

Millennium Farm Trust

## HR7 Family Leave Policy V01

Next review due August 2028



### Version Control

| Version number | Date of changes | Who       | Review summary                                                                                   |
|----------------|-----------------|-----------|--------------------------------------------------------------------------------------------------|
| 02             | Nov 2020        | H Wilson  | Scheduled review. No changes                                                                     |
| 03             | Mar 2022        | H Wilson  | Updated to align with government legislation                                                     |
| 03             | April 24        | T Freathy | Scheduled review. No changes                                                                     |
| 01             | Aug 26          | T Freathy | Combined adoption leave (HR12) and parental leave (HR13) into one, new policy HR12 Family Leave. |

### 1. Purpose

Millennium Farm Trust recognises that employees have responsibilities outside work and aims to support employees through significant events in their family lives.

This policy brings together the Trust's arrangements for:

- maternity leave and pay;
- paternity leave and pay;
- adoption leave and pay;
- shared parental leave and pay;
- unpaid parental leave;
- neonatal care leave and pay;
- parental bereavement leave and pay;
- bereaved partner's paternity leave; and
- emergency time off for dependants.

The Trust will comply with the statutory family-leave rights applying at the relevant time. Where legislation provides a more favourable entitlement than this policy, the statutory entitlement will apply.

Employees are encouraged to speak to the Director at an early stage so that their individual entitlement and the arrangements for leave can be discussed.

### 2. General principles

The Trust will deal with requests for family leave fairly, sensitively and confidentially.

No employee will be subjected to detrimental treatment because they are pregnant, have given birth, are adopting a child, have family responsibilities, or have requested or taken a statutory form of family leave.

Eligibility for leave and eligibility for statutory pay are not always the same. An employee may therefore qualify for a period of leave without qualifying for statutory pay.

Where statutory pay is due, it will be paid at the prevailing statutory rate and in accordance with the eligibility requirements in force at the time.

Employees should provide the notices and evidence reasonably required for the particular type of leave. The Director will advise an employee about these requirements where necessary.

### **3. Maternity leave**

All eligible employees are entitled to up to 52 weeks' statutory maternity leave, comprising 26 weeks' Ordinary Maternity Leave followed by 26 weeks' Additional Maternity Leave.

There is no minimum length of service required to qualify for statutory maternity leave.

Employees should normally notify the Director of:

- the pregnancy;
- the expected week of childbirth; and
- the date they intend maternity leave to begin,

by the end of the 15th week before the expected week of childbirth, or as soon as reasonably practicable where this is not possible.

The employee will be asked to provide the appropriate maternity certificate (MATB1) when available.

The Trust will confirm the expected return-to-work date.

### **Maternity pay**

Employees who meet the statutory qualifying requirements will receive Statutory Maternity Pay (SMP) for up to 39 weeks at the prevailing statutory rates.

An employee who does not qualify for SMP may be eligible for Maternity Allowance and will be provided with the appropriate information/form to enable them to make a claim.

### **Antenatal appointments**

Pregnant employees are entitled to reasonable paid time off to attend antenatal appointments as provided by law.

Eligible partners may also have a statutory right to unpaid time off to accompany a pregnant person to qualifying antenatal appointments.

#### **4. Paternity leave**

Eligible employees may take up to two weeks' statutory paternity leave following the birth or adoption of a child or, where the statutory conditions are satisfied, following a birth through a surrogacy arrangement.

Paternity leave is a day-one employment right.

The two weeks may be taken together or as two separate one-week periods and must be taken within the statutory period following the birth or placement.

Employees should tell the Director as early as possible that they intend to take paternity leave and comply with the statutory notice requirements applicable to their circumstances.

#### **Paternity pay**

Statutory Paternity Pay (SPP) is subject to separate service and earnings requirements. Employees who qualify will receive SPP at the prevailing statutory rate.

The fact that an employee qualifies for paternity leave does not necessarily mean that they qualify for SPP.

#### **5. Adoption leave**

Where a child is placed for adoption, one member of an adopting couple may be eligible for statutory adoption leave. The other may be eligible for paternity leave and/or shared parental leave.

Eligible employees may take up to 52 weeks' adoption leave, comprising 26 weeks' Ordinary Adoption Leave followed by 26 weeks' Additional Adoption Leave.

The arrangements also apply in certain circumstances involving overseas adoption and surrogacy.

Employees should notify the Director as soon as reasonably practicable after being notified that they have been matched with a child and provide the relevant dates and supporting documentation.

Adoption leave may normally begin on the date of placement or on an earlier date permitted by legislation.

#### **Adoption pay**

Employees who satisfy the statutory eligibility requirements may receive Statutory Adoption Pay (SAP) for up to 39 weeks at the prevailing statutory rates.

Eligibility for adoption leave and adoption pay will be determined in accordance with the legislation in force at the time.

#### **6. Shared parental leave**

Eligible parents may choose to convert part of their maternity or adoption leave and pay into Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP).

Subject to eligibility and the amount of maternity or adoption leave already taken, parents may share up to 50 weeks of leave and up to 37 weeks of statutory pay.

Shared Parental Leave can provide considerable flexibility, including the possibility of parents taking leave at the same time or at different times.

The statutory eligibility, notice and booking arrangements for Shared Parental Leave are relatively detailed. Employees considering SPL should therefore speak to the Director as early as possible.

The Trust will explain the applicable statutory requirements and forms and will work constructively with employees to agree arrangements wherever reasonably practicable.

Where a request involves discontinuous periods of leave, the Trust and employee will discuss how the proposed pattern could be accommodated while maintaining safe and effective operation of the Farm.

## **7. Unpaid parental leave**

Employees with parental responsibility may be entitled to up to 18 weeks' unpaid parental leave for each child, which may normally be taken up to the child's 18th birthday.

Unpaid parental leave is a day-one employment right.

Unless otherwise agreed:

- leave should normally be taken in whole weeks;
- no more than four weeks may normally be taken in respect of an individual child in any one year; and
- where the statutory provisions allow, leave may be taken in individual days.

Employees should normally give at least 21 days' notice.

The Trust may agree more flexible arrangements where these can reasonably be accommodated.

Where taking parental leave at the requested time would cause significant disruption to the Farm or its services, the Trust may postpone the leave where legislation permits. Any postponement will be discussed with the employee and confirmed in writing.

Leave will not be postponed where legislation prevents this, including qualifying leave immediately following birth or placement for adoption.

## **8. Neonatal care leave and pay**

Eligible employees whose baby requires neonatal care may be entitled to up to 12 weeks' Neonatal Care Leave, in addition to other family-leave entitlements.

Neonatal Care Leave is a day-one employment right where the statutory qualifying conditions are met.

The amount of leave available depends upon the length of qualifying neonatal care received by the baby.

Eligible employees may also qualify for Statutory Neonatal Care Pay, subject to the applicable service and earnings requirements.

The Trust recognises that neonatal care is likely to be an extremely difficult and uncertain time for families. Employees should provide information and notice as soon as reasonably practicable, but the Trust will take a compassionate and flexible approach to communication and administration.

## **9. Parental bereavement leave and pay**

An employee who suffers the death of a child under the age specified by legislation, or a qualifying stillbirth, may be entitled to two weeks' Parental Bereavement Leave.

This is a day-one right for eligible employees.

The leave may be taken as a single two-week period or as two separate weeks within the statutory period.

Employees who satisfy the statutory service and earnings requirements may also qualify for Statutory Parental Bereavement Pay.

The Trust recognises that bereavement affects people differently and that statutory leave may not reflect everything an employee needs following the death of a child. The Director will discuss sensitively with the employee whether any additional support or leave may be appropriate.

## **10. Bereaved Partner's Paternity Leave**

Where a child's mother, or the primary adopter or intended parent in qualifying circumstances, dies, an eligible bereaved partner may have a statutory right to Bereaved Partner's Paternity Leave.

Depending upon the circumstances, this may provide a substantial period of additional unpaid leave to enable the surviving parent or partner to care for the child.

This is a day-one right where the statutory qualifying conditions are met.

The Trust will apply the statutory entitlement in force at the time and will approach requests compassionately and flexibly.

## **11. Time off for dependants**

Employees have a statutory right to take a reasonable amount of unpaid time off to deal with an unexpected situation involving a dependant.

A dependant may include a spouse, civil partner, partner, child, parent or another person who reasonably relies upon the employee for assistance.

Examples include:

- illness, injury or an unexpected deterioration in a dependant's condition;
- disruption or breakdown of care arrangements;
- an unexpected incident involving a child at school or another educational setting;
- making arrangements following the death of a dependant; or
- arranging longer-term care following an emergency.

This entitlement is intended to allow an employee to deal with the immediate situation and make necessary arrangements. It is not normally intended to provide extended periods of leave to care for a dependant.

Employees should tell their manager or the Director as soon as reasonably practicable why they are absent and, where possible, how long they expect to be away from work.

Where more time is required, the Trust will discuss appropriate options with the employee, which may include annual leave, unpaid leave, parental leave or another appropriate arrangement.

## **12. Keeping in touch during extended family leave**

The Trust and employee should agree reasonable arrangements for keeping in touch during an extended period of family leave.

Employees on maternity or adoption leave may, where permitted by legislation and by agreement with the Trust, undertake up to the statutory number of Keeping in Touch (KIT) days without bringing their leave to an end.

Similar Shared Parental Leave in Touch (SPLIT) days are available during Shared Parental Leave.

There is no obligation on either the employee or the Trust to agree to such work.

Any work undertaken and payment arrangements will be agreed in advance.

The Trust may also make reasonable contact during leave about significant workplace developments, training opportunities or arrangements for returning to work.

## **13. Terms and conditions during leave**

During statutory family leave, the employee's contract of employment continues except in relation to remuneration where the period of leave is unpaid or where statutory pay applies instead.

Statutory holiday entitlement continues to accrue during statutory family leave.

Employees should discuss with the Director how accrued annual leave will be taken before or after an extended period of family leave.

Pension arrangements will be dealt with in accordance with the relevant pension rules and statutory requirements.

Continuity of employment is preserved as required by law.

#### **14. Returning to work**

Employees returning from statutory family leave have statutory rights to return to the same job or, in particular circumstances, to a suitable alternative role on terms and conditions that are no less favourable.

The precise right depends upon the type and duration of leave taken and whether different forms of family leave have been combined.

The Trust will comply with the statutory return-to-work rights applying to the employee's circumstances.

Employees wishing to return earlier than originally planned should give the required statutory notice.

Where appropriate, the Trust and employee may discuss practical arrangements to support the return to work.

An employee may also make a statutory flexible working request if they wish to seek a longer-term change to their working arrangements.

#### **15. Redundancy during family leave**

Employees taking certain forms of maternity, adoption, shared parental and other protected family leave may have enhanced statutory protection where a redundancy situation arises.

Where these provisions apply, the Trust will comply with its obligations concerning suitable alternative employment and the applicable statutory protected period.

No employee will be selected for redundancy because they are pregnant or because they have requested, taken or intend to take statutory family leave.

#### **16. Requests, records and confidentiality**

Requests for family leave should normally be made in writing so that there is a clear record of the arrangements, although the Trust will not impose this requirement where legislation provides otherwise or circumstances make it unreasonable.

The Trust may ask employees to provide statutory forms, certificates, declarations or other reasonable evidence where required to establish entitlement to leave or pay.

Information concerning pregnancy, adoption, surrogacy, bereavement or other family circumstances will be handled sensitively and confidentially and in accordance with the Trust's Data Protection and Privacy Policy.

#### **17. Equality and protection from detriment**

The Trust will apply this policy fairly and consistently and in accordance with its Equal Opportunities Policy.

Employees will not be subjected to discrimination, harassment, detrimental treatment or dismissal because they have exercised, sought to exercise, or are believed likely to exercise a statutory family-leave right.

Any employee who has concerns about the way this policy has been applied should raise them with the Director or through the Trust's grievance procedure.

### **18. Further information**

Family-leave legislation contains detailed eligibility, notice and pay provisions which may change from time to time.

Employees do not need to work these out themselves. Anyone expecting a child, adopting, considering shared parental leave, experiencing neonatal care or bereavement, or otherwise needing family-related leave should speak to the Director.

The Trust will confirm the relevant entitlement, notice requirements and statutory pay arrangements based on the employee's individual circumstances and the legislation in force at the time.

### **19. Review**

This policy will normally be reviewed every two years, or sooner following significant changes to legislation or organisational arrangements.

This policy replaces:

- HR12 Adoption Leave Policy V03; and
- HR13 Parental Leave Policy V02/V03.