

**JOINT AGREEMENT ON GUIDANCE FOR
FAMILY SCHEMES IN
FURTHER EDUCATION COLLEGES**

BETWEEN

THE ASSOCIATION OF COLLEGES (AoC)

AND

**ASSOCIATION OF MANAGERS IN
EDUCATION (AMiE)**

**ASSOCIATION OF TEACHERS & LECTURERS
(ATL)**

GMB

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Introduction

- 1.1 This joint agreement on guidance aims to provide a recommended framework for colleges to develop effective local policies to support employees who have child caring responsibilities to have an appropriate work-life balance. Such policies are intended to: allow a more effective combination of home and work responsibilities; enhance equality of opportunity at work; and maintain the competitive advantage of the organisation by retaining skilled and valued employees.
- 1.2 This joint agreement describes the rights, entitlements and obligations for employees who wish to benefit from the colleges maternity, paternity, adoption and shared parental leave schemes. It does not cover parental leave which outlines the unpaid entitlements parents are able to benefit from in certain circumstances. Please see the Joint Agreement on Parental Leave for more information on this.
- 1.3 This agreement reflects current law as at 1 December 2014.

2. Key issues

Terms and Conditions during Leave

- 2.1 During periods of family leave, employees are entitled to benefit from the terms and conditions of their contract that would have applied had they not been absent except in relation to remuneration. The employee is bound by any obligations under their contract except those that are inconsistent with their rights to take leave, such as the obligation to attend work.
- 2.2 Contractual annual leave that would normally accrue while the employee was at work continues to accrue during leave.
- 2.3 An employee in receipt of remuneration, during their leave will be treated as though he/she is working normally for the purposes of access to occupational pension scheme membership and benefits. Member and employer contributions will continue during paid leave according to the scheme rules. Further guidance should be obtained from the relevant pension authority. For periods of unpaid leave, advice should be sought from the relevant pension scheme about pensionable service and contributions.

General Issues

- 2.4 Employees are protected from unfair treatment due to pregnancy, childbirth or taking maternity/paternity/adoption/shared parental leave.
- 2.5 Periods of leave and absence for maternity/paternity/adoption/shared parental leave are regarded as continuous service for the purpose of calculating entitlements to employment benefits.
- 2.6 The college is entitled to maintain reasonable contact with the employee during the leave period should circumstances make this necessary. This entitlement is separate from the keeping in touch arrangements described in clause Appendix 2, and may be necessary to communicate and consult with the employee about issues relevant to her employment. For example:
 - to communicate important news about the college or to update the employee on any developments which have occurred during their absence;
 - to keep the member of staff advised of any changes that may arise which could affect their job, such as mergers, restructuring or job evaluation; and
 - to discuss and plan the employee's return to work.
- 2.7 Maternity/Paternity/Adoption/Shared Parental leave is not sick leave, and will not be taken into account when calculating any period of sick leave entitlement for sick pay purposes. Any employee who is unable to return to work at the end of their leave period due to illness, will be treated as if they were on sick leave, and will therefore be entitled to sick pay subject to the relevant eligibility criteria.
- 2.8 The college will keep the employee informed of staff vacancies during the period of leave. Communication could take the form of a staff newsletter, HR bulletin or individual letter.

3. Maternity

Eligibility for leave

3.1 To be eligible to take leave an employee must:

- have at least 26 weeks of continuous employment leading into the 15th week before the expected week of the childbirth (EWC);
- have, or expect to have, responsibility for the upbringing of the child;
- be the biological mother.

Notification

3.2 An employee who wishes to take statutory maternity leave, must give the college notice by the 15th week before the EWC, of the following:

- (a) that she is pregnant;
- (b) if requested, she should produce a certificate from a GP or registered midwife (form MATBI);
- (c) the EWC;
- (d) the date on which she wishes to start her maternity leave;
- (e) if she wishes to claim contractual maternity pay, she should also confirm that she intends to return to work at the end of the maternity leave period.

3.3 If it is not reasonably practicable for the woman to give this notice by the 15th week before the EWC, then she must provide the information as soon as reasonably practicable.

3.4 Once a college is in receipt of this information it should write to the employee within 28 days, setting out the date on which she is expected to return to work, if she takes her full entitlement to maternity leave.

3.5 Provided that she has given the required notice to the college, the employee may decide when she wishes to start her maternity leave, and she may start at any time after the beginning of the 11th week before the week in which childbirth is expected.

3.6 A woman may change her mind about when she wants to start her leave providing she writes to the college at least 28 days in advance of the intended start date for her maternity leave. If it is not reasonably practicable to give such notice of change of intention, the employee must provide the information as soon as reasonably practicable.

3.7 If an employee is absent from work with a pregnancy-related illness during the four weeks before the start of the EWC, the college may require her to start her maternity leave from the day of her first absence.

3.8 Where childbirth occurs before the notified leave date or before she has notified such a date, maternity leave will start on the day after the birth and the woman should notify the college that she has given birth as soon as is reasonably

practicable after the birth.

Pay

Statutory	Enhanced
<p>A woman will be eligible to receive statutory maternity pay (SMP) if she satisfies the following criteria:</p> <ul style="list-style-type: none"> (a) she must have completed 26 weeks' continuous service at the 15th week before the expected week of childbirth; and (b) she must be earning an amount equivalent to at least the lower earnings limit for National Insurance contributions; and (c) she must still be pregnant at the 11th week before the expected week of childbirth; and (d) she must have stopped work wholly or partly because of her pregnancy, or childbirth. <p>For the first 6 weeks of maternity leave, SMP is payable at the rate of 90% of the employee's average weekly earnings. The remaining 33 weeks will be paid at the current SMP flat rate, or else 90% of the woman's average weekly earnings if this is less than the current SMP flat rate. In summary:</p> <ul style="list-style-type: none"> • 6 weeks at 90% of average weekly earnings • 33 weeks at SMP or 90% of weekly earnings if this is less than the current SMP flat rate. <p>Not all employees will be eligible for SMP, in which case they should apply to their local Jobcentre Plus, to see whether they may be entitled to maternity allowance. An appropriate application form (currently SMP1) will be provided by the college.</p> <p>If the employee is awarded a pay increase between the beginning of the original calculation period and the end of her period of statutory maternity leave, her normal weekly earnings for the purposes of calculating entitlement to SMP will be recalculated as if the pay increase applied in each week of the relevant period, regardless of whether SMP has already been paid. The employee will be paid retrospectively for any difference between the SMP already paid and the amount payable as a result of the pay increase.</p>	<p>A woman will be entitled to receive enhanced maternity pay (EMP) for part of the maternity leave period if she satisfies the other qualifying conditions to be eligible for statutory maternity pay (SMP).</p> <p>EMP is paid in addition to the SMP, and is paid at the rate of half-pay plus the SMP for weeks 7-18 inclusive of the maternity pay period. This is subject to the combined SMP and half pay not exceeding the normal full pay.</p> <p>Maternity pay for an employee who qualifies for EMP is:</p> <ul style="list-style-type: none"> • 6 weeks at 90% of average weekly earnings • 12 weeks at 50% of average weekly earnings plus SMP • the remaining 21 weeks at SMP. <p>Any additional maternity leave, beyond the 39 week period, shall be unpaid.</p> <p>Any employee who does not return to work for a period of at least 13 weeks' service following her maternity leave can be required to repay the 12 weeks' half pay (in respect of weeks 7-18), or lesser amount if applicable, to be determined by the college. She cannot be required to repay any of the SMP. An employee who is uncertain about her return to work, may elect to have the 12 weeks' half pay paid on her return to work.</p>

Early Births

3.10 If the baby is born earlier than expected but after the employee has started to receive SMP (and CMP if applicable), SMP (and CMP) will continue to be paid. This should not affect the return to work date at the end of the maternity leave period. If the baby is born before the employee has started to receive SMP or commenced her maternity leave, the early birth will trigger maternity leave and entitlement to receive SMP (and CMP if applicable).

Late Births

3.11 If the baby is born after the EWC, SMP and maternity leave are not affected. All employees have the right to take statutory maternity leave of up to 52 weeks.

Stillbirths

3.12 In the unfortunate event of a stillbirth, the employee continues to be entitled to SMP and maternity leave, if the child is born after the 24th week of pregnancy. She will also be entitled to the maternity leave period. In the event of a miscarriage during or before the 24th week of pregnancy, the provisions and regulations of the sick pay scheme will apply.

Circumstances in which SMP is lost

An employee will lose her right to receive SMP if:

- (a) She is taken into legal custody.
- (b) She starts work for another employer.
- (b) She returns to work (excluding circumstances when a “keeping in touch day” is undertaken).

Timing

The maternity leave period must include the two weeks immediately after childbirth. This is known as the compulsory maternity leave period.

4. Paternity

Eligibility for leave

- 4.1 To be eligible to take leave an employee must:
- have at least 26 weeks of continuous employment leading into the 15th week before the expected week of the childbirth;
 - have, or expect to have, responsibility for the upbringing of the child;
 - be the father of the child, married to the child's mother or be the partner of the child's mother.

Notification

- 4.2 Employees should apply to (line manager/HR manager) on or before the 15th week before the expected week of childbirth. Where this is not possible, notice must be given as soon as is reasonably practicable. Applications must state the intended date of the leave and the length of the leave.

Pay

Eligible employees are entitled to two weeks paternity leave, taken in a block of either one week or two consecutive weeks. Employees are not entitled to take two non-consecutive weeks of leave.

Paternity leave can take place within 56 days of the child's birth or the expected week of childbirth or in the case of adoption the placement, whichever is the later.

An employee will be eligible to receive Statutory Paternity Pay (SSP) if he:

- has completed 26 weeks of continuous employment leading into the 15th week before the expected week of the childbirth, or with the week in which the child's adopter is notified of the match;
- earns an amount equivalent to at least the lower earnings limit for National Insurance contributions; and
- notifies the college of his/her intention to take OPL.

Not all employees will be eligible for SPP. Those below the earnings threshold should apply to the Benefits Agency to see whether they may be entitled to Income Support.

Circumstances when SPP is lost

- 4.4 An employee will lose his/her right to receive OSPP if:
- (a) He/she is taken into legal custody.
 - (b) He/she starts work for another employer during the paternity pay period that he/she did not work for during the 15th week before the child's expected week of birth.
 - (c) He/she returns to work (excluding circumstances when a "keeping in touch day" is undertaken).

Timing

- 4.5 Eligible employees are entitled to two weeks' leave, taken in a block of either one week or two consecutive weeks. Employees are not entitled to take two non-consecutive weeks of leave.
- 4.6 Ordinary Paternity Leave (OPL) can take place within 56 days of the child's birth or the expected week of childbirth, whichever is the later.

5. Adoption

Eligibility for leave

- 5.1 An employee who has been continuously employed for at least 26 weeks leading into the week in which she/he is notified of being matched with a child for adoption will qualify for statutory adoption leave.
- 5.2 Only one period of leave will be available in respect of an adoption arrangement. If more than one child is being adopted at the same time, this will not affect the length of the leave. However, adoption leave may be taken at a later time in respect of a fresh adoption process.

Notification

- 5.3 In order to take adoption leave, the employee must notify the college of the date or expected date of the placement and the date when she/he wishes leave to commence. This information must be provided within 7 days of her/his being notified by the adoption agency when a match with a child will take place or, if this is not practicable, as soon as practicable.
- 5.4 This information should be put in writing. The employee may vary the date when leave is taken but the employee should give the college at least 28 days in writing before the start of the leave initially specified. Once the employee has notified the college of the date of the placement and the date when she/he wishes to start leave, the college must then write to the employee within 28 days, stating the date upon which she/he expects the employee to return to work.
- 5.5 An employee can commence adoption leave on the date when the placement commences or up to 2 weeks before this date (but no earlier). If the employee is working on the date when placement commences, adoption leave may start the day after. This can also be triggered by a foster placement.

Pay

Statutory	Enhanced
<p>Statutory Adoption Pay (SAP) is available to employees who have sufficient service to qualify to take adoption leave. SAP is available for up to 39 weeks and is paid at the current SAP flat rate or 90% of average weekly earnings if this is less than the standard SAP rate. Employees whose average weekly earnings are below the lower earnings limit for SAP purposes may be able to seek other financial support and should seek advice from their local Jobcentre Plus. Additional adoption leave, beyond the 39 weeks, is unpaid.</p> <p>In order to satisfy the college that they are entitled to SAP, an employee must provide evidence of a letter from an adoption agency specifying the following:</p> <ul style="list-style-type: none"> a) name and address of agency; b) name and address of employee; c) date employee was notified of adoption or likely adoption; d) date on which child was placed for adoption or is 	<p>In order to be eligible for Enhanced Adoption Pay (EAP), an employee must have been employed for 52 weeks or more leading into the week in which she/he is notified of being matched with a child for adoption.</p> <p>Entitlements available for EAP for staff with 52 weeks continuous service at the point of adoption are as follows:</p> <p>For children up to 16 years old who are new to the home:</p> <ul style="list-style-type: none"> • 6 weeks leave at 90% of normal pay (or SAP if this is greater than 90% of normal pay); • 12 weeks leave at 50% of normal pay plus the rate of Statutory Adoption Pay (SAP), not exceeding full pay; • 21 weeks SAP. <p>Any employee who does not return to work for a period</p>

<p>due to be placed for adoption. The college may also ask for these matters in writing in order to satisfy itself that the employee is entitled to adoption leave.</p>	<p>of at least 13 weeks service following his/her adoption leave can be required to repay the 12 weeks' half pay (in respect of weeks 7-18), or lesser amount if applicable, to be determined by the college. The employee cannot be required to repay any of the SAP. An employee who is uncertain about his/her return to work, may elect to have the 12 weeks' half pay paid on his/her return to work.</p> <p>If the employment is terminated before the adoption pay period the right to SAP will be retained. In those circumstances, the adoption pay period will begin either</p> <ul style="list-style-type: none"> • on the date the child is placed for adoption; or • on the date immediately after the last day of employment where the termination occurs on or within 14 days before the expected date of placement.
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Circumstances when AP is lost

5.6 In certain circumstances, placements may be disrupted and so adoption leave and pay will end after a prescribed time. The adoption leave will end if more than 8 weeks of adoption leave remain and one of the following circumstances applies:

- after having notified an employee that she/he will be matched with a child, the adoption agency notifies the employee that the child will not be placed with the employee;
- the child dies; or
- the child's placement ends.

5.7 Adoption leave will end 8 weeks after any of the three dates referred to below:

- the week during which the employee is notified that the placement will not take place;
- the week during which the child dies;
- the week during which the child's placement ends.

In these circumstances, SAP will also terminate in accordance with these timescales.

Timing

Ordinary paternity leave can take place within 56 days of the placement for adoption, or within 56 days of the first day of the expected placement, whichever is the later.

6. Shared Parental Leave

- 6.1 Shared Parental Leave (ShPL) is designed to give parents more flexibility in how to share the care of their child in the first year following the birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or taking it in turns to have periods of leave to look after the child.
- 6.2 ShPL can be shared between the mother and one other person who must be the father, husband, civil partner or someone with whom she is in an ongoing relationship. It cannot be shared with an aunt, sister, nephew, grandparent or anyone that it is not legally possible to marry. Both parents/adopters can take ShPL together. If both parents/adopters are off together for one week that reduces the balance of ShPL by two weeks.
- 6.3 ShPL can be shared by the parents consecutively or concurrently, i.e. taken separately or at the same time by the mother and the partner and may be taken in separate chunks combined with a return to work. All leave must have been taken by the child's first birthday and in total, including maternity leave, must amount to no more than 50 weeks (the first two weeks are compulsory leave for the mother).
- 6.4 Once the mother opts into ShPL this brings to an end the maternity leave. If she does not opt into ShPL the default position is for mothers to retain the right to 52 weeks' maternity leave and 39 weeks' statutory maternity pay, subject to satisfying the relevant conditions. Fathers will still be entitled to two week's ordinary paternity leave unless they have already taken ShPL.
- 6.5 An employee may take their leave altogether or separate it into blocks. Each period of leave must last no less than a week or the relevant proportion of a week if the employee works part time. The maximum number of blocks of leave an employee will be able to take is three, unless otherwise agreed by the employer. Parents may vary their arrangement by giving eight weeks' notice of any changes.

Eligibility for leave

- 6.6 To qualify for Shared Parental Leave and Pay a mother must be entitled to maternity or adoption leave, or statutory maternity or adoption pay or maternity allowance and must share the main responsibility for caring for the child with the child's father or her partner. In addition, they will be required to follow a two step process to establish eligibility.

Step 1 - Continuity test:

A parent seeking to take Shared Parental Leave must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed in the first week that Shared Parental Leave is to be take.

The other parent has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks.

Step 2 - Individual eligibility for pay:

To qualify for Shared Parental Pay the parent must, as well as passing the continuity test, also have earned an average salary of the lower earnings limit or more (currently £111) for the 8 weeks' prior to the 15th week before the EWC.

Notification

- 6.7 Not less than eight weeks before the start of the first period of ShPL the mother must give the employer written notice that she is ending her maternity leave and pay and wishes to book ShPL. She must supply a copy of the baby's birth certificate, start and end dates of maternity leave, the name and address of her partner's employer, NI number and a signed declaration in respect of her eligibility. If the child has not yet been born then a booking can specify that it will commence after a period of time following birth. For example an employee could book two weeks' leave to begin 'two weeks after the child's birth'.
- 6.8 Not less than eight weeks before the start of the first period of ShPL the partner must give his/her employer written notice which contains a copy of the baby's birth certificate (or notification of the intended date of birth), start and end dates of maternity leave, the name and address of the mother's employer, NI number and a signed declaration in respect of his/her eligibility.
- 6.9 Both parents or adopters may give written notice to vary the above notice providing full details of the changes that they wish to make.
- 6.10 The two employers of the parents may, but are not obliged to, ask their respective employees for details of their partner's workplace and for the employers to then exchange between them the notice confirmation that they have received from their respective employees.
- 6.11 There are certain circumstances in which a mother who has given binding notice to curtail her maternity leave and/or pay can revoke her notice:
- If the mother has submitted her notice before the birth she has up to six weeks after the birth to change her mind. This applies to birth mothers and not adopters. Where her partner has already started taking ShPL and SHPP the entitlement stops. However, an employer may require the partner to stay off work on unpaid ShPL for eight weeks. The maternity leave is restored to 52 weeks and pay to 39 weeks;

- Where the parents have opted into ShPL but the mother has not yet returned to work and her partner dies she may revoke her notice to end her maternity leave and stay on maternity leave and pay. Any ShPL or ShPP taken by the partner is disregarded and maternity leave and pay is restored in full. This applies to birth parents and adopters;
- If the parents discover during the eight week notice period that they do not meet the eligibility criteria for ShPL, then the mother will continue with maternity leave and the father will not be eligible for anything other than his paternity leave.

Requests for continuous or discontinuous leave

6.12 Where the employee has requested one continuous period of leave, i.e. once the leave has completed they will return to work and not request further leave, this must be granted by the college.

6.13 Where the request is for discontinuous periods of ShPL, (i.e. take a period of leave, return to work and then take another period of leave) the college may, in the two weeks following receipt of the request, either:

- consent to the request,
- propose alternative dates for the period of leave or
- refuse the periods of leave requested without proposing alternative dates.

6.14 In the circumstances of a refusal of the request for discontinuous leave, the employee can withdraw the 'period of leave notice' and take the total amount of leave requested as a continuous period of leave.

Circumstances in which employees can revoke or vary leave

6.15 Employees are entitled to request a variation to the leave up to three times by giving eight weeks' written notice. The variation could be to change the start or end date of the leave, change a request from a period of discontinuous leave to continuous or vice versa or ask to cancel a period of leave.

Certificate or evidence

6.16 Employees are required to provide a certificate of confinement or birth to validate their application, or proof of the adoption. This can include the Mat B1 and SHPL1 form followed by the birth certificate.

Pay

Statutory Shared Parental Pay

Statutory Shared Parental Pay (SShPP) will be available to parents and adopters who meet the following criteria:

- have 26 weeks' continuous employment prior to the 15th week before the EWC; and
- earn an amount equivalent to at least the lower earnings limit for National Insurance contributions eight weeks before the 15th week before the EWC.

Each parent and adopter must meet the above criteria in their own right to qualify for SShPP.

An employee must give the employer the following information eight weeks' before SShPP

is claimed:

- The number of weeks' SShPP the employee is entitled to claim
- The number of weeks' SShPP the mother intends to claim
- The number of weeks' SShPP the father intends to claim
- Which weeks the employee intends to claim SShPP
- A declaration signed by the employee that they satisfy the qualifying conditions:
 1. The information is accurate
 2. They will immediately inform their employer if they cease to qualify for SShPP
- A declaration signed by the employee's partner, stating:
 1. Their name, address and NI number
 2. They consent to the employee's intended claim for SShPP
 3. They meet the qualifying conditions
 4. They will immediately inform the employee if they cease to meet those conditions
 5. They consent to the processing of this information by the employee's employer
- The mother's declaration must also specify the date her maternity pay period began and the number of weeks by which it will be reduced.

Employers have the option to request further evidence of entitlement to SShPP, e.g. the child's birth certificate, name and address of the partner's employer.

Circumstances when ShPP is lost

- 6.17 If a woman does not opt in to ShPL, she will retain the right to 52 weeks' maternity leave and 39 weeks' statutory maternity pay, subject to satisfying the eligibility requirements.

Appendix 1 – The Shared Parental Leave process at a glance



Appendix 2 - The Right to Return to Work

It should be presumed that the employee will take his/her full statutory maternity/adoption leave entitlement, i.e. the full 52 weeks, unless he/she notifies the college of his/her intention to return early.

An employee returning to work at the end of Additional Maternity/Adoption Leave (AML/ADL) need not give the college any notice of his/her return. The employee can simply turn up to work on the first working day after the end of AML/ADL.

An employee has the right to return to work at any point before the end of ordinary or AML/ADL. If he/she wishes to return early the employee must give the college at least eight weeks' notice of the date he/she intends to return. The employee's notice should be in writing. If the employee attempts to return to work earlier, without having given the eight weeks' notice, the college is entitled to postpone his/her return but not beyond the date on which the eight weeks would elapse and not beyond the end of the statutory maternity/adoption leave period. The college will inform the employee in writing if it decides to postpone his/her return in these circumstances.

If a woman changes her mind about her intended date of return and has further leave to be taken, she is required to give eight weeks' notice of her new return date. The notice period should be calculated back from the original intended date of return.

An employee who wishes to return to work at the end of additional maternity/adoption leave does not have to give the college any notice of his/her return. However, if they wish to return to work before the end of AML/ADL he/she must give the college at least eight weeks' notice.

A woman will not be allowed to return to work within the two weeks immediately after childbirth (i.e. during the compulsory maternity leave period).

An employee returning from OML/OAL is entitled to return to the same job that she/he left, on the same terms and conditions as before unless this is not reasonably practicable. If it is not reasonably practicable, the college should find another job which is both suitable and appropriate in the circumstances.

In almost all cases, an employee who takes OPL will be entitled to return to the same job in which he/she was employed before the leave began.

If the OPL followed on directly from a period of additional maternity leave, additional adoption leave or a period of parental leave of more than four weeks, then the employee will have the right to return to the same job, but if that is not reasonably practicable then he/she will have the right to return to a job that is both suitable for him/her and appropriate for him/her to do in the circumstances.

Where an employee returns to work after a period of ShPL which (when added to any other period of relevant statutory leave taken by the employee in relation to a child), means that the total amount of leave taken by the employee is 26 weeks or less, the employee is

entitled to return to the job in which they were employed before the absence.

Where the employee returns to work after a period of ShPL which:

- amounts to more than 26 weeks; or
- was consecutive with a period of parental leave of more than four weeks; or
- was the last of two or more consecutive periods of relevant statutory leave which were consecutive with a period of parental leave of more than four weeks the employee is entitled to return from leave to the job in which they were employed before the absence, or if it is not reasonably practical for the college to permit the employee to return to that job, to another job which is both suitable for the employee and appropriate for the employee to do in the circumstances.

If an employee's job becomes redundant during the course of his/her maternity/adoption/shared parental leave, the college will offer him/her any other suitable alternative work that becomes available¹. He/she will have the right to be considered for such work, even though he/she is on maternity/adoption leave. The offer will be made before his/her previous employment ends and (if accepted) the new employment will commence immediately. It must involve suitable work and the terms and conditions will not be less favourable than the old contract. If there is no suitable alternative work available, then he/she will be made redundant, and receive redundancy pay in line with his/her statutory and contractual entitlements.

If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date which he/she has specified, he/she may, instead, return when work resumes.

If an employee returning from maternity/adoption/shared parental leave wishes to return on a part-time basis, the college will give consideration to any such request.

Colleges may consider temporary variations to contracts and the potential for a phased return increasing to full time hours. Where changes to working arrangements are not possible due to business need, the reasons will be fully discussed and put in writing to the employee concerned. Colleges may require employees to comply with the statutory application process for flexible working requests under the Children and Families Act 2014. Colleges should give due consideration to the revised ACAS guidance on responding to flexible working requests.²

¹ [Regulation 10. The Maternity and Parental Leave etc. Regulations 1999](#)

² [ACAS Code of Practice on handling in a reasonable manner requests to work flexibly](#)

Appendix 3 - Keeping in Touch

Except during the 2 weeks immediately after childbirth (i.e. the compulsory maternity leave period) a “keep in touch” day may be used to enable the employee to attend work without losing their right to SMP/SAP or contractual maternity/paternity/adoption pay. Up to 10 keep in touch days may be undertaken during the maternity leave period without bringing the maternity/paternity/adoption leave to an end.

There should be no pressure on employees to come into work. There is no obligation on an employee to undertake work, nor is there any obligation on the college to provide work. The keep in touch days (and the amount of salary paid for work done on such keep in touch days) must only be arranged by mutual agreement. It is recommended that the employee should receive his/her normal salary for working on a KIT day.

If a KIT day is agreed, the purpose should be agreed in advance so that both parties are clear what the employee will actually do. This can include training, a meeting or other activities to help the employee keep in touch.

Shared parental leave in touch days

Each parent will be entitled to carry out work for their employer during a period of shared parental leave without bringing the period of leave to an end. The total number of days an employee may work during ShPL will be 20 days each and any day worked does not extend a period of ShPL. An employer cannot require an employee to carry out work during a period of ShPL. ‘Work’ may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Shared parental leave in touch days will be additional to the 10 KIT days which will continue to be available to a woman whilst she is on maternity leave.

Reasonable contact by an employer or employee during a period of ShPL does not bring the period of leave to an end.

Appendix 4 - Time off for Ante-Natal Care and adoption meetings

A pregnant employee is entitled to take reasonable paid time off during her normal working hours for antenatal care appointments. Wherever possible she should arrange her appointments at the start or end of her working day. Evidence of appointments must be provided to the line manager upon request.

Expectant fathers and partners of pregnant women are entitled to take unpaid time off work³ to attend two antenatal appointments with the expectant mother. The time off is capped at six and a half hours for each appointment.

Colleges are not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card, as this is the property of the expectant mother attending the appointment. However, colleges are entitled to ask the employee for a declaration stating the date and time of the appointment, that the employee qualifies for the unpaid time off through his or her relationship with the mother or child and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

In the case of adoption, the primary adopter is entitled to take paid time off to attend 5 adoption meetings. The secondary adopter is entitled to take unpaid time off to attend 2 adoption meetings.

³ [Time off to accompany a pregnant woman to ante-natal appointments, employer guide. Department for Business Innovation & Skills, September 2014.](#)

Appendix 5 - Protection of New and Expectant Mothers

The college is committed to creating and maintaining a healthy and safe working environment. This is particularly important in relation to the safety of new and expectant mothers. As part of normal Health and safety practices the college will risk assess work areas. In addition the college will undertake the following in order to create a healthy workplace for new and expectant mothers:

Work areas will be risk assessed to take account of particular risks to new and expectant mothers. This will be carried out as soon as possible after notification of pregnancy.

Employees will have the right to transfer from hazardous work areas, or hazardous work, without loss of pay or status, to suitable alternative work and/ or alter hours / work conditions if suitable actions cannot be identified to avoid an assessed risk.

An employee may be temporarily suspended, on full contractual pay, from the site in order to maintain an appropriate level of safety if suitable temporary alternative employment cannot be found, and/or the expectant mother is a night worker who has a medical certificate which recommends restricting her work schedule/times.

Suitable accommodation will be provided for new and expectant mothers to rest. This should be a smoke free area. Suitable accommodation will also be provided for nursing mothers to express and store milk. Toilet facilities are not suitable for this purpose.

Health and Safety management will be undertaken in accordance with the Workplace (Health, Safety and Welfare) Regulations 1992.

JOINT AGREEMENT ON GUIDELINES FOR FAMILY FRIENDLY POLICIES

SIGNATURES OF THE PARTIES TO THIS AGREEMENT

AoC *Sally Doherty*

AMiE *M. O'Donnell*

ATL *S. Crane*

GMB *S. Holder*

UCU *Michael O'Connell*

UNITE the UNION *M. M. O'Connell*

UNISON *C. O'Connell*

Date of Commencement of this Agreement

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