



Working parents

An equality guide for branches and reps

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Introduction

Deciding whether to have a family becomes an even bigger decision due to pregnancy and maternity-related discrimination, and the weak rights for those on precarious or fixed-term contracts can negatively affect working parents despite the existence of workplace policies. UCU has been at the forefront of assisting employers to achieve good practice for all members, especially in providing a framework to enable a good work-life balance through fora such as the Universities and Colleges Employers Association (UCEA), the Association of Colleges (AoC) and contributing to government consultations and inquiries.

The evidence

Pregnant women and new mothers are experiencing discrimination in the workplace. Research undertaken by the Department for Business, Innovation and Skills and the Equality and Human Rights Commission¹ found:

- One in nine mothers reported they felt forced to leave their job, were dismissed, made compulsory redundant or were treated so poorly they felt they had to leave their job.
- One in five mothers said they experienced harassment or negative comments related to pregnancy or flexible working from their employer/colleagues
- A further report by the TUC identified that new mothers in the UK receive just six weeks of decently-paid maternity leave. In comparison with other EU countries, the UK ranks 22 out of 24 that offer statutory maternity leave; most European countries offer three months or more.

Maternity leave

- Croatia tops the table with six months
- Poland, Hungary and the Czech Republic offer more than four months
- Estonia, Italy, Spain, Belgium, Denmark, France, Malta and Switzerland give more than three months.

The UK is in the relegation zone when it comes to decently-paid maternity leave. Many European countries offer decent support to new mums. But lots of parents here are forced back to work early to pay the bills. My advice to all new mums is to join a union. It is the best way to improve your pay and conditions.

TUC General Secretary Frances O'Grady



The only European countries offering less well paid maternity leave than the UK are Ireland and Slovakia, where mothers do not get any decently paid time off.

¹ <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings>

The Modern Families Survey Report (2017)², found that 69% of fathers wanting to be involved in their children's lives would consider their childcare arrangements before they took a new job or promotion. The survey also found that fathers are more likely to want to downshift into a less stressful job or take a pay cut to achieve a better work-life balance, reflecting the difficulty they face in reconciling work and home life – becoming known as the 'fatherhood penalty.'

The survey also found that working parents are finding it increasingly difficult to maintain a balance between work and home life:

- Family life is under pressure from work. Most working parents catch up on work at home in the evenings and at weekends, with 41% saying this is often or all the time.
- Only a third of working parents manage to leave work on time every day. For many, staying late at work is a regular occurrence.
- More than a third of working parents said they would take a pay cut to work fewer hours.
- 48% of parents say that working hours regularly get in the way of spending time with their children.
- One in five parents working full-time are putting in five extra weeks of work a year. This is the equivalent of their annual holiday allowance in unpaid work, just to keep up with the demands of the job.

In response to the increasing pressure working parents and carers face from employers and the difficulty in managing work-life balance and finances, UCU has produced this guidance in accordance with Congress Resolution 34 'Parents at work'. The guidance aims to assist all working parents and branch representatives negotiate their way through the myriad of statutory rights and regulations relating to equality, health and safety, and flexible working.

Whether you are a working parent or a branch rep, we hope that you will find the tools included here useful – whether to increase your knowledge and/or strengthen existing policies to achieve flexibility with your employers to maintain a healthy work-life balance for all working parents.

This guidance covers existing legislation and directives.

² https://www.workingfamilies.org.uk/wp-content/uploads/2017/01/Modern-Families-Index_Full-Report.pdf

Your rights



The Law

Many of our workers' rights are enshrined in EU legislation. These rights have provided protections against discrimination and have been included in the Equality Act 2010 which states it is against the law for employers to discriminate against an individual based on age, sexual orientation or religion.

Other protections against discrimination that comes from EU directives include:

- freedom from discrimination for part-time and fixed-term workers
- the right to rest breaks
- the right to paid holiday
- leave for working parents.

We will know the impact of Brexit and changes to employment rights in due course.

Until then, this guidance covers existing legislation

Pregnancy and maternity

The Equality Act 2010 protects an employee from one type of direct discrimination and victimisation because of their pregnancy, or for taking/seeking to take maternity leave.

For example, an employer must not consider pregnancy-related illness when considering other sickness absence or in deciding about her employment. During this time, any other discrimination because of her sex would be a separate and overlapping matter which might amount to sex discrimination and/or sexual harassment.

An aspect of the pregnancy and maternity protected characteristic is that a woman who is pregnant or on maternity leave must not be treated unfavourably because of pregnancy or maternity leave. That means there is no need for her to show that she has been treated less favourably than a man, or a woman who was not pregnant, just that she was in fact treated detrimentally because of her pregnancy or maternity.

Equality Act 2010: Pregnancy and maternity

COVERED	NOT COVERED
Direct discrimination* and victimisation is covered by the Act	Indirect discrimination and harassment are not covered

* While there is uncertainty over whether the Equality Act 2010 would allow a claim of direct discrimination by association because of pregnancy or maternity, the EHRC Codes of Practice on Employment advise that an employee who is treated less favourably because of their association with a pregnant woman may have a claim for sex discrimination.

Source: ACAS

Pregnant women are protected from discrimination in the workplace and have the right not to be dismissed or unfavourably treated because of their pregnancy – see *Redundancy* below.

Pregnant women and rights

Pregnant women (employees and workers), have the right not to suffer unfavourable treatment because of their pregnancy. This means, for example, if a woman is ill during her pregnancy and it is recorded as pregnancy-related illness, she cannot be disciplined. If a pregnant woman has been dismissed because of her pregnancy, she can claim unfair dismissal. Pregnant women should contact their branch representative if this applies to them as this might trigger maternity leave.

Informing employers

Pregnant women are under no legal obligation to tell their employer that they are pregnant. However UCU strongly advises that pregnant women inform employers of their pregnancy – this is to ensure that the health, safety and wellbeing of the pregnant woman and her unborn child are paramount whilst at work.

To take maternity leave, pregnant women should inform their employer by the end of the 15th week before the baby is due. Pregnant women should make it clear to their employer's HR department if they do not wish details of their pregnancy to be announced. See *Section 5* for sample letter.

Same-sex partners

Women in same-sex relationships have the same basic rights when they become pregnant or become a mother.

Probation

Pregnant women's maternity rights are not affected during the probationary period - see *Maternity leave*.

Antenatal appointments

Pregnant women are entitled to paid time-off to attend antenatal appointments and they should not be refused permission to attend these appointments. Employers may ask to see evidence of antenatal appointments, which is a reasonable request. Agency workers who have completed 12 weeks' employment, have the same rights.

For women undergoing surrogacy and subsequently intending to apply for a parental order, they will have the right to unpaid time off work to accompany the birth mother to two antenatal appointments.

Breastfeeding at work

The decision for many new mothers to continue to breastfeed when they return to work may help them to avoid conditions such as mastitis in addition to the known health benefits to the baby. UCU remains supportive of new mothers wishing to continue to breastfeed when they return to work.

Employers should assess any potential risks for the new/expectant mother as there may be risks, other than those associated with pregnancy, to consider if an employee is still breastfeeding on their return to work – this again is dependent on the mother informing her employer (see Section 5 for a proforma letter). The risk assessment will depend on the working conditions but could include:

- working with organic mercury
- working with radioactive material
- exposure to lead.

Breastfeeding is covered under the Equality Act 2010 in Pt. 2 s17 p4 which states 'The reference in subsection (3)* to treating a woman unfavourably because she has given birth includes, in particular, a reference to treating her unfavourably because she is breastfeeding.'

A breach of Management of Health and Safety at Work Regulations 1999 may in addition be unlawful discrimination under the Equality Act 2010 depending on the circumstances. In addition, the regulations place a duty on employers to provide somewhere for a breastfeeding employee to rest and this includes being able to lie down. Employers have a legal obligation to regularly review general workplace risks, however, there is no legal requirement to conduct a specific, separate risk assessment for an employee returning from maternity leave who has notified her employer of her intention to breastfeed. The HSE advises that this is a decision for new mothers but it should not prevent you from returning to work. Employers may provide a private, healthy and safe environment for you to express and store milk, although there is no legal requirement for them to do so.

It is not suitable for new mothers to use toilets for expressing milk. Employers are legally required to provide somewhere for pregnant and breastfeeding mothers to rest and, where necessary, this should include somewhere to lie down.



Case study: breastfeeding at work

Brigit works in an insurance claims office and has just returned from maternity leave. Her employer has allowed her some additional breaks to express breast-milk in appropriate facilities within the office. The team is aware of this and covers her phone calls while she is away from her desk.

Jack starts to make jokes in the office and in particular around the pump that Brigit takes with her. Although these jokes are meant to be amusing, Jack persists in making a comment every time and the employer can see this is beginning to have an effect on Brigit who tries to slip out of the room unnoticed.

The employer decides to act quickly to prevent this from becoming a problem and has a word privately with Jack. The banter stops and Brigit seems relieved and more open about her short absences. The employer also introduces bullying and harassment training during a staff meeting to reinforce the need for staff to treat each other with dignity.

It is Sex Discrimination to treat a woman less favourably because she is breastfeeding – Equality Act 2010 Part 2, S717 p4. *Source: ACAS*

Good practice tips on managing breastfeeding at work

- Branch reps should encourage expectant and new mothers to write to their employers giving notice of pregnancy and the intention to continue to breastfeed upon their return to work.
- Employers must do all that is reasonable to remove any risk, including temporarily changing working conditions or hours of work and they may want to revisit the original risk assessment when informed of the pregnancy.
- In agreement with the new mother, the employer should make reasonable adjustments to her job, eg breastfeeding/expressing breaks, a shorter working day, regular shifts.
- Any transfer to a different post should be without detriment – and on the same terms and conditions, pay etc.
- Your employer must provide suitable rest facilities for pregnant and breastfeeding mothers. The HSE recommends that employers provide a private, healthy and safe environment for nursing mothers to express and store milk.
- Temporary agency workers have the same rights under the Agency Workers Regulations 2010, to use shared facilities provided by the hirer. Toilets are not suitable for breastfeeding or expressing milk.

Redundancy

Women on fixed-term research contracts face a wide range of issues with sustaining a stable career. Due to the inequality between maternity and paternity leave entitlements, women face greater pressure to be the primary carer. If they are employed on fixed-term contracts, women are more likely to face the threat of redundancy while on leave caring for a child.

Consequently, women are frequently faced with the choice of not starting a family while on fixed-term contracts or being made redundant while on leave.

The research councils have recognised this problem and have sought to mitigate it to some extent. Research Councils UK provisions allow for the extension of grants or the provision of additional funds in the case of researchers going on maternity leave. This means that grants can be extended to enable researchers to return and finish the project or to fund a substitute:

- It is automatically unfair to dismiss a woman employee on pregnancy or maternity related grounds, regardless of her hours of work or length of service.
- It is discrimination if a woman is treated unfavourably because of her pregnancy, pregnancy-related illness or because she is on maternity leave. This applies to all women workers including part-time and fixed-term workers.
- An employer must assess the risks to new and expectant mothers and their babies. The duty on employers covers all workers including temporary and agency workers or those employed on contracts to provide work personally.

“ **T**he duration of the grant may be extended, by an overall total of up to 12 months to allow work to be completed where it has been unavoidably delayed by periods of maternity, paternity, shared parental or adoption leave, or by changes from full-time to part-time working.

Most institutions do not provide this but simply say that they will continue to pay university or occupational maternity pay until the end of the contracted employment with statutory maternity pay covering the rest of the period of any maternity.

Should an institution decide not to renew a fixed-term contract, providing there is a genuine redundancy (pregnancy and/or maternity are not the reasons for the redundancy) and correct redundancy procedures have been followed and redeployment considered, this is likely to constitute a fair dismissal. If the reason for the dismissal is related to the employee's pregnancy or maternity then it will automatically be unfair.

Suitable alternative employment

If a pregnant woman goes on maternity leave during a fixed-term contract and consequently is put at risk of redundancy, she has a right to be offered suitable alternative employment. This is a much stronger right than an institution's policy obligation to try to find you an alternative post. The employee who is at risk must be offered any suitable vacancy, regardless of whether they are the best candidate.

That means that institutions should have a policy in place whereby 'suitability' can be assessed and established fairly, suitable vacancies can be proactively identified, and that ensures that employers offer any employment found to be suitable without a competitive process. A suitable vacancy means that terms and conditions must not be 'substantially less favourable' than those of the employee's old job.



Case study: redundancy

While Wendy, a part-time librarian, was on maternity leave her employer decided to appoint an information services manager and incorporate Wendy's duties into this post. Wendy was dismissed on ground of redundancy shortly before she was due to return to work. This was found to be unfair dismissal as the new post was still available and she was not genuinely redundant. Source: ACAS

UCU has recently negotiated a helpful policy with the Open University which sets out a clear and transparent procedure for ensuring that the institution fulfils its statutory obligations to match all staff who are on maternity, adoption, additional paternity or shared parental leave to suitable alternative employment and to ensure that they are offered these jobs.

If you have two employers

If a woman has two or more part-time roles, she can claim maternity pay and leave from all her employers on a pro-rata basis, subject to qualifying conditions.

Illness during pregnancy

If a woman is ill during pregnancy, this should be recorded as pregnancy-related illness. This does not count toward her sickness record and she cannot be dismissed.

Case study: Illness during pregnancy

Joan, the manager is aware that Kelly is having a difficult pregnancy and is quite unwell. She learns that Kelly's job is under threat of redundancy. Joan is worried that talking to Kelly about this might distress her as Kelly has already indicated to a friend at work that now she doesn't want to speak to anyone or discuss work. Joan decided not to talk to Kelly and consequently didn't find out about a qualification Kelly has for an alternative job. Joan realises that now Kelly could make a claim for discrimination and unfair dismissal.

Source: ACAS



Miscarriages, stillbirths and deaths

Miscarriages, stillbirths and deaths are a stressful and emotional time for women and partners. Employers should exercise a high level of patience, sympathy and understanding toward the bereaved parent(s). Under no circumstances should employers or reps discuss and /or share information about an employee's miscarriage, stillbirth or the death of a child with other members of staff, without the express wish of the parent(s).

Miscarriages occur within the first 23 weeks of pregnancy – stillbirths and deaths occur after the first 24 weeks of pregnancy.

In the event of miscarriage, a woman is not entitled to maternity leave or pay. Instead, women should be signed off work for as long as the GP feels is necessary and their illness should be recorded as a pregnancy-related illness.

In the event of a stillbirth and/or death after the end of the 24th week of pregnancy, women are entitled to maternity leave and pay. The same is the case for partners. It is important that the woman or her partner informs the employer of the news when possible.

Branch representatives should negotiate policies for women to have the option to reduce their workloads temporarily or to adjust working patterns, where possible. Additional support such as referrals to organisations offering counselling /emotional support should be given. See *Contacts* for a list of organisations and support groups.

Adoption, surrogacy and IVF

Adoption

Adoption is the process entered into by individual or couple to provide a permanent home to a child who is unable to remain with their birth family. Adoption rights extend to employees who adopt a child / children under the age of 18. These rights are applicable to one parent in the case of a couple. Individuals or couples adopting are entitled to receive benefits like maternity leave and pay.

Surrogacy

Surrogacy is when another woman carries and gives birth to a baby for the intended parents. The woman who gives birth to the child will be treated as the mother. However,

parental responsibility can be transferred by either an adoption or parental order. Shared parental leave may be available, subject to eligibility conditions.

In vitro fertilisation (IVF)

In vitro fertilisation (IVF) is the process whereby fertilisation occurs outside the woman's body. This process can typically take between four and seven weeks for one cycle although IVF does not always result in a pregnancy.

Following implantation, a pregnancy may or may not occur, but the woman is regarded as being pregnant from the point of the implantation and is protected from dismissal or adverse treatment under the Equality Act 2010 pregnancy legislation. The woman should notify her employer once she has reached this stage. The pregnancy test is usually taken two weeks after implantation.

If, however, the IVF is unsuccessful, the protected period ends two weeks after the end of the pregnancy - two weeks after the date the woman was informed that implantation was not successful. There are no statutory rights for women undergoing IVF to take time off work to undergo investigations or treatment.

Keeping-in-touch days (KIT)

Keeping-in-touch (KIT) days are days during a woman's maternity leave when she can attend a training day, staff meeting or do a full day's work. Anything undertaken on a KIT day will count as a full day's work even if the new mother has only attended for a few hours.

New mothers can work for up to ten days during their maternity leave without bringing their maternity leave to an end.

KIT days are voluntary and mothers cannot be forced to work by employers. There is no statutory entitlement to be paid the normal wage for a job. New mothers should seek advice from their branch representative.

Returning to work

New mothers wishing to return to work before the end of their 52 weeks' maternity leave must give their employer at least eight weeks' notice and this must be in writing.

Quick look – employees' rights on pregnancy and maternity

To take maternity leave you should inform your employer by the end of the 15th week before your baby is due.

It is automatically unfair to dismiss a woman employee on pregnancy or maternity-related grounds, regardless of her hours of work or length of service.

It is discrimination if a woman is treated unfavorably because of pregnancy, pregnancy-related illness or because she is on maternity leave. This applies to all women workers including part-time and fixed-term workers.

Employers must not treat workers on fixed-term contracts less favourably than permanent employees doing the same or largely the same job, unless the employer can show that there is a good business reason to do so.

An employer must assess the risks to new and expectant mothers and their babies. The duty on employers covers all workers including temporary and agency workers or those employed on contracts to provide work personally.

If you have worked continually for the same employer for two years or more, you have the same redundancy rights as a permanent employee.

If you are self-employed, an agency worker or doing casual work, you may not have the right to paid maternity/shared parental leave from your employer, but you may still get maternity pay.

You have the right not to be dismissed on the grounds of pregnancy or maternity regardless of your hours of work or length of service.

You have the right to paid time-off work for antenatal appointments – fathers or partners are entitled to unpaid time-off work

Being pregnant while on probation does not affect maternity rights.

If a woman is ill during pregnancy, it should be recorded as pregnancy-related illness and should not count toward sickness records.

Women who suffer miscarriages within the first 23 weeks of pregnancy are not entitled to maternity leave and pay but should be signed off work by their GP. The illness should be recorded as pregnancy-related illness and does not count toward their sickness record.

Women who suffer stillbirth or the death of a child after birth (after the 24th week) are entitled to maternity leave and pay.

Adoption rights extend to employees who adopt a child/children under the age of 18.

Shared parental leave may be available for parents undergoing surrogacy.

Women undergoing IVF are protected from dismissal and adverse treatment. (See section 2)

There are no statutory rights for women undergoing IVF to take time off work to undergo investigations or treatment (See section 2).

Applicable: England, Northern Ireland, Scotland and Wales



PREGNANT AT WORK KNOW YOUR RIGHTS

- **The Equality Act 2010 gives legal protection on pregnancy and maternity.**
- **It is discrimination to treat a woman unfavourably because of her pregnancy.**
- **Pregnant women have protection from dismissal and discrimination.**
- **Health and safety legislation offers protection in the workplace for pregnant women.**
- **Pregnant women are entitled to paid time-off for antenatal appointments.**
- **All partners have the same basic rights regardless of gender.**
- **Illness during pregnancy does not count toward your sickness record.**

Leave and pay



The case for parental/shared parental leave

Parenting brings an added level of responsibility to working parents when dealing with unexpected or planned situations that affect the health and welfare of their child/children. When faced with these situations, working parents have a right under existing EU law to take leave. This flexibility helps working parents maintain a good work-life balance.

Many universities and colleges have policies that cover the different types of parental leave outlining your rights and responsibilities.

Athena SWANN

Institutions applying for the Athena SWANN charter mark will be required to provide information on their shared parental / parental leave policies as well as an update of shared parental leave. *Equality Challenge Unit*

The statutory requirements for women and parents are given below. However, your negotiators may have secured local agreements that are better than the statutory requirements. If your branch has an enhanced local agreement, please send a copy to eqadmin@ucu.org.uk

Maternity leave and flexible parental leave

- Women are entitled to 52 weeks' maternity leave and 39 weeks' pay. However if a woman chooses to bring her maternity leave to an end early, the remainder can be converted to flexible parental leave which either parent can take. The leave can be converted to flexible parental leave from any time after the compulsory two weeks of maternity leave so there is a maximum of 50 weeks' flexible parental leave and 37 weeks' maternity pay.
- Parents will be able to take flexible parental leave at the same time.
- Employees, subject to their employer's agreement, can take the leave in discontinuous blocks of one week (eg one week off work, one week in work, one week off). If the employer doesn't agree to this kind of pattern of leave-taking, it will default to one continuous block of leave to be started at a date decided by the employee.
- Parents can have up to 20 days at work each while on shared parental leave. These days will be renamed and will be in addition to the 10 KIT (keeping in touch) days which will continue to be available to a woman while she is on maternity leave
- Employees who take shared parental leave have the right to return to the same job when returning from periods of maternity/paternity/adoption/shared parental leave even if this is taken in discontinuous blocks
- Employees will be required to give eight weeks' notice to take specific periods of leave

Paternity/partner Leave and rights for fathers/partners

- Fathers/partners are entitled to two weeks leave paid at the statutory rate around the time of the birth provided they are employees with 26 weeks' service before the expected week of childbirth.
- There is provision for unpaid time off for fathers to attend up to two antenatal appointments.

- Rights also apply to partners in same sex relationships.

Adoption leave

- Adoption leave is applicable to eligible individuals and couples who have been newly matched and where the child/children are placed for adoption by an agency or local authority in the UK. Only one person (in a couple) can take adoption leave. The other partner may take paternity leave.

Statutory adoption leave is 52 weeks, made up of:

- 26 weeks – ordinary adoption leave
 - 26 weeks – additional adoption leave
- Adoption leave can start:
 - up to 14 days before the date the child starts living with you (UK adoptions)
 - when the child arrives in the UK or within 28 days of this date (overseas adoptions)
 - the day the child is born or the day after (if you've used a surrogate to have a child)
 - Parents taking adoption leave can change the start date of their adoption leave – your employer must be informed within 28 days if the date of placement changes or the UK arrival date changes in the case of overseas adoption.
 - Employers must also be given at least eight weeks' notice if you want to change your return- to-work date.
 - Adoption rights start on day one of your employment (previously 26 weeks' service was needed).
 - The first six weeks of leave will be paid at 90% of earnings.
 - Surrogate parents have rights to leave and pay as once they have applied for a parental order they are to be treated as adopters and qualify for the same leave and pay rights as adoptive parents.
 - There is time off to attend adoption meetings: paid time off to attend five meetings for the primary adopter and unpaid time off for the secondary adopter to attend two meetings.
 - Eligible adopters can also take shared parental leave.

Case study: adoption rights

Soraya and her partner are adopting a child and while her partner will take the main caring role, Soraya would like to be at home for the first few months. They have agreed that her partner's adoption leave will finish after six months and that Soraya will take three months shared parental leave (SPL).

Soraya works in a shop and knows that she will be able to earn more money during the Christmas period compared to the rest of the year. She discusses the situation with the owner and explains that she is thinking about taking leave in October and November, will work December (while family will be around to help with the care of the child), and will then take SPL again in January when the shop is quieter. The owner thinks the proposal is a good one, especially as it considers the needs of the business. Source: ACAS



Surrogacy and IVF

In vitro fertilisation (IVF): For employees, there is no statutory right for employees to take time off work to undergo investigations or treatment. Employers should regard appointments for IVF treatment the same as any other medical appointment under the terms and conditions of the contract of employment, and may want to agree flexible working arrangements or a combination of paid, unpaid or annual leave during treatment.

Forms of family leave

- **Maternity leave/pay:** 52 weeks leave and 39 weeks statutory pay; also maternity allowance
- **Statutory paternity leave and pay:** 2 weeks leave
- **Additional paternity leave:** right to share some leave after 20 weeks post birth. Various conditions of eligibility
- **Adoption leave/adoption pay:** 52 weeks leave and 39 weeks statutory pay
- **Unpaid parental leave:** 18 weeks unpaid leave per child by fifth birthday. If your child is in receipt of disability living allowance (DLA), you will be allowed to take this leave over blocks of time, for example an odd day. For children without a disability, the leave must be taken in one-week blocks*
- **Shared parental leave**



From July 2015, disability living allowance (DLA) was phased out and replaced with personal independence payments (PIP) for claimants aged 16 and over. Individuals will need to claim PIPs as there is no automatic move from DLA to PIP.

Mothers have the option of converting some of their maternity leave and pay into shared parental leave (SPL). If the mother's partner is not the child's father, but shares the main responsibility for caring for the child, then the leave can be shared with that person. If the mother is not in a relationship with the father of the child, but still shares the main responsibility of caring for the child with him, she can still share her leave with him.

A single mother who does not share responsibility for raising her child cannot share her leave with anyone else. Leave cannot be shared with more than one person. The provisions apply to all employees who are parents, whether by birth, adoption or surrogacy, including same sex couples.

Shared parental leave (SPL)

The objectives of shared parental leave are:

- to attempt to reconcile family life and work
- to avoid the perpetuation of traditional gender roles
- to encourage women to return to the workplace

- to assist fathers or co-parents to take parental leave
- to encourage fathers or co-parents to play a greater role in child rearing.

Shared parental leave – an overview of key provisions

- A maximum of 50 weeks leave can be shared between parents from two weeks after the birth. 39 weeks of this are paid (statutory maternity pay). The first two weeks of leave after the child's birth remain compulsory for the mother.
- Each parent must qualify in their own right and as a result of the other parent satisfying the conditions.
- You can amend the agreed leave pattern with notice.
- SPL is created from untaken maternity leave or adoption leave.
- If opting for SPL, then maternity rights are curtailed - access to the shared system occurs when the mother shortens or brings forward the end of her maternity leave, and eligibility criteria are met.
- SPL must be taken within one year of the birth or the date of adoption placement.
- SPL cannot be taken in blocks of time shorter than a week.
- You can take a maximum of three blocks of SPL unless your employer agrees to a discontinuous pattern of leave or agrees to accept more than three notices of leave.
- You can request a discontinuous pattern for taking SPL from your employer, eg two weeks on, two weeks off, but your employer has the right to refuse such a request.
- The same rights that apply during maternity leave apply in regards to return to work
- Extension of unpaid parental leave – the age limit increases from five years to 18 years, each parent with the right to up to 18 weeks unpaid parental leave for each child under 18.

Some important points to note on shared parental Pay (ShPP) and SPL

- If you are entitled to contractual maternity pay, you may lose it if you bring your maternity leave to an end early and switch to SPL. You should check with your employer whether they provide contractual pay to employees on SPL before curtailing your maternity leave.
- To qualify for ShPP you must also have an entitlement to statutory maternity pay (SMP) and have given notice that you wish to end this early.
- It is for employers to decide whether or not to enhance contractual pay to employees on shared parental leave, where they already pay enhanced maternity pay. There is no statutory provision requiring them to do so. However, when making such a decision, employers should bear in mind the need to avoid any discrimination.
- Maternity leave is also important for mothers to recover from childbirth. Opting for SPL too early could be detrimental to the mother's wellbeing.

Eligibility criteria

- Employees and parents who share main responsibility of caring for their child are eligible.
- They do not necessarily have to be a couple.
- You need to have worked for the employer for 26 weeks by the end of the 15th week before the expected week of birth and continue to be employed by the same employer.
- Your partner must have been an employee or a self-employed earner for at least 26 out of 66 weeks immediately before the expected week of birth
- If the mother is not an employee, she can still pass on SPL rights to the father.
- You can revert back to maternity leave if the relationship breaks down and there is no longer shared care.
- You must properly notify the employer of entitlement and have provided the necessary declarations and evidence.

SPLIT days (shared parental leave in touch days)

SPLIT days can be used where both sides feel it would be beneficial to keep up to date on any changes within the workplace, to ease the return to work, or as part of a phased return. They are voluntary and need to be mutually agreed.

- Employees can work for their employer for up to 20 days during SPL without ending the leave period.
- SPLIT days are in addition to KIT days available during maternity Leave or adoption leave
- You cannot use SPLIT days to extend total SPL beyond 52 weeks.
- The employer and employee must agree what work at what rate is undertaken for SPLIT days.



Case study: shared parental leave / SPLIT

Lucie has been on maternity leave for five months. She gave notice to end her maternity leave after eight months so her partner could have a month's shared parental leave (SPL). She will then take a further three months SPL herself.

Lucie feels that it would be beneficial if she could reacquaint herself with her role and colleagues during her three months of SPL before her full return and talks to her manager about this. Her manager is keen to also have Lucie attend a team training day in that period too.

Lucie and her manager agree to one SPLIT day a month in her first two months of SPL and two SPLIT days a week in her final month of SPL. They agree that Lucie will receive full pay for any SPLIT day worked in addition to any ShPP. *Source: ACAS*

Overview of the shared parental leave process

STEP 1: Becoming aware of a pregnancy or match*	EMPLOYEE <ul style="list-style-type: none"> ● Is SPL suitable? ● Considering what leave arrangements works best 	EMPLOYER <ul style="list-style-type: none"> ● Discussing intentions and other leave options
STEP 2: Choosing SPL and notification of entitlement	EMPLOYEE <ul style="list-style-type: none"> ● Notifying the employer of eligibility 	EMPLOYER <ul style="list-style-type: none"> ● Discussing early intentions ● Making early preparations and plans
STEP 3: Notification of a leave booking	EMPLOYEE <ul style="list-style-type: none"> ● Notifying the employer of a leave booking 	EMPLOYER <ul style="list-style-type: none"> ● Consider the impact of a leave booking
STEP 4: Outcome	EMPLOYEE <ul style="list-style-type: none"> ● Leave begins or the request is withdrawn 	EMPLOYER <ul style="list-style-type: none"> ● Confirm and communicate the outcome

* The matching process: When the approved adopter is matched with a child to provide a permanent home.

Flexible working

3



Flexible working

Shared parental leave enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could involve returning to work for part of the time and then resuming leave at a later date.

The right to request flexible working is extended to all employees as long as they meet the 26-week qualifying period.

Carers

If you are a carer of a child or adult, you have the right to request flexible working.

To request flexible working, you must:

- have worked for your employer for at least 26 weeks
- apply in writing to your employer stating how you would like to change your working pattern.

Within 28 days of receiving your request, your employer must invite you to a meeting to discuss your request and has up to three months in which to consider your request. Requesting flexible working is a right. Remember to include your union representative in all communication.

Your employer does not have to grant your request but they must give it due consideration and, if they reject your application, give business reasons for this decision. The statutory procedure governing how requests are made and responded to will be replaced by a duty on employers to consider a request in a reasonable manner and a statutory Code of Practice from ACAS.

Other examples of flexible working

Time off for emergencies

Time off for emergencies, also known as dependant leave is available to parents and carers who have the right to take unpaid time off work to deal with an unexpected event involving the person cared for. Examples of time-off for emergencies include:

- a dependant needs you to deal with a disruption or breakdown in care, such as a childminder failing to turn up, or to deal with an incident which occurs unexpectedly at school
- a family member dies and you need to make funeral arrangements or attend the funeral
- a dependant is ill or gives birth.

Term-time only

Term-time only working allows employees the opportunity to reduce their hours or take time off (usually unpaid) during the school holidays. An employer could also offer this arrangement to individuals in full-time education who are only able to work during the school holiday periods.



Working from home

This type of working allows an employee to carry out all their working duties at home rather than on the employer's premises. NB: the employer is still responsible for the health and wellbeing of the employee.

Compressing hours

An employee works their usual hours in fewer and/or longer blocks during the week. Employees can build up additional hours which they take as a day or half-day away from work.

Flexi-time

Flexi-time allows a worker to alter their start and finish times to suit the employee's needs.

Temporary change

Employers may favour a temporary change in your working pattern if it is only for a short period, for example while making arrangements for the care of a child or other family member. Having the flexibility of being able to alter your current working pattern while minor adjustments are being made at home for a short period are informal agreements that can be made with your line manager and supported with your colleagues should there be a transfer of any of your duties.

Shift work

Shift work is a pattern of work in which one employee replaces another doing the same job within a 24-hour period.

Phased retirement

Phased retirement allows a change of hours and/or working pattern so that an employee can reduce their hours gradually. This may involve a move to part-time working prior to full retirement.

Making a request for flexible working

There are two options for making a request for flexible working:

- **Statutory** If you make a statutory request this means you are applying under the terms of the law.
- **Non-statutory** If you make a non-statutory request you will not be able to apply the legislation around flexible working to your case in an employment tribunal should your application be refused.

Differences between a statutory and non-statutory request

STATUTORY REQUEST	NON-STATUTORY REQUEST
<ul style="list-style-type: none"> ● You have to meet the eligibility criteria of 26 weeks' consecutive employment. ● You can only make one request a year. ● If your employer refuses your request, there are rules on how you can make a claim in the employment tribunal under the law on flexible working. ● It can take up to three months, or longer if you agree to an extension of time, for your request to be approved. <p>YOU MAY NOT NEED TO MAKE A STATUTORY REQUEST IF YOUR EMPLOYER'S SCHEME IS BETTER.</p>	<ul style="list-style-type: none"> ● You will not have to meet any eligibility criteria, unless your employer's scheme has its own criteria. ● There is no limit on the number of requests you can make in a year, unless your employer's scheme has limit. ● If your employer refuses your request, you can still take a claim to an employment tribunal but not under the law on flexible working. ● Getting a decision could be quicker. This may be worth considering if you want to make temporary or small changes to your working pattern and need this to start soon. <p>IT MAY BE A GOOD IDEA IF YOU WANT TO TRY OUT A NEW WORKING PATTERN BEFORE MAKING A PERMANENT CHANGE.</p>

The following is a guide on how to make a statutory request for flexible working. Please see *Section 5* for example letters to request flexible working.

Making a statutory request

A statutory request must:

- be in writing and include the date
- state that it is a statutory request for flexible working
- set out the working pattern you are asking for and the date on which you would like it to start
- explain how the proposed change would affect your employer and colleagues and how you think any changes might be dealt with:
 - State whether you have made a previous application for flexible working to your employer, and if so, when.

- Say if you are making a request because you are put at a disadvantage because of your age, sex, race, disability, religion or belief, or sexual orientation.³ For example, asking for flexibility as a reasonable adjustment to help with a disability.
- Say why you are making your request, if you think it will help. For example, if you need to help with caring arrangements, your employer may realise that it would be discriminatory to refuse your request. NB: You do not have to say why you are making a request if you don't want your employer to know.



In making your request, you will need to state how your proposed new working pattern will affect your employer by:

- suggesting who may be able to cover your work when you are not there
- being clear about the changes you want
- being flexible about what may be suitable. If you have more than one option, you could describe them all to your employer, saying which choice you prefer and why. This is important if you are making a statutory request where you can only make one application a year. For example, your first choice may be to work three days a week, but you would accept working four days a week
- explaining how the work could be managed around your changed hours
- emphasising your continued commitment to the organisation and suggesting ways in which you may be able to provide additional working hours in emergencies.

Making a non-statutory request

It is advisable to include the following when making a non-statutory request. There is no set format.

- Set out the working pattern you are asking for and the date on which you would like to start.
- Explain how the proposed change would affect your employer and colleagues and how you think these changes might be dealt with.
- Say why you are making your request if you think it will help.

³ Protected Characteristics under the Equality Act 2010

QUICK LOOK GUIDE TO MATERNITY, PARENTAL, ADOPTION AND SURROGACY ENTITLEMENTS

MATERNITY LEAVE	MATERNITY PAY
<ul style="list-style-type: none"> • Maternity leave can start any time after the 11th week before the baby is due. • 52 weeks maternity leave comprising of: 26 wks. of ordinary maternity leave (OML) 26 wks. of additional maternity leave (AML). • You must give your employer notice of leave no later than 15 weeks before baby is due. • You are entitled to reasonable time off for antenatal care including parent craft. • Illness during pregnancy must be recorded as pregnancy related-illness and does not count toward sickness record. 	<ul style="list-style-type: none"> • You must have worked for your employer continuously for 26 weeks by the 15th week before birth. • You can claim statutory maternity pay (SMP) anytime from the start of your maternity leave for up to a maximum of 39 weeks. SMP is calculated as follows: <ul style="list-style-type: none"> • First 6 weeks: 90% of average weekly earnings (AWE) before tax. • SMP weekly rate for remaining weeks – £140.98 or 90% of AWE (whichever is lower).
ADOPTION LEAVE	ADOPTION PAY
<ul style="list-style-type: none"> • You can take up to 52 weeks statutory adoption leave (SAL). • First 26 weeks is ordinary adoption leave (OAL), the last 26 weeks is additional adoption leave (AAL) • You must have been employed for at least 26 weeks by the week you are matched. • There is no length of service condition to apply for adoption leave • You must give notice to your employer of taking adoption leave 7 days of being told of a match • Approved adopters who have been matched can attend up to 5 adoption appointments on a paid basis • If a couple, only one person is eligible to take adoption leave (AL). The other person (if employed) is entitled to unpaid time off for two adoption appointments 	<ul style="list-style-type: none"> • Statutory adoption pay (SAP) is available if you have worked for the same employer for 26 wks. Calculated at: <ul style="list-style-type: none"> First 6 weeks: 90% of their gross AWE £140.98 a week or 90% of their gross AWE (whichever is lower) for the next 33 weeks.

<p>SURROGACY</p>	<p>PATERNITY LEAVE</p>
<ul style="list-style-type: none"> • Surrogate mothers are entitled to SMP and related leave. • AL and pay is open to eligible employees who become the legal parents after an application for adoption or parental order. • Employers should be informed by the end of the 15th wk. before the baby is due if they intend to apply for AL. • SAL is applicable the day the child is born or the day after for parents in surrogacy arrangements. 	<ul style="list-style-type: none"> • You can choose either one or two weeks paid paternity leave. You get the same amount of leave if your partner has a multiple birth. • You must take your leave in one go. A week is the number of days that you normally work in a week, eg if you only work Mondays and Tuesdays a week is 2 days. • PL cannot be taken after shared parental leave (SPL).
<p>PATERNITY PAY</p>	<p>STATUTORY SHARED PARENTAL PAY</p>
<ul style="list-style-type: none"> • Paternity Pay is calculated at: PP is £140.98 or 90% of your AWE (whichever is lower). • You must be employed continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth. 	<ul style="list-style-type: none"> • You are eligible for SPL and ShPP if you are having a baby or adopting a child • You are eligible for ShPP if you are an employee and one of the following applies: • Eligible for SMP, SAP, Shared parental pay (ShPP) and your partner is eligible for • You can also get ShPP if you're a worker and you are eligible for SMP/SAP or SPP.
<p>SHARED PARENTAL LEAVE</p>	<p>SHARED PARENTAL PAY</p>
<ul style="list-style-type: none"> • You or your partner must be eligible for maternity pay or leave, adoption pay or leave or Maternity Allowance. • SPL if your child was due or placed for adoption on or after April 5th 2015. • You must end any adoption leave or adoption pay early to take this option. 	<ul style="list-style-type: none"> • You must share responsibility for the child with one of the following: husband / wife, civil partner or joint adopter, the child's other parent, your partner (if they live with you) and the child.

All figures quoted are correct as of April 2017

Source: HM Revenue and Customs

RIGHTS TO PARENTAL LEAVE



Rights for fathers and partners

- The basic right to paternity leave is one week or two consecutive weeks leave around the time of the birth.
- You are entitled to unpaid time off work to attend two antenatal appointments.
- You are entitled to paternity leave if you have been continuously employed for 26 weeks or by the 15th week before the birth.
- You must inform your employer if you wish to take paternity leave.
- Your terms and conditions continue as normal.
- You are entitled to return to the same job on the same terms and conditions of employment as before you went away.

Shared parental leave

- SPL gives eligible mothers, fathers, partners and adopters the right to choose how they share time off work after their child is born or placed.
- You must inform your employer if you wish to take SPL.
- You are entitled to take a maximum of 50 weeks SPL.
- You will receive statutory parental leave pay.
- You can take a maximum of 20 shared parental leave in touch days (SPLIT) during your SPL. This is voluntary.
- You are entitled to return to the same job on the same terms and conditions as before you went away.

Health and safety

4



The importance of health and safety

Health and safety issues are of key importance since there are specific risks which can affect both the mother and her unborn child. As stated earlier, pregnancy and maternity is covered by the Equality Act 2010. However, many women still face barriers in receiving specific risk assessments when they inform their employer that they are pregnant.

Employers have a legal duty to undertake a risk assessment of the workplace for new and expectant mothers (including breastfeeding mothers). This risk assessment requires the employer to assess and consider the health and safety risks that may arise from any process, working condition or physical, biological or chemical agents. However, risk assessments can only be conducted once the expectant mother has informed her employer, see sample letter in Section 5.

Despite this, a survey conducted by the Equality and Human Rights Commission (EHRC) found that one in five employers who did carry out a risk assessment in the case of a pregnant staff member, took no action, even when risks were identified. This was followed by one in five mothers leaving employment because of these risks. This is where the role of safety representatives is pivotal in ensuring that all employers take a gender-sensitive approach to the health and safety of employees that identifies the differences between male and female workers and proposes control measures so that effective solutions are provided for everyone.

To this end, the TUC has produced a Gender Occupational Safety and Health checklist (GOSH) to help representatives pursue issues around gender in the workplace and to bring together equality and health and safety work. See section 4.

In campaigning for improved rights for women, UCU is a supporter of Maternity Action⁴ who have drawn up an action plan to put an end to pregnancy discrimination in the workplace. The alliance has highlighted the following issues which need action.

Health and safety

Government research found that an astounding 4% of all pregnant women and new mothers in the workplace resign from their jobs because of concerns about health and safety, and many others take sick leave or commence maternity leave early as a result of health and safety concerns. The Government must ensure that the health and safety of pregnant women and new mothers is properly protected and:

- Require employers to undertake a specific (individual) risk assessment for each pregnant woman, new mother and breastfeeding mother, and to update this at regular intervals during the pregnancy. This is separate from, and in addition to, the robust risk general risk assessment.
- Require employers to make sure their general risk assessments (which must address issues relating to new and expectant mothers if women of childbearing age are employed) are regularly updated and readily available to all employees.

⁴ *Maternity Action is a charity working to improve the health and well-being of women, partners and young children*

- Ensure pregnancy and breastfeeding is covered in all HSE template risk assessments.
- Ensure HSE and local authorities are inspecting general risk assessments consistently with the obligation to protect the health and safety of pregnant women and new mothers as well as examining specific risk assessments where relevant.
- Develop an effective enforcement regime, including penalties for failure to take reasonable action to address health and safety risks during pregnancy, and raise awareness amongst employers of their legal obligations.
- Provide training for midwives, maternity support workers and health visitors on health and safety rights at work for pregnant women, including how pregnancy-related sickness should be managed (in relation to maternity leave and pay) so that they can signpost women to sources of advice and support.
- Introduce a statutory right to time off and facilities for breastfeeding.
- Give agency workers paid time off for antenatal appointments irrespective of duration of employment.
- Build on the existing work carried out by a number of unions by exploring the health and safety risks facing pregnant women and new and breastfeeding mothers in specific industries, alongside strategies for managing them.

Government research shows that women are taking sick leave when their employer fails to properly manage health and safety risks.

Where a pregnant woman has been on unpaid sick leave or statutory sick pay during that qualifying period for SMP (approximately week 19 to week 26 of her pregnancy), the rate of her SMP will be reduced as SMP is based on earnings during this period. If her earnings are sufficiently low, she may not qualify for SMP at all. The Governments must commit to:

- revising the regulations so that sickness absence, unpaid leave or reduced earnings in the calculation period are ignored for the purposes of determining entitlement to SMP and the rate of SMP.

You can read the full action plan at:

<https://www.maternityaction.org.uk/wp-content/uploads/AfMRAActionPlanFINALOct2016.pdf>

Gender in occupational safety and health

The TUC has produced the Gender Occupational Safety and Health (GOSH) checklist to help branch reps to be more aware of the issues relating to gender occupational health and safety in the workplace and to identify how gender sensitive the workplace is. This checklist is primarily used by branch safety reps but equally the findings could be shared with branch equality reps on negotiating policies and procedure.

Introduction

People come in all shapes, and when it comes to health and safety the 'one size fits all' approach just does not apply. Nowhere is that clearer than when we are looking at gender.

Considering gender in health and safety is a very real and important issue in every workplace.

The TUC gender checklist provides a prompt to encourage union representatives to pursue issues around gender in the workplace and bring together equalities work and health and safety work. By ensuring that employers take action on the issues, you can make a real difference to the health, safety and welfare of women.

There are other union techniques that will help, such as body-mapping, surveys and risk-mapping. These are successful tools that many unions have used to help address gender issues in health and safety and you can get more information on these on the TUC and Hazards Magazine websites. You should also check with your own union to get any guidance on gender issues and health and safety that they have produced.

This checklist is not intended to be a comprehensive list of specific issues relating to gender, but instead some suggestions of what union health and safety representatives should look at to make sure that the relevant issues in the workplace are identified and addressed in a gender sensitive way.

Using the checklist

The TUC checklist provides a prompt to encourage union representatives to pursue issues around gender in the workplace and bring together equalities work and health and safety work. The priority is the workplace and encouraging employers to take action on the issues that will make a real difference to the health, safety and welfare of women. Not all of the checklist will apply to every workplace, just pick those points that you think will be useful. Also, once you start thinking about the issues, you might come up with other points.

However, the most important thing to remember is that the checklist is not something to just be ticked. To be effective, for every point, you also need to agree what you are going to do about it. Often that will mean working as part of a small group with other health and safety representatives, or with other unions

PART 1 - WORKING WITH THE EMPLOYER

Consultation

- ✓ Is there a Joint Health and Safety Committee or other consultative structure and does it cover everyone including part-time, contracted and temporary workers?
- ✓ Are health and safety issues and priorities of concern to women regularly discussed at the Joint Health and Safety Committee or other consultative structures, and if items are identified are they dealt with?

Risk management

- ✓ Are risk assessments carried out and implemented by the employer?
- ✓ Do risk assessments take account of sex and gender differences?
- ✓ Have all people involved in risk assessment and risk management been trained to be aware of sex and gender differences affecting men's and women's health and safety at work?
- ✓ Are sex and gender differences taken into account in COSHH risk assessments, including the greater likelihood that women will be exposed to chemicals at home?
- ✓ Are sex and gender differences taken into account in manual handling risk assessments and in assessments of postural problems including prolonged standing or sitting?
- ✓ Are gender differences taken into account with all relevant types of work equipment and work stations use?
- ✓ Are sex and gender differences taken into account when dealing with staff uniform, official workwear or personal protective equipment (PPE) issues at the workplace?
- ✓ Are risk assessments relating to expectant, new and nursing mothers (and the unborn or breastfeeding child) carried out properly and in good time?
- ✓ Do employers provide an appropriate private space for breastfeeding mothers to express milk, and also provide a safe and hygienic place for the milk to be stored?
- ✓ Are any special reproductive health concerns of women and men such as work-related issues relating to fertility, menstruation (including providing female sanitary hygiene disposal facilities), menopause, breast cancer or hysterectomy adequately and sensitively addressed?
- ✓ Are risks of violence assessed, including concerns about working alone on site or away, or late into the evening, and access to safe parking or transport home?
- ✓ Are harassment (including sexual harassment) and bullying treated as health and safety issues?

- ✓ Does the employer allow for flexibility with working time, overtime and shift work to accommodate employees' life demands from outside of work, such as family, medical etc.?
- ✓ Does the employer recognise stress as a workplace issue and that it may affect different people in different ways?
- ✓ Does the employer recognise that domestic violence can become an issue at the workplace and treat the matter as a safety, health and welfare issue which needs to be dealt with sympathetically and practically?

Sickness absence management and investigation

- ✓ Does the employer have a sickness absence management policy or workplace agreement that was negotiated with the union?
- ✓ Is the policy applied fairly in practice and not used just to cut sickness absence but to fairly address any underlying issues and help recovery with an appropriate return to work?
- ✓ Is the sickness absence management policy or workplace agreement fair and non-discriminatory and does it ensure that women are not disadvantaged because of issues relating to menstruation, pregnancy, miscarriage, disability, or the menopause by ensuring that they can be treated separately from other sickness absence?
- ✓ Does the policy and practice ensure that any work-related health problems are properly investigated with a review of risk assessments where necessary?
- ✓ Do health and safety representatives get regular reports from management on sickness absence, including a gender breakdown?

Reporting and monitoring procedures

- ✓ Does the employer ensure all workers are made aware of the importance of reporting injuries, incidents, work-related ill health and health problems made worse by work, in an environment where employees feel they will not be victimised for reporting them?
- ✓ Are all injuries, incidents (including near misses) and work-related health problems reported?
- ✓ Does data on injuries and ill health include gender and does it differentiate, not only between women and men, but also between different jobs and job levels and between different shift patterns?
- ✓ Are trends in the ill-health and sickness absence statistics analysed as well as trends in injuries and near misses?

- ✓ Are all injury and ill health statistics systematically reviewed at joint safety committee meetings?
- ✓ Where any issue of concern is found from the meetings' deliberations are health concerns given the same priority as safety concerns?

PART 2 - INVOLVING MEMBERS

In addition to ensuring that your employer protects the health safety and welfare of all the workers, health and safety representatives can look at how they involve and inform members to make sure that their concerns are raised and addressed.

Here are a few ideas:

- Ask members. You could carry out a confidential survey of members' health and safety concerns, but make sure that you can differentiate between men's and women's responses when the responses are analysed.
- Review how you communicate with members. Do all sections of the workforce have access to a health and safety representative, including shift workers, part-time and temporary workers? Are they all consulted about their health and safety concerns?
- Make sure that there are enough women health and safety representatives. Women may have more confidence that their issues are being addressed if there are women representatives and they are included in any joint safety committee.
- Talk about the issue. Make sure that branch meetings or workplace meetings include specific discussions on practical issues that are of concern to women members, or even hold a special meeting on a problem that women workers are facing.
- Work with others. You should make sure that you are reporting regularly to your branch. It is also important to work with other representatives such as stewards, equality women's and learning representatives. If there is more than one union in workplace then it benefits everyone to work together. And where you have any successes, make sure that your union, and your members know about them.



PREGNANT WOMEN AND NEW MOTHERS AT WORK

- Under the Management of Health and Safety at Work Regulations 1999, as a pregnant woman, you are entitled to receive a risk assessment.
 - Your assessment should be reviewed as your pregnancy progresses to take into account possible risks that may occur during the different stages of your pregnancy.
 - Under the Agency Workers Regulations 2010, temporary agency workers have the same rights too.
 - It is sex discrimination to treat a woman less favourably because she is breastfeeding.
-

KNOW YOUR RIGHTS

Negotiating and bargaining

5



Negotiating and bargaining for a fair deal

The key to ensuring that working parents rights are recognised in the workplace is for branches to:

- act on the issues raised by members in relation to working parents
- negotiate above the statutory minimum.

This section outlines the case for effective bargaining and negotiating tips for reps.

Please send in your examples of how you have implemented above the statutory requirements for working parents to eqadmin@ucu.org.uk. Below, we outline negotiating areas for working parents.

The Government and the Equality and Human Rights Commission issued a joint research paper on 'Pregnancy and Maternity Related Discrimination and Disadvantage' in March 2016. The research found that:

- 3 in 4 mothers had a negative or possibly discriminatory experience during pregnancy, maternity leave and/or on return from maternity leave
- 1 in 5 mothers experienced harassment or negative comments related to pregnancy or flexible working from colleagues employers
- 70% of employers felt women should declare upfront during recruitment if they are pregnant
- some employers felt that pregnancy put an unreasonable burden of cost on the workplace.

In part, what this shows is that despite specific legislation and regulations to protect workers, we cannot rely on the legal route alone to challenge discrimination but that we should also be working to change the culture of the organisation. Part of this change can be achieved through ensuring policies reflect fairness for all staff.

Negotiating a policy

Key to working towards eliminating discrimination in the workplace is to ensure that the policies agreed do not contain any discriminatory element or would adversely affect any group based on the protected characteristics.

Branches should seek to negotiate a policy that establishes:

- that any scheme for the use of bridging funds at the end of contracts includes funding the extension of contracts while on maternity, adoption, additional paternity or shared parental leave up to the level of the Research Councils allowance.
- that all research staff on fixed-term contracts are placed on a redeployment register at an early point and assisted in maintaining an up-to-date 'research-skills-record' in line with the model redeployment agreement
- that when a vacancy becomes available, those at risk of redundancy while on maternity leave, additional paternity leave or adoption leave are placed at the front of the matching process for suitable alternative employment



- that suitable alternative employment will be established when a person at risk meets the essential elements of the person specification or can be trained to meet the essential elements of the person specification within a maximum of three months. Managers should be given clear guidance that they must decide whether the individual has the suitable skills, abilities and qualifications to meet the essential criteria and not whether the at-risk individual is the best person for the role.
- that staff on maternity leave, additional paternity leave or adoption leave who are matched to a suitable vacancy will be offered the job without further competition
- that any meetings arranged between staff matched as suitable and managers are explicitly not interviews and are organised with reasonable account taken of leave requirements
- that if the decision is taken that an individual is not suitable, the specific reasons for this decision are recorded
- that staff who are offered employment as a consequence of this matching process are given full information about the role and enabled to make an informed decision on whether to accept it
- that the terms and conditions of the role offered are no less favourable than that from which the employee is being made redundant.

Shared parental leave policies

It is good practice for an employer to have a shared parental leave policy. It can be a standalone policy or it could be included within a wider maternity and paternity policy.

When developing a shared parental leave policy any existing consultation and/or negotiating arrangements should be followed so that employees or their trade union representatives can contribute to it. A policy should include:

- a statement advising that all notices for a continuous period of leave from eligible employees will be accepted and that all requests for discontinuous leave will be considered (employees have a right to a continuous period of leave, hence it is a case of merely giving notice of this whereas a period of discontinuous leave is not an automatic right and will need to be requested from the employer)
- the amount of notification to book / leave available to the employee
- information about how employees should inform their employer of their entitlement to SPL, who the notification should be sent to and what should be sent to and what should be included in it
- information on how a notice to book leave will be handled
- the time limits for dealing with a notice to book SPL
- shared parental leave in touch (SPLIT) days and arrangements for payment
- contact during SPL
- the payments an employee may be entitled to while on SPL, including payment for working a SPLIT day.

Key points for union negotiators

Many universities and colleges should have policies in place which improve on the statutory minimum requirements for working parents. UCU has signed up to the Working Families Manifesto, as part of the Families and Work Group, (a coalition of unions and charities) working together to jointly develop thinking and co-ordinate policy responses around families and employment.

UCU suggests that the manifesto should be used as a bargaining reference for union representatives involved in bargaining and negotiations. The manifesto specifically calls on the government to:

- make fathers' leave a day-one right, as maternity leave is
- give fathers the right to well paid leave which is not tied to their partner's employment status
- introduce an additional period of parental leave and reserve it for fathers only to use (TUC suggests a month)
- improve statutory pay rates for all leave takers
- introduce a paternal/parental allowance for those who don't qualify for statutory pay.

And we will also push for:

- paid SPLIT days
- policies that offer leave and pay above the statutory minimum where this is not already the case
- paid bereavement leave for parents who have lost a child or parent.

UCU members told us of the difficulties they experienced in exercising their rights to have a balance between work and home responsibilities – outlined below. UCU branches should (where possible) incorporate these in any negotiations with employers.

- **Temporary additional support for all parents returning from a period of parental leave** – this would include grants for conferences, training, and research assistance and for mothers returning back to work.
- **Access to funding for childcare for out of hours work** – being unable to access professional childcare for out-of-hours work can alienate many from attending conference, evening events etc.
- **Research-only semesters** – for women returning to work following maternity leave.
- **Teaching relief** – to allow parents some portion of teaching responsibility for parents on research contracts for a few years as this would assist those with younger children.
- **Nursery priority places** – for staff requiring nursery/on-site childcare.
- **Admin duties** – a tapering of duties as far as possible to assist in managing workloads and expectations.
- **Emergency time off** – negotiate time off which is not taken from annual leave in order to care for a sick child.

CHECKLIST FOR NEGOTIATING MATERNITY LEAVE FOR RESEARCH STAFF

Action	Check		Partial	Notes for further negotiations
	Yes	No		
All research staff at risk of redundancy placed on a re-deployment register at an early point and assisted in maintaining an up-to-date 'research skills record'? (in line with overall model policy above)				
Agreement that those at risk of redundancy while on maternity leave, additional paternity leave or adoption leave are placed at the front of the matching process for suitable alternative employment?				
Suitable alternative employment established by matching against essential elements of person specification or identifying potential to be matched within three months?				
Agreement that suitable candidates will be offered vacancy without interview?				
Clear and transparent process for recording any decision not to offer vacancies, and reasons for this decision?				
Policy applicable to all staff on fixed-term contracts?				
Has the regional official been informed or consulted over details/advice?				

Action	Check		Partial	Notes for further negotiations
	Yes	No		
Equality impact assessment carried out?				
Is there a review procedure? How will the agreed text be preserved? Note: electronic storage requires pdf format to avoid the possibility of editing without agreement				
Is there a monitoring process for the use of the procedure?				
What training will be provided and to who, in the use of the application of the procedure?				
How will UCU inform local branch officers of the procedure and its application?				
Can UCU use this procedure in local organising and recruitment initiatives?				

Negotiating and bargaining overview

Good practice

- To seek that all workers including those on zero-hours and fixed-term contracts, and casualised staff, receive the same rights.
- The employer should ensure that information is given to working parents setting out their rights in applying for leave and flexible working arrangements.
- To avoid the 'fatherhood penalty', employers should actively promote shared parental leave.
- A commitment to refresher training.
- Working parents to be informed of their rights in relation to flexible working on returning to work.
- Employer to provide information about supportive agencies for working parents.

- Working parents to be considered for a changed working pattern for a period when returning to work.
- Employer to identify locations on campuses where new mothers can express and store milk.
- Policies and agreements to reflect the changing face of what a family looks like.

Policies and agreements

- All policies negotiated should be sympathetic to the needs of parents who have experienced pregnancy-related trauma including still birth, premature birth, miscarriage, post-natal depression, or a sick baby and are granted an extension to their leave which should not be counted as sick leave.
- Confidentiality must be maintained at all times.
- There should be no pressure for pregnant women to come in for KIT days.
- Facilities should be made available for breastfeeding mothers to express and store milk

Leave

- All women taking their maternity leave entitlement (OML/AML) should have the right to return to the same job and hours.
- Equalise all father and partner leave as a day-one right.

Pay

- Increase the amount of maternity pay to 100%.
- KIT days to be paid.
- New mothers to return to the same job at the same rate of pay.
- Paid bereavement leave for parents who have lost a child or parent.
- Paid time-off for post-natal appointments for fathers and partners.
- Paid time-off for pre-adoption appointments.
- Agency and casualised workers to be given the right to paid maternity/ shared parental leave.

Return to work

- A commitment to refresher training.
- Working parents to be informed of their rights in relation to flexible working on returning back to work.

6 Resources

These resources are designed to aid working parents in exercising their rights at work. The letters, policies and surveys that follow can be adapted to suit your college or university.

- 1. Employment status: a factsheet describing the differences between workers**
- 2. Maternity rights for fixed-term staff**
- 3. Sample letters**
 - a. Giving notice for maternity leave and pay
 - b. Pregnancy and health and safety
 - c. Changing the return date of maternity leave
 - d. Notification of breast feeding
 - e. Notification of paternity leave
 - f. Changing the start date of paternity leave
 - g. Notice for adoption leave / pay
 - h. Notification of parental leave
 - i. Requesting flexible working - statutory request
 - j. Requesting flexible working - non-statutory request
- 4. Shared parental leave policy**
- 5. Shared parental leave – checklist for members**

1 EMPLOYMENT STATUS

To know what rights are applicable to working parents, it is important to understand the differences between worker categories:

Employee

1. has more employment rights than a worker
2. receives an itemised pay slip
3. receives the national minimum wage
4. receives holiday pay, maternity pay etc
5. has the right to request flexible working hours
6. has the right not to be discriminated against.

Worker – includes casual worker, agency worker and zero-hours worker

1. has a contract or other arrangement to provide work or services personally for a reward (your contract doesn't have to be written)
2. receives a reward for money or a benefit in kind, for example the promise of a contract or future work
3. is entitled to certain employment rights, for example the national minimum wage, and is paid annual leave
4. is protected against unlawful discrimination
5. has the right not to be treated less favourably if they work part-time.

Self-employed

1. has protection for their health and safety on a client's premises
2. does not have the right to holiday pay
3. in some cases, may be protected against discrimination

Source: ACAS

2 MATERNITY RIGHTS FOR FIXED-TERM-CONTRACT AND CASUALLY-EMPLOYED STAFF

Many members are now finding themselves on casual or fixed-term contracts.

What counts as a fixed term contract? Employees are on a fixed-term contract if both of the following apply:

- they have an employment contract with the institution they work for
- their contract ends on a particular date, or on completion of a specific task/project.

Workers don't count as a fixed-term employees if they:

- have a contract with an agency rather than the institution they work for
- are a student or trainee on a work experience placement.

They may be a fixed-term employee if they are:

- a seasonal or casual employee taken on for up to six months during a peak period
- a specialist employee for a project
- covering maternity leave.

Employers must not treat workers on fixed-term contracts less favourably than permanent employees doing the same or largely the same job, unless the employer can show that there is a good business reason to do so. This is known as 'objective justification'.

Employers must also ensure that fixed-term employees get:

- equivalent pay and conditions, including benefits, determined either on a term-by-term basis or overall package
- information about permanent vacancies in the institution
- protection against redundancy or dismissal.

However, they're only entitled to the same rights as permanent staff working for the same employer, and not an associated employer's institution. Anyone who has worked continually for the same employer for two years or more has the same redundancy rights as a permanent employee.

Self-employed, agency workers or casual workers may not have the right to paid maternity/shared parental leave from their employer, but may still get maternity pay. For researchers, rights to maternity leave should be the same as for any other employee.

3a SAMPLE LETTER - GIVING NOTICE FOR MATERNITY LEAVE AND PAY

To be sent to your employer no later than the end of the 15th week before the week in which the baby is due.

Dear [name of HR contact/manager]

Re: notice for maternity leave and pay - [insert your National Insurance Number]

I am writing to inform you that I am pregnant and wish to take maternity leave.

My expected due date is [insert the date].

I have enclosed my MAT 81 certificate which confirms my due date.

[OR - I will provide you with my MAT 61 certificate signed by my doctor or midwife which confirms my due date, when I receive it]

[I would like to take (insert the number) days'/weeks' annual leave from [insert the date] to [insert the date], and then start my maternity leave and pay on [insert the date].]

I qualify for 52 weeks maternity leave and intend to start my maternity leave on [enter date]. If I want to change this date, I will give you at least 28 days' notice.

Please let me know if I qualify for maternity pay and the amount I will receive. If I am not entitled to SMP, please send me the SMP1 form so that I can claim Maternity Allowance.

I intend to return to work on [insert the date]. However, I understand that you will write to me to confirm the date that I am due back. If I want to change the date of my return to work, I understand that I must give you at least eight weeks' notice.

I look forward to hearing from you.

Yours sincerely

[Insert signature]

[Insert your name]

3b SAMPLE LETTER - PREGNANCY AND HEALTH AND SAFETY

Dear [name of HR contact/manager]

Re: Pregnancy risk assessment - [insert your National Insurance Number]

I am writing to confirm that I am pregnant and my baby is due on the [insert the date].

I understand that as I have now informed you of my pregnancy I have the right to a personal and specific risk assessment as set out in the Management of Health and Safety at Work Regulations 1999.

I also understand that you should regularly review my initial assessment as my pregnancy progresses, to take into account possible risks that may occur during the different stages of my pregnancy.

I would like to ask you to arrange a meeting with myself **[and my union representative - if you have one]** as soon as possible to conduct a risk assessment.

Looking forward to hearing from you.

Yours sincerely

[Insert signature]

[Insert your name]

3c SAMPLE LETTER - CHANGING THE RETURN DATE OF MATERNITY LEAVE

Dear [name of HR contact/manager]

Re: changing return date of maternity leave - [insert your National Insurance Number]

As per our previous correspondence prior to starting my maternity leave I informed you that I would return on [insert the date].

However, I want to now change my return date to [insert the date]. (OR, I have decided that I will take all my 52 weeks maternity leave and my return date will now be [insert the date].)

I look forward to hearing from you with confirmation of the above.

Yours sincerely

[Insert signature]

[Insert your name]

3d SAMPLE LETTER - NOTIFICATION OF BREASTFEEDING

You will need to talk to your employer about where you can express milk and when. Where you express your breast milk will depend on where you work and where there is a fridge available for the safe storage of that expressed milk.

Dear [name of HR contact/manager]

Re: notification of breastfeeding - [insert your National Insurance Number]

I am writing to inform you that at the time I return to work I will be breastfeeding my baby.

[If your job involves risks such as working with dangerous substances, excessive stress or doing long hours, then it might help to back up your own letter with a letter from your doctor or health visitor confirming that your working arrangements are putting your ability to breastfeed at risk and therefore the health of your baby].

It would be helpful to discuss where and when I would be able to express milk. Also, the availability of a fridge for the safe storage of expressed milk.

I look forward to hearing from you with confirmation of the above.

Yours sincerely

[Insert signature]

[Insert your name]

3e SAMPLE LETTER - NOTIFICATION OF PATERNITY LEAVE

Dear [name of NR contact/manager]

Re: notification of paternity leave - [insert your National Insurance Number]

My [wife/partner] is expecting a baby and I will have joint responsibility for the upbringing of the child.

I'm applying to take paternity leave to support my [wife/partner] and care for our child.

The expected date of birth of our baby is (insert date)

[I intend to start my paternity leave the day my baby is born, whenever this occurs, and to receive my paternity pay from this date]

OR

[I intend to take [one week's/two weeks'] paternity leave from [insert the date] to [insert the date].]

I look forward to hearing from you with confirmation of the above.

Yours sincerely

[Insert signature]

[Insert your name]

3f SAMPLE LETTER - CHANGING THE START DATE OF PATERNITY LEAVE

Dear [name of HR contact/manager]

Re: notification to change the start date of paternity leave -
[insert your National Insurance Number]

I am writing to inform you that though I previously notified you that I wished to take [one week's/two weeks'] paternity leave from [insert the date] to [insert the date]

I now wish to vary these arrangements. Instead of the above, I would like to take [one week's/two weeks'] paternity leave from (insert the date) to [insert the date].

[The expected date of birth of our baby is [insert the date].]

OR

[The matching date for the adoption of our child is [insert the date] and I am expecting our child to be placed with us on [insert the date].]

I look forward to hearing from you with confirmation of the above.

Yours sincerely

[Insert signature]

[Insert your name]

3g SAMPLE LETTER - NOTIFICATION FOR ADOPTION LEAVE AND PAY

Dear **[name of HR contact/manager]**

Re: notice for adoption leave and pay - [insert your National Insurance Number]

I am writing to inform you that I intend to take adoption leave and claim my statutory adoption pay.

I was matched for adoption on **[insert the date]** and I am expecting **[insert the name of the child]** to be placed with me on **[insert the date]**.

I have enclosed/attached a copy of my matching certificate which informs you of the adoption agency's name and address, my name and address, and confirms the date our child is expected to be placed with us and the date I was informed about this.

[I would like to take [insert the number] days'/weeks' annual leave from [insert the date] to [insert the date], and then start my adoption leave and pay on [insert the date].]

I qualify for 52 weeks' adoption leave and intend to start this leave on **[insert the date]**. If I want to change this date, I will give you at least 28 days' notice.

Please let me know if I qualify for adoption pay and the amount I will receive. If I am not entitled to SAP, please send me the SAP 1 form.

I intend to return to work on **[insert the date]**. However, I understand that you will write to me to confirm the date that I am due back. If I want to change the date of my return to work, I understand that I must give you at least eight weeks' notice.

I look forward to hearing from you.

Yours sincerely

[Insert signature]

[Insert your name]

3h SAMPLE LETTER - NOTIFICATION OF PARENTAL LEAVE

Dear [name of HR contact/manager]

Re: notification of parental leave – [insert your National Insurance Number]

I am writing to inform you that I will be taking [insert the number of weeks or days] weeks or days' parental leave.

My leave will begin on [insert the date] and will end on [insert the date].

The leave requested relates to my child due on [insert the date] OR born or [insert the date] OR adopted on [insert the date] [and who has been awarded disability living allowance/PIP, if applicable].

[I have enclosed/attached a copy of the birth certificate/adoption papers]

I look forward to hearing from you with confirmation of the above.

Yours sincerely

[Insert signature]

[Insert your name]

3i SAMPLE LETTER - REQUESTING FLEXIBLE WORKING: STATUTORY REQUEST

Dear [name of HR contact/manager]

Re: requesting flexible working - [insert your National Insurance Number]

I am making this request under section 80F Employment Rights Act 1996.

[I have not previously made a request under section 80F Employment Rights Act 1996]

OR

[I have previously made a request under section 80F Employment Rights Act 1996 on [Date].]

My current working pattern is [insert your working pattern] (note - there is no requirement to explain your current working pattern but it might be helpful to do so). I would like my new working pattern to be [insert the working pattern you are requesting]

I think the effects the new pattern would have on the business would be [insert the effect you think the requested change would have on your employer].

I think these effects could be dealt with by [insert how, in your opinion, any such effect might be dealt with].

I am making this request in order to [insert your reason] (note - while there is no requirement to do so, the ACAS guidance suggests that employees should state if their request is made in relation to the Equality Act 2010. It may help an employer decide your application if they understand the reasons behind it.)

I would like the new working pattern to come into force on [insert the date] for [insert the duration, if applicable] (note - this is a permanent change to your terms and conditions unless agreed otherwise).

I look forward to hearing from you.

Yours sincerely

[Insert signature]

[Insert your name]

3j SAMPLE LETTER - REQUESTING FLEXIBLE WORKING: NON-STATUTORY REQUEST

Dear [insert name of HR contact/manager]

Re: Flexible working request - [insert your National Insurance Number]

I would like to make a non-statutory application to work a flexible working pattern.

My current working pattern is [insert your working pattern]

I would like to propose that my working pattern is changed to [insert proposed change here]. I think this change in my working pattern will affect [insert organisation name] and my colleagues as follows: [enter the potential impact of the change on your immediate colleagues / department]

I am making this application to [enter reasons i.e. caring / child care].

Yours sincerely

[Insert signature]

[Insert your name]

4 SHARED PARENTAL LEAVE (SPL) POLICY

This is a sample policy which employers should adapt to suit the particular circumstances of their organisation. For more information about SPL, see the Acas guide [Shared Parental Leave: A good practice guide for employers and employees](#).

Contents

1. What is Shared Parental Leave?
2. Who is eligible for Shared Parental Leave?
3. The Shared Parental Leave entitlement
4. Notifying the organisation of an entitlement to Shared Parental Leave
5. Requesting evidence of eligibility
6. Fraudulent claims
7. Discussions regarding Shared Parental Leave
8. Booking Shared Parental Leave
9. Responding to a Shared Parental Leave notification
10. Variations to arranged Shared Parental Leave
11. Shared Parental Pay
12. Terms and Conditions during Shared Parental Leave
13. Annual Leave
14. Contact during Shared Parental Leave
15. Shared Parental Leave in Touch (SPLIT) days during Shared Parental Leave
16. Returning to work after Shared Parental Leave
17. Special circumstances and further information

1. What is Shared Parental Leave?

- 1.1 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP). [This sample policy is based upon the statutory entitlements to SPL and ShPP. Organisations considering offering enhanced entitlements should amend their policy accordingly]

- 1.2 The organisation recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. It is the organisation's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees should clarify the relevant procedures with [HR department/name of individual] to ensure that they are followed.

2. Who is eligible for Shared Parental Leave?

- 2.1 SPL can only be used by two people:

- The mother/adopter and
- One of the following:
 - the father of the child (in the case of birth) or
 - the spouse, civil partner of the child's mother/adopter

- 2.2 Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

- 2.3 Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements
- The employee must still be working for the organisation at the start of each period of SPL
- The employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date
- The employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks
- The employee must correctly notify the organisation of their entitlement and provide evidence as required.

3. The Shared Parental Leave entitlement

- 3.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to

take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

- 3.2 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
 - 3.3 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
 - 3.4 SPL can commence as follows:
 - The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
 - The adopter can take SPL after taking at least two weeks of adoption leave
 - The father/partner/spouse can take SPL immediately following the birth/ placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).
 - 3.5 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
 - 3.6 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).
 - 3.7 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).
 - 3.8 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.
- #### 4. Notifying the organisation of an entitlement to Shared Parental Leave
- 4.1 An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.
 - 4.2 Part of the eligibility criteria requires the employee to provide the organisation with correct notification. Notification must be in writing and requires each of the following:

- The name of the employee;
- The name of the other parent;
- The start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- The date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- The amount of SPL the employee and their partner each intend to take
- A non-binding indication of when the employee expects to take the leave.

4.3 The employee must provide the organisation with a signed declaration stating:

- That they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- That the information they have given is accurate;
- If they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- That should they cease to be eligible they will immediately inform the organisation.

4.4 The employee must provide the organisation with a signed declaration from their partner confirming:

- Their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- That they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- That they satisfy the 'employment and earnings test' (see "Who is eligible for Shared Parental Leave?" above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- That they consent to the amount of SPL that the employee intends to take;
- That they consent to the organisation processing the information contained in the declaration form; and
- (In the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

5. Requesting further evidence of eligibility

5.1 The organisation may, within 14 days of the SPL entitlement notification being given, request:

- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

5.2 In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

6. Fraudulent claims

6.1 The organisation can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

7. Discussions regarding Shared Parental Leave

- 7.1 An employee considering/taking SPL is encouraged to contact [HR department/name of individual] to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.
- 7.2 The [HR department/name of individual] may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.
- 7.3 Upon receiving a leave booking notice the [HR department/name of individual] will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.
- 7.4 [This is one potential way to hold a meeting in relation to SPL. An employer may wish to amend the process to fit in with their usual workplace practice.] Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.
- 7.5 At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative or even a personal friend or family member.

- 7.6 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the organisation, and what the outcome may be if no agreement is reached.

8. Booking Shared Parental Leave

- 8.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

- 8.2 The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

[Allowing an employee to submit three notifications to book/vary leave is the statutory minimum and employers may find it preferable to specify a higher/ unlimited number of notifications]

- 8.3 SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.
- 8.4 employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

Continuous leave notifications

- 8.5 A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- 8.6 An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.
- 8.7 Employee may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

- 8.8 A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

8.9 Where there is concern over accommodating the notification, the organisation or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation (see 'Discussions regarding Shared Parental Leave' above).

8.10 The organisation will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

9. Responding to a Shared Parental Leave notification

9.1 Once the [HR department/name of individual] receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

9.2 All notices for continuous leave will be confirmed in writing.

9.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the business.

9.4 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

9.5 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request.

9.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted.

If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

10. Variations to arranged Shared Parental Leave

10.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the organisation in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

10.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a

child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

11. Statutory Shared Parental Pay (ShPP)

11.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

11.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

11.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- The employee must intend to care for the child during the week in which ShPP is payable;
- The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- The employee must remain in continuous employment until the first week of ShPP has begun;
- The employee must give proper notification in accordance with the rules set out below.

11.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

11.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- The start and end dates of any maternity/adoption pay or maternity allowance;
- The total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- A signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible.

11.6 It must be accompanied by a signed declaration from the employee's partner confirming:

- Their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee;
- (In the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (In the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

11.7 Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

12. Terms and conditions during Shared Parental Leave

12.1 During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a company car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

12.2 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking SPL.

13. Annual Leave

13.1 SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

14. Contact during Shared Parental Leave

14.1 Before an employee's SPL begins, the organisation will discuss the arrangements for them to keep in touch during their leave. The organisation reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

15. Shared Parental Leave in Touch days

15.1 An employee can agree to work for the organisation (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as 'Shared Parental

Leave In Touch' or 'SPLIT' days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

- 15.2 The organisation has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the organisation and the employee. An employee taking a SPLIT day will receive full pay for any day worked.
- 15.3 If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
- 15.4 An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

16. Returning to work after Shared Parental Leave

- 16.1 The employee will have been formally advised in writing by the organisation of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the organisation otherwise. If they are unable to attend work due to sickness or injury, the organisation's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 16.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 16.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 16.4 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
- 16.5 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of

leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

16.6 If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

17. Special Circumstances and further information

17.1 In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the organisation will abide by any statutory obligations and an employee should refer to the documents listed below and/or clarify any issues or queries with [HR department/name of individual].

17.2 Law relating to this document:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

Source: ACAS

5 FLEXIBLE WORKING POLICY

This is a sample policy which employers should adapt to suit the particular circumstances of their organisation. For more information about Flexible working, see the Acas guides Flexible working and work life balance and Handling requests in a reasonable manner to work flexibly: an Acas guide.

Contents

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Introduction

This policy aims to encourage staff to consider flexible working arrangements. The organisation recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the organisation wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The organisation is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

It is the organisation's policy to encourage open discussion with employees. An employee that thinks they may benefit from flexible working is encouraged to contact [HR department/ line manager/name of individual] to arrange an informal discussion to talk about the options.

What is flexible working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are considered to be the typical arrangements that employees will request but the organisation recognises that there may be alternatives or a combination of options which are suitable to both the organisation and the employee:

[Add/remove/amend as appropriate]

- Annualised hours
- Compressed hours
- Flexitime
- Home-working
- Job-sharing
- Overtime
- Part-time working
- Term-time working

Types of flexible working

[Add/remove/amend as appropriate]

- Annualised hours where an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.

Usually the hours will be divided into rostered hours, which are set, and unallocated hours, when an employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment will be in 12 equal instalments (although arrangements may be permitted where the pay for the work actually done is in the period to which the payment relates)

- Compressed hours is where an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a five-day week is compressed into four days, or a 10-day fortnight into nine days
- Flexitime allows an employee to choose, within certain limits, when to begin and end work. An employee is required to work during a core time and must work an agreed number of hours during the accounting period of [four weeks/a month]. Their hours of attendance will be recorded and added up at the end of each accounting period. An employee can carry over an excess of up to [X] hours or

a deficit of up to [X] hours from one accounting period to another. A deficit of hours should be made up in the following accounting period. Excess hours may be used to either reduce attendance outside of core hours or, take additional leave (flexi-leave), subject to a maximum of [X] full days in any accounting period. Additional leave should be requested and agreed with the employee's line manager in the same way as annual leave

- Home-working is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The organisation can consider home-working being an occasional agreed day, a mix of home and office based work each week or a full time arrangement.
- Job-sharing is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the organisation. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements
- Overtime is when hours are worked in addition to the usual full time hours. Overtime can be agreed where the organisation would benefit from an employee working more hours. This is voluntary and an employee can refuse overtime if they wish. Overtime will be paid at [one and a half times the basic rate] during Monday to Saturday and [double time the basic rate] if it is a Sunday [or a Public Holiday]
- Part-time working covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question. For example, an employee who only works Monday to Wednesday. The organisation believes that all posts will be available on a part-time basis, except where a critical examination by line management proves this to be impracticable. The suitability of posts for part-time working will be stated in any internal or external advertisements
- Term-time working is where an employee reduces their hours or takes time off during any school holidays. Any weeks above their annual leave entitlement will be unpaid. Salary can be paid in 12 equal monthly instalments (although arrangements may be permitted where an employee is only paid for the time worked and receive no pay during the holidays apart from their entitlement to annual leave)

The needs of the organisation

The organisation is committed to providing a range of appropriate working patterns. However employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

Where a flexible working arrangement is proposed the organisation will need to take into account a number of criteria including (but not limited to) the following:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other staff
- the need for, and effect on, supervision
- the existing structure of the department
- the availability of staff resources
- details of the tasks specific to the role
- the workload of the role
- whether it is a request for a reasonable adjustment related to a disability
- health and safety issues

Eligibility

Any employee with at least 26 weeks of employment service has a statutory right to request flexible working. [However the organisation has taken the view that employees in all areas, and at any level, are entitled to submit a request for flexible working regardless of their length of service].

Submitting a flexible working request

An eligible employee is entitled to submit [one] flexible working request in a twelve month period (an employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments).

All requests must be made [by email or letter/by filling in an application form that is available from HR department/line manager/name of individual/the intranet]. Any request made must include:

- the date of the application
- the changes that the employee is seeking to their terms and conditions
- the date from when the employee would like the proposed change to come into effect
- what effect the employee thinks the requested change would have on the organisation
- how, in their view, any such effect could be dealt with
- whether this is a statutory or non-statutory request
- whether a previous application for flexible working has been made
- the dates of any previous applications

If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

If an application does not contain all of the required information [HR department/line manager/name of individual] will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

Meetings regarding flexible working

Upon receiving a written request for flexible working [HR department/line manager/name of individual] will usually seek to arrange a meeting with the employee to:

- discuss the request
- find out more about the proposed working arrangements
- how it could be of benefit to both the employee and organisation

If a meeting is arranged it will be held within [28 days] of the organisation receiving the request. This time limit may be extended with the agreement of both the employee and [HR department/line manager/name of individual]

The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic then one further date will be proposed. If a face to face meeting is difficult to arrange then, if agreed by the employee and [HR department/line manager/name of individual], the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

Where a request can, without further discussion, be approved as stated in the employee's written application a meeting to discuss the request may not be necessary. The employee will be informed of the organisation's agreement to the request by a confirmation letter as outlined in the section 'Responding to a flexible working request' within [28 days] of the organisation receiving the request. This time limit may be extended with the agreement of both the employee and [HR department/line manager/name of individual].

Responding to a flexible working request

[HR department/line manager/name of individual] will consider the proposed flexible working arrangements, looking at the potential benefits, and adverse effects, to the employee and to the organisation in implementing the proposed changes.

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the organisation's decision as soon as is reasonably practicable, but no later than [14 days] after the meeting.

The request may be granted in full, in part or refused. The organisation may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

If the request is agreed then the employee will be sent a confirmation letter which will include details of the new arrangements. The employee should contact [HR department/line manager/name of individual] within [14] days if they wish to discuss the new arrangements further, or have any concerns.

Right to appeal decision

The employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may lodge an appeal within [14 days] of being notified of a decision on their application. This should be done in writing and clearly state the grounds on which they are appealing. The appeal will be heard within [14 days]. The employee will then be informed of the outcome to their appeal within [14 days] of the appeal meeting. These time limits may be extended with the agreement of both the employee and [HR department/line manager/name of individual].

Trialling new working arrangements

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the organisation a trial period may be agreed. If a trial period is arranged the organisation will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

Varying an employee's contract

Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A new contract of employment will be sent to the employee within [28 days] of the change to the employee's working pattern being agreed.

If the employee has any questions or concerns about the new contract of employment they should contact [HR department/line manager/name of individual] to discuss the matter further.

Where a trial period has been arranged the organisation will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the organisation may reduce or lengthen the trial period where necessary with the agreement of the employee). The organisation will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

Complaints and further information

The organisation is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.

If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the flexible process, they should raise their concerns informally with [HR department/line manager/name of individual].

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the organisation's grievance procedure.

For further information an employee should refer to the documents listed below and/or contact [HR department/line manager/name of individual].

Law relating to this document:

Employment Rights Act 1996

Equality Act 2010

Flexible Working Regulations 2014

Source: ACAS

7 Further information references & contacts

Useful contacts

University and College Union

Carlow Street, London NW1 7LH

T: 020 7 756 2500

W: www.ucu.org.uk/equality

E: @UCUequality

The following agencies provide support for pregnant women, new parents, workers' rights and financial information

ACAS

National Office, Euston Tower, 286 Euston Road, London NW1 3JJ

T: 0300 123 1100

W: www.acas.org.uk

Details of regional offices: www.acas.org.uk/index.aspx?articleid=1565

Breastfeeding Network

PO Box 11126, Paisley, PA2 8YB,

T: 08444 120 995

W: www.breastfeedingnetwork.org.uk

Education Support Network

40A Drayton Park, London N5 1EW

T: 08000 562 561

W: www.educationsupportpartnership.org.uk

Equality Challenge Unit

First Floor, Westminster Tower, 3 Albert Embankment, London SE1 7SP

T: 020 7438 1010

W: www.ecu.ac.uk

Equality & Human Rights Commission

London Office, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX

T: 020 7832 7800

W: <https://www.equalityhumanrights.com/en>

Details of regional offices: www.equalityhumanrights.com/en/contact-us

Fatherhood Institute

North Wessex Downs, Warren Courtyard, Savernake, Marlborough SN8 3UU

T: 0845 634 1328

W: www.fatherhoodinstitute.org

Health & Safety Executive (HSE)

Head Office, Redgrave Court, Merton, Bootle, Merseyside, Liverpool L20 7HS

T: 0151 951 4000

W: <http://www.hse.gov.uk>

Details of regional offices: www.hse.gov.uk/contact/maps/index.htm

Maternity Action

52-54 Featherstone Street, London EC1Y 8RT

T: 020 7 253 2288

W: www.maternityaction.org.uk

The National Childbirth Trust

30 Euston Square, Kings Cross, London NW1 2FB

T: 0300 330 0700

W: www.nct.org.uk

The Stillbirth and Neonatal Death Charity (SANDS)

Victoria Charity Centre, 11 Belgrave Road, London SW1V 1RB

T: 0808 164 3332

W: www.sands.org.uk

Trades Union Congress (TUC)

Congress House, Great Russell Street, London WC1B 3LS

T: 020 7 636 4030

W: www.tuc.org.uk

Working Families

Cambridge House, 1 Addington Square, London SE5 0HF

T: 020 7253 7243

W: www.workingfamilies.org.uk

Working Families (Scotland) / Family Friendly Working Scotland

Robertson House, 152 Bath Street

Glasgow G2 4TB

T: 0141 353 5627

W: www.workingfamilies.org.uk/family-friendly-working-scotland

Finances

For information on the current rates of benefits and qualifying periods applicable during pregnancy, adoption, parental leave etc.

Department for Works and Pensions

<https://www.gov.uk/government/organisations/department-for-work-pensions>

H&M Revenue and Customs

<https://www.gov.uk/government/organisations/hm-revenue-customs>

UCU subscription rates

<https://www.ucu.org.uk/article/5205/Parental-leave-and-subs>

Surveys and reports: information for working parents

Pregnancy and Maternity Discrimination

<https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings>

Modern Families Survey Report 2017

https://www.workingfamilies.org.uk/wp-content/uploads/2017/01/Modern-Families-Index_Full-Report.pdf

Maternity Action – Action Plan

<https://www.maternityaction.org.uk/wp-content/uploads/AfMRAActionPlanFINALOct2016.pdf>

Acronyms used within this document

ACAS	Advisory Conciliation and Arbitration Service
AL	Annual Leave
AAL	Additional Adoption Leave
AoC	Association of Colleges
AML	Additional Maternity Leave
AWE	Average Weekly Earnings
GOSH	Gender Occupational Safety and Health
HSE	Health and Safety Executive
IVF	In-Vitro Fertilisation
KIT	Keeping in Touch
MA	Maternity Allowance
OML	Ordinary Maternity Leave
PL	Parental Leave
SAL	Statutory Adoption Leave
SAP	Statutory Adoption Pay
ShPP	Statutory Shared Parental Pay
SMA	Statutory Maternity Allowance
SMP	Statutory Maternity Pay
SPL	Shared Parental Leave
SPLIT	Shared Parental Leave in Touch (days)
SPP	Statutory Paternity Pay
TUC	Trades Union Congress
UCEA	Universities and Colleges Employers Association

