baby.

3.2.5 Statutory Parental Bereavement Leave and Pay (Jack's Law)

Cafcass will grant up to 2 weeks' paid leave for all employed parents if they lose a child under the age of 18 or suffer stillbirth from 24 weeks of pregnancy, irrespective of how long they have worked for Cafcass. Employees may take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the first year after their child's death.

4.0 ANNUAL LEAVE AND OTHER LEAVE ARRANGEMENTS

4.1 Introduction

This section of the Policy applies to all employees of Cafcass including those employed on fixed term contracts. Where leave arrangements are specified as being as days, the equivalent time should be pro-rata accordingly for part time and job share employees. For medical related absence, see section 1. Further advice is available from HR on request.

4.2 Annual Leave

Employees are entitled to 28 days rising to 33 days after 5 years continuous service, inclusive of 3 statutory/privilege days normally taken between Christmas and New Year, although there is flexibility about this based on service requirements. Staff may request to work during these days and ask to take the three days at a later date subject to formal management authorisation. In addition, employees are entitled to 8 bank/public holidays in any calendar year. If only a proportion of the annual leave year is worked then the entitlement is based on each completed month of service.

The responsibility for the booking and subsequent recording and updating of annual leave and other absence details within iTrent is shared between both the employee and their line manager. This includes ensuring iTrent records in relation to an employee's annual leave are accurate and updated in a timely manner in the event that booked and authorised leave arrangements need to be amended.

It is the employee's responsibility to request annual leave via iTrent in the first instance and to ensure that any subsequent changes to planned and authorised leave are discussed with their line manager and actioned in iTrent. It is then the responsibility of the manager to ensure that they take the necessary steps within iTrent to ensure the recorded leave and remaining leave entitlement record for that individual are fully accurate and up to date. The use and accuracy of iTrent in recording and maintaining annual leave records is paramount; it may in no way be substituted with the recording annual leave within the Outlook Calendar, which should be used merely as a secondary source of recording leave dates.

In exceptional circumstances up to a maximum of 5 days unused annual leave may be carried over from one leave year to another with the agreement of the line manager and senior manager.

On the termination of employment with Cafcass, where employees have taken more than their holiday entitlement for that particular year, an adjustment based on the employee's normal rate of pay will be made to their final salary payment. Any unused annual leave should be taken prior to the end of the contractual notice period. If this is not possible due to operational requirements, then outstanding leave will be paid in lieu. Further information is available in the Management Guidance.

The contract of employment provides the definitive description of an individual's annual leave entitlement and should be referred to for clarification as required.

4.2.1 Time off in lieu (TOIL)

From time to time, it may be necessary for members of staff to accrue time off in lieu (TOIL). It is, however, important to recognise the importance of work life balance, staff care and workload management and that the routine build up of TOIL is undesirable.

Up to 15 hours of TOIL can be accrued within a 4-week period. In most circumstances accrued TOIL should then be taken within the following 4 weeks to prevent build up. Working hours should be jointly monitored in situational supervision and routine PLR meetings taking account of the workload Policy and statement.

4.3 Public, Jury and other service

4.3.1 Elections

An employee who serves during an election in a recognised role will be granted unpaid leave. An election can be a General Election, By-Election or Local Election). Recognised roles include Presiding Officer, Polling Clerk and Election Agent. This does not include employees who assist candidates or parties or any involvement in canvassing etc.

4.3.2 Councilors of Authorities

Cafcass do not pay expenses claims for councilors of Local Authorities. Any expenses should be claimed directly from the Local Authority.

4.3.3 Jury Service or Witness in Court

Cafcass employees who are required to attend court (not as part of their normal course of duties) as a witness either in a criminal or civil case and where a witness summons or subpoena is issued, or if undertaking Jury Service will be granted time off with pay for the full period of the required attendance. There will be no routine requirement to claim for loss of earnings as a result of being required to attend court.

4.3.4 Service in Non-Regular Forces

Cafcass employees who volunteer as members of the non-regular forces are entitled to attend an annual training camp as required. Any additional leave will be subject to service provisions and the approval of a Director. Should an employee be called up to serve for a longer period, time off will be granted and their employment protected as per statutory provisions. Any loss of earnings should be re-claimed and paid back to Cafcass, as appropriate.

4.3.5 Religious Festivals and Special Events

Requests for leave to attend religious or cultural traditions can be managed within the scope of normal annual leave and TOIL arrangements, with managers having the flexibility to grant requests for time off.

4.4 Disability Related Leave

Disability Related Leave with pay may be granted on occasions when an absence is unavoidable and is related to a disability and is not sickness related. Such circumstances may occur when disabled employees must take leave due to external circumstances which affect their ability to attend work. Detailed information outlining examples of what may constitute Disability Related Leave is contained in the separate *Management Guidance.*

4.5 Special Leave

Special leave is not an automatic entitlement. Requests for special leave will be considered on an individual basis by line management.

4.5.1 Notification of special leave request

The employee should give their manager as much notice as possible when requesting special leave. Requests for special leave can be refused, with the manager advising the reason(s) for the decision.

4.5.2 Family Emergencies / Serious Illness of a Close Relative or Dependent

In certain circumstances, employees can take time off work to deal with emergencies involving someone who depends on them. Dependents can be classed as the employee's partner, child or parent or someone living as part of the family. Others who rely on the employee for help in an emergency may also qualify.

Where a close relative or dependent is suffering from a serious illness and it is necessary for an employee to remain at home to care for that individual, special leave with pay for up to a total of 5 days per year may be granted.

4.5.3 Carers Leave

In addition to other special leave provisions above, Cafcass also provides up to 5 days per annum leave for those with caring responsibilities. Further information can be found in the Cafcass Working Carers Policy.

At times when the government makes decisions about the national provision of education and caring services, for example, the closure of schools, colleges due to a pandemic, CMT will consider introducing, for a specified period of time, additional temporary arrangements to support staff with caring responsibilities for children and dependents (Please see Appendix 3).

4.5.4 Domestic Abuse Support Leave

Cafcass provides support for staff affected by domestic abuse. Domestic abuse situations will be considered sensitively and appropriate support provided. This can affect both female and male members of staff. Extensive support, including leave of absence in such circumstances is available. Please refer to the separate Domestic Abuse Policy for Staff Support for further advice.

4.5.5 Bereavement Leave and Attending Funerals

Employees may be granted up to 5 days paid leave for bereavement involving a member of their or their partner's immediate family, e.g. mother, father, stepmother, stepfather, child, stepchild, mother-in-law, father-in-law, brother, sister, half-brother, half-sister, stepbrother, stepsister or grandparents. Discretion can be granted for other situations. For attendance at funerals for Cafcass employee's family, or their partner's family, or work colleagues, paid leave can be granted. In other circumstances, annual leave or TOIL should be taken.

4.6 Blood/Organ/Bone Marrow Donors

Employees will be granted time off with pay to attend blood donor sessions and up to 4 weeks with pay to act as an organ or bone marrow donor. Any time above 4 weeks will normally be without pay. This is in addition to normal sick pay entitlements. Employees will be required to provide supporting medical documentation.

4.7 Fertility Treatment

Reasonable paid time off, up to a maximum of 5 days per year, will be granted for employees who are required to attend medical appointments or who are hospitalised in relation to fertility treatment. Employees will be required to provide supporting medical documentation.

4.8 Overstaying / Delayed Returns

Employees who are delayed returning from abroad for circumstances outside of their control must maintain regular contact with their manager and keep any unforeseen overstay to a minimum. Where employees have still been able to work remotely this will be taken into consideration. Upon their return, the manager will consider the circumstances and, if necessary, grant the absence with pay where normal work has been able to be completed remotely. A fair approach will be adopted, including consideration of additional annual leave or TOIL as appropriate. Further information is available in the management guidance.

4.9 Severe Weather Conditions

Severe Weather Conditions are said to exist when most transportation ceases or is seriously disrupted. Where employees have been informed that they are not required to attend work or where a reasonable attempt (allowing for travel and transport disruptions) to attend work has been made then the absence should normally be with pay. Equally, employees who arrive late and who remain at work until the end of the day should not suffer loss of pay. If weather conditions are not severe and the employee fails to attend work, the time lost should either be made up or be without pay. Where employees have the option and ability to work flexibly from home in such circumstances, they should endeavour to do so and agree this with their line manager.

4.10 Leave of Absence without Pay

Cafcass has the discretion to grant short term periods of leave of absence without pay. Each case should be considered on its individual merits. However, a leave of absence request should not be for the purpose of work or financial gain.

Version	Date	Change/Event
5.1	Nov 2021	3.2.4 – amended to clarify entitlement to neo-natal leave and pay 3.2.5 – inserted to specify entitlement to statutory parental bereavement leave (Jack's Law).
5.2	June 2024	Updated terminology and refreshed web-links. Updated at 3.2.1. to align with legislation changes (Apr 24) in respect of paternity leave/birth support leave.

Appendix 1

Notice of Entitlement and Intention to Take Shared Parental Leave

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Basic Details

Employee Name:	
Are you the **mother / main adopter** of the child **or** the **partner** of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave:	

Notice of curtailment of maternity / adoption leave

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby.

I wish my maternity / adoption leave to end on the following date:	
Signed: Date:	

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	

Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks maternity/adoption leave taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks maternity/adoption leave taken according to the above dates)	
Number of weeks of shared parental leave / pay **you** intend to take	
Number of weeks of shared parental leave / pay the **other parent** intends to take	

Shared Parental Leave and Pay Dates

Please detail the start and end dates of the shared parental leave/ pay that **you** intend to take. This should tally with the number of weeks you have indicated above that you will take.	

The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please indicate "Yes": **Yes / No**

If you indicate "No", then please complete appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

Declarations:

1) By the Employee

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- ❒ I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- ❒ I meet the eligibility criteria for shared parental leave

If appropriate:

- ❒ I meet the eligibility criteria for shared parental pay
- ❒ I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the Policy
- ❒ I consent to you retaining and processing the information contained in this form

Signed:_____ Date:_____

2) **By the Employee's Partner**

Name	
Address	
Name and Address of Employer	

National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- ❒ I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- ❒ I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks
- ❒ I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

- ❒ I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)
- ❒ I consent to you retaining and processing the information contained in this form and understand that this may include contacting my employer detailed above.

Signed:_____ Date:_____

Appendix 2

Notice to Take or Vary a Period of Shared Parental Leave

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (appendix 1) and have had your eligibility for shared parental leave confirmed.

Name of Employee	
Name of Partner	

Requested Shared Parental Leave / Pay Dates

Start date	**End date**	**Number of weeks leave**	**Number of weeks pay (if applicable)**

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	**Previously Approved End date**	**Detail the change you would like to request**

We confirm that we agree to the request / variation outlined above.

Signed: (Employee)_____ Date:_____

Signed: (Employee's Partner)_____ Date:_____

Appendix 3: Time Off to Care for Children/Dependents (Temporary Policy)

National announcements affecting the availability of childcare and/or other caring services mean that we need to introduce a temporary approach to managing staff who require to provide care at home for children or other dependents. The approach will continue to be kept under regular review.

In all instances except sickness absence, it is assumed that staff should be able to continue to work and should attempt to balance their caring responsibilities against their work tasks, accepting that the latter will be subject to some level of disruption as a result.

However, it is recognised that national announcements, may create an additional burden on staff with children, as well as other staff who have dependents in other age groups within the household with specific care requirements and who are not currently able to rely on their normal sources of support.

The Managing Attendance Policy provides emergency time off to care for a seriously ill child or dependents which allows for up to 5 days absence with full pay. This Policy will continue for all staff who are required to provide care for a child or other dependent who is seriously ill at home, with the exception that the normal 5-day limit has been suspended and replaced by this temporary Policy.

It is recognised that a very small number of staff may be placed in a position of having to provide care at home and this prevents them from being able to simultaneously undertake any meaningful level of work. In these circumstances it may be appropriate to provide a period of paid absence. In order to assess whether paid absence is appropriate we will apply the following criteria:

- A child or other dependent who has particular needs, and:
- There is nobody else in the household who is able to assist in providing safe care for a substantial part of the working day, or;
- There are no options for a partner (who is not also a key worker) who could work from home and with whom to share care responsibilities, and;
- They can evidence that they have exhausted all local options including the in-school childcare which is available for children of key workers, and;
- There is no other work available that they could be reasonably required to do while still providing care at home.

Unless these criteria are met then the member of staff should continue to work. For example, where local in-school childcare for children is available but has not been taken up, then the member of staff will reasonably be expected to continue to work.

Line managers will be responsible for discussing the individual circumstances with their staff member to assess whether the above criteria are met. Where these criteria are met and subject to approval of the relevant Assistant Director or Head of Profession then the member of staff may be placed on a period of paid absence. The decision should be recorded using the proforma included at Appendix 3.1.

Additionally, before any additional paid absence will be granted, the member of staff must have used a proportionate amount of their annual leave allowance (with their remaining annual leave already booked and authorised before the end of the annual leave year) and any outstanding TOIL.

Any period of paid absence, whether to provide time off to care for a seriously ill child/dependent in the home, or due to child/care responsibilities subject to meeting the criteria above, should be kept under continuous review by the line manager and where possible the member of staff should return to work. This might include where another member of the household later becomes available to assist in care provision, or where a child/dependent improves to the point where they are no longer seriously ill.

In addition, all periods of paid absence agreed under this temporary Policy will be limited to a period of 4 weeks. Any subsequent extensions must be subject to 4 weekly review and re-approval by the

respective Assistant Director or Head of Profession to ensure the provision remains appropriate and necessary.

Any periods of paid absence for the reasons set out above should be recorded in iTrent under the category of ‘Other Absence’ and using the absence type ‘Temporary Policy for Caring’.

Appendix 3.1

Caring for a Dependent – Approval/Decision Form

This form should be used to record the assessment of a member of staff need to provide care for a child or other dependent where this prevents them from being able to undertake their role and is therefore eligible for a period of paid absence.

Name:			
Service Area/Corporate Function:			
Line Manager:			
Criteria:	**Met (Yes/No)**	**Comment/Notes**	
A child or other dependent who has particular needs			
There is nobody else in the household who is able to assist in providing safe care for a substantial part of the working day			
There are no options for a partner (who is not also a key worker) who could work from home and with whom to share care responsibilities			
They can evidence that they have exhausted all local options including the in-school childcare which is available for children of key workers			
There is no other work available that they could be reasonably required to do while still providing care at home			
Any Additional Comments:			
Paid Absence approved:	YES/NO		
Appropriate amount	YES/NO		

of annual leave allowance has been used (with their remaining annual leave already booked and authorised before the end of the annual leave year) and any outstanding TOIL to be used first:			
Line Manager Sign:		Date:	
AD/Head of Profession Sign:		Date:	
Review 1:	YES/NO	Date:	
Review 2:	YES/NO	Date:	
Review 3:	YES/NO	Date:	