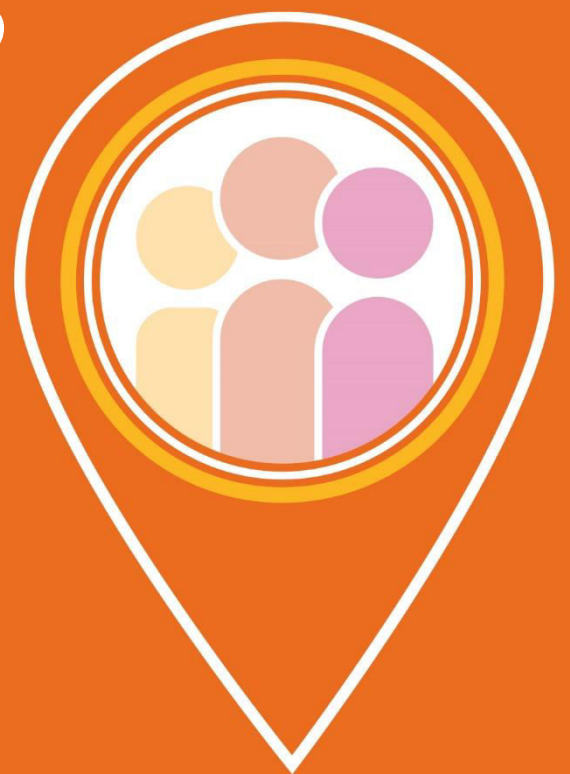




children's
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HR Single Leave and Associated Allowances Policy



Review Schedule

Document Name/Title	Single Leave and Associated Allowances Policy
Document Type	HR Policy
Document Owner	HR/OD
Approving Body	RAC
Date of Approval	22.12.2015
Summary of Changes	<ul style="list-style-type: none">• Introduction of new changes e.g. Terms and Conditions during maternity and adoption leave, arrangements for swapping statutory leave between partners, shared parental leave, extension of the deadline to carry over 5 days of annual leave in the new leave year to end of March (was end of January previously). It reflects and complies with the latest legislation.• Introduction of a greater degree of flexibility for SMT to grant leave depending on particular circumstances faced by individual staff e.g. exceptionally varying the number of days of annual leave carried forward.
Version No.	1.0
Date of Last Review	22.12.2015

GENERAL LEAVE

1. Annual leave

- 1.1** On taking up employment with CHS, staff are entitled to 25 days annual holiday with a further 5 days entitlement after 5 full years continuous service with CHS. For the purposes of annual leave, CHS will recognise continuous service from other public sector bodies as defined by the Office of National Statistics.
- 1.2** CHS' leave year currently runs from 1st January to 31st December.
- 1.3** Part time employees are entitled to holidays pro-rata to those of full time employees.
- 1.4** Newly appointed staff will be entitled to annual holidays pro-rata to their completed months of service during the leave year of their appointment. The following table details pro-rata entitlement:

Completed Months of Continuous Service in Current Leave Year	25 Days	30 Days
1	2	2
2	4	5
3	6	8
4	8	10
5	10	12
6	12	15
7	15	18
8	17	20
9	19	23
10	21	25
11	23	28
12	25	30

- 1.5** Employees leaving CHS are entitled to annual holidays pro-rata to their completed months of service in that leave year. A sum in respect of holidays taken in excess of this will be deducted from final pay.
- 1.6** Employees who give or receive notice to terminate their employment will be required to take any outstanding holiday entitlement during their period of notice. Payment in respect of leave not taken is subject to the prior approval of the appropriate Senior Manager and will be made only in cases where, for operational reasons, the employee cannot be allowed to take the holidays before employment with CHS ends.
- 1.7** Annual leave is to be taken by arrangement with the relevant line manager taking account of the requirements of the service. It is recommended that line managers monitor the taking of annual leave to ensure that employees are taking leave regularly throughout the leave year and not accruing leave unduly.
- 1.8** Employees may carry over 5 working days (or pro-rata equivalent) at the end of the annual leave year. Any annual leave carried over must be taken before the end of March in the new

leave year. In all cases staff should be encouraged to use their full annual holiday entitlement in the current leave year. Where, due to operational reasons and at management's request, managers may exceptionally vary the number of days carried forward.

2. Public Holidays

2.1 Staff are entitled to 11.5 days public holiday each leave year (pro-rata for part-time staff). A minimum of 8 days public holiday are fixed and are allocated on a national basis as follows (with individual employees having personal protection for existing arrangements to be added to annual leave entitlement):

- 1 January
- 2 January
- Good Friday
- Easter Monday
- May Day
- St Andrews' Day
- 25 December
- 26 December

2.2 In addition, 3.5 further days are allocated on an annual basis, to be either fixed or taken as floating public holidays.

2.3 For staff starting or leaving part-way through the leave year public holiday entitlement will be pro-rated for each completed month of service.

2.4 Once fixed public holidays are set and where there is a mandatory requirement for Staff to attend at work during fixed public holidays. this will be compensated at the following rates, which are applicable to all staff:-

- (a) overtime as outlined in CHS' Salary Policy.
- (b) Alternatively, time off in lieu may be authorised at the rate of a half day for the initial one hour standby arrangement and a further half day for any consequential call out or pre-arranged statutory activity which requires the employee to carry out duties extending beyond the initial one hour standby period.
- (c) Where staff incur additional costs through attendance at work during fixed public holidays e.g. childcare or travel costs, payment will be in accordance with agreed policies on production of the necessary documentation

3. Special leave

3.1 CHS recognises that, on occasion, an employee may require special leave to undertake personal commitments or attend events outside of their working life where the use of annual or flexi leave may not be appropriate. All applications for special leave will be considered on their own merits, taking account of personal and operational requirements and in accordance with the principles of CHS' Equalities Strategy.

3.2 Special leave, with or without pay as specified, may be granted in the following circumstances.

Compassionate Leave - Employees are entitled to paid leave in the following circumstances:

- (a) up to one weeks' paid bereavement leave (depending on the employee's needs) in the event of the death of a near relative or similar relationship.
- (b) one days' paid leave to attend the funeral of a near relative or similar relationship.
- (c) additional individual requirements may be considered by the relevant manager in consultation with the Human Resources Team.

Medical Appointments - Routine medical (including dental) appointments should be made, wherever possible, outwith normal working hours. However, permission will be given where:

- (a) the line manager is satisfied that an appointment cannot be arranged outside normal working hours.
- (b) employees covered by the Flexible Working Hours Scheme will be allowed credit only for that part of their absence which falls during core time i.e. 10.00-12.00 and 14.30-16.00.
- (c) employees not covered by the Flexible Working Hours Scheme will be credited up to the end of the normal working day where it is not practical for the employee to return to work. Where it is practical to return to work before the end of the normal working day the employee must do so.
- (d) special leave may be considered when an employee is required, for medical purposes, to accompany his/her partner, child or adult for whom he/she has caring responsibilities to a medical appointment.

Public Duties - Employees may be granted leave as specified below to perform duties as:

- a member of a local authority;
- a member of any statutory panel, tribunal or similar body;
- a Justice of the Peace;
- a member of any committee appointed by a government department or local authority; and
- a member of a School's Governing Body.

In all cases the amount of leave granted must be reasonable in relation to the public duties in question and the demands of CHS' work. The total amount of leave granted to an individual employee for any or all these purposes will not exceed 24 days in any year.

Employees will receive from CHS the difference between full pay and any allowances they are entitled to claim.

Service in Non-Regular Forces - A maximum of 15 days paid leave per year, subject to the deduction of service pay and allowances, will be granted to volunteers of the Non Regular Forces to attend Training/Summer Camp or other additional training which they are unable to arrange on days when they would not normally be working. This leave will be granted on the production of formal confirmation.

Attendance at Court

- An employee who is called to attend court as a witness which is not related to their employment with CHS, will be granted leave without pay. Employees can claim the relevant amount in respect of loss of earnings from the person citing them.

Local Authority, Parliamentary, Scottish Parliamentary and European Election Agents/Candidates - Subject to operational requirements, unpaid leave for a period not exceeding 10 days will be granted at the time of the election to employees undertaking duties of an Election Agent or who are standing for election in the above circumstances.

Fertility Treatment - Employees with 26 weeks continuous service may be granted up to 2 weeks paid leave per year to undergo fertility treatment. The employee is required to give a minimum of 21 days' notice of any requested time off and will be required to produce a medical appointment card.

Other Special Leave - There may be occasions where special leave may be appropriate but which are not covered specifically in the Special Leave Provisions, such as participating as a representative of a country at a national or international sporting event. Senior Manager and Directors have the discretion to authorise special leave, either paid or unpaid, up to a maximum of 5 days in total. In exceptional circumstances where special leave, either paid or unpaid, may possibly exceed 5 days, the manager should discuss this with the Human Resources Manager in the first instance.

3.3 Periods of unpaid leave as outlined in this policy will not be recognised as a break in service.

4. Guidance on Severe Weather and Major Disruptions

4.1 The CHS Business Continuity Plan details the contingency arrangements in place to deal with situations where CHS staff numbers would fall below normal operating levels due to severe weather and/ or major disruptions.

4.2 CHS recognises that severe weather conditions can prevent staff from reaching their normal place of work. It can also impact on community infrastructure and we recognise that issues such as school closures or withdrawal of caring services will also have an impact on some staff.

4.3 Staff are expected to make all reasonable efforts to come to work even when conditions are difficult, but we do not expect staff to compromise their health and safety by attempting to come to work when it is genuinely unsafe to do so.

4.4 CHS general guidance regarding severe weather is as follows:

- Staff are expected to make every reasonable effort to come to work during any periods of severe weather and are encouraged to plan ahead and be prepared for the potential impact of severe weather.
- Staff have responsibility for their own health and safety when travelling to and from work.

- Staff should attempt to make alternative travel arrangements if normal travel arrangements are disrupted, i.e. if a member of staff would normally drive to work they should make every effort to look for public transport alternatives.
- If a member of staff thinks that their travel to work is likely to be disrupted or that it is unsafe to travel to their normal place of work they should contact their line manager in the first instance to see what alternative arrangements can be made such as:
 - Working from a Scottish Government/ SCRA office closer to home
 - Working from home bearing in mind the need to follow CHS security policies and procedures
 - Taking annual leave or flexi
- On occasions where travel to and from work is made impossible because of severe weather, managers have the discretion to allow flexi credit up to 3 days per year. Where details of the disruption is known in advance, staff are expected to make alternative arrangements to either get into work or where it is impossible to get into work carry out work from an alternative location or from home.
- Staff should consider in advance any alternative arrangements they may need to make, e.g. in respect of caring responsibilities. However, where a member of staff is unable to attend work due to disruptions to childcare/schooling or dependant's care arrangements due to severe weather they should refer to section 5 of this policy 'Dependant Care Leave'.
- Managers should ensure that they are fully updated on the impact of any travel disruption in their area to enable them to make informed decisions regarding any potential travel to work difficulties and approval of special leave.
- Managers should:
 - Plan ahead and be prepared for the potential impact of severe weather;
 - Ensure appropriate Business Continuity plans are up to date;
 - Think now about the options for their staff to work from home or from other SG or SCRA offices;
 - Be familiar with the availability of hot desks;
 - Take individual circumstances into account and apply relevant policies where appropriate;
 - Ensure that this guidance is effectively communicated and implemented in their area.
- Managers should recognise the effort made by those staff who travel to work during severe weather and flexi credits can be given for any significant additional time taken to travel to work in an agreed office location. For example, where a member of staff who usually starts at 9 a.m. doesn't arrive into work until 10 a.m. due to severe weather, then the line manager can flexi credit them to 9 a.m.. Where an office has been closed early resulting in staff being unable to continue to work, then a flexi credit should be given. These flexi credits should reflect normal office hours, i.e. 9.00 a.m. to 5.00 p.m.
- Line managers will wish to take the following circumstances into account when taking decisions about the extent of any flexi credit:
 - the availability of public transport;
 - location of hot desks in SG and SCRA offices;
 - ability to work from home; and
 - police and other expert advice on safety issues.

- Where staff are able to work from home, credits for all authorised hours worked should be given.

FAMILY FRIENDLY LEAVE

CHS recognises that employees may have family responsibilities and obligations in addition to the responsibilities they have to the organisation. CHS also appreciates that it is difficult sometimes to balance these demands and that undue stress and hardship can be caused when conflict occurs between work and family life. Detailed below are a range of policies which seek to support employees in balancing their work and family life.

5. Dependant Leave

- 5.1** This policy enables all employees to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term care arrangements. These genuine emergency situations must involve a dependant of the employee.
- 5.2** A dependant can be a wife, husband, parent or child of the employee, or someone who lives in the same household such as a partner or grandparent or someone who relies on the employee for assistance or provision of care when they fall ill. In addition, CHS recognises that grandparents are often secondary carers for grandchildren and any requests for leave under this policy will be considered favourably alongside the needs of the immediate team and wider organisational issues.
- 5.3** CHS will make up to 5 days paid leave available per annum to employees who experience emergency care situations in respect of a dependant. In normal circumstances, where additional leave is required it will be unpaid. However, in exceptional cases, SMT may consider granting in excess of 5 days paid leave.
- 5.4** As a guide, employees will be eligible for leave in the following emergency situations: -
- If a dependant falls ill, has an accident, is injured or distressed
 - Where care arrangements break down
 - To make longer term care arrangements for a dependent who is ill or injured
 - An emergency arises during working hours in connection with an employee's child
 - A dependant dies
 - A dependant is having a baby. This does not include taking time off after the birth to care for the child.
- 5.5** The employee must notify his/her line manager of the emergency situation at the earliest opportunity dependent on the circumstances and seek their authorisation to take time off. If the leave extends beyond one day, the employee must contact his/her line manager daily to inform them of the situation and how long they expect to be away from work, unless otherwise agreed.
- 5.6** For all authorised leave, employees should complete the Dependant Care leave Authorisation Form at Appendix 2.
- 5.7** Employees should be aware that any abuse or suspected abuse of these provisions will be dealt with under CHS' Disciplinary Procedure.

6. Definitions

- 6.1** An eligible employee can take a maximum of 2 weeks paid leave to care for his/her baby or to support the mother/partner following birth or adoption of a child.
- 6.2.** Paternity leave is available to a biological father, a partner/husband who is not the baby's biological father or a female partner in a same sex couple. An employee must have 26 weeks continuous service by the 15th week before the Expected Week of Childbirth (EWC) and still be employed at the start of the paternity leave.
- 6.3** The employee must declare their relationship by completing the Request for Paternity Leave Form requesting time off work to support the mother or care for the child.
- 6.4** Paternity Leave cannot be taken in addition to Adoption Leave.
- 6.5** An eligible employee must apply giving at least 28 days' notice of the request for leave (7 days for those adopting a child) prior to their preferred leave start date. If an employee wishes to change the date of his/her leave due to the likelihood of the baby being born late or early (or in the case of adoption, a delay in placement), he/she must resubmit their request, bearing in mind the required notice provisions, for a new start date.
- 6.6** An employee can take only one period of leave per birth/adoption even if more than one baby is born as a result of the same pregnancy.
- 6.7** Paternity Pay is paid at the rate of 2 weeks full pay inclusive of Statutory Paternity Pay (SPP), or SPP whichever is the greater.
- 6.8** An eligible employee can take either one or two consecutive weeks' paternity leave within the 8 week period following the birth of the baby. Leave cannot be taken as odd days or as two separate weeks. If employees wish to take more than 2 weeks leave, requests should be made to their line manager under the appropriate alternative policy e.g. annual leave, parental leave etc.
- 6.9** A qualifying employee will be entitled to paternity leave if the baby is still born after 24 weeks of pregnancy.
- 6.10** If the baby is born early, leave can be taken anytime from the actual date of birth up until the end of the 8 week period from the EWC.
- 6.11** An employee should request paternity leave using the form at Appendix 3.

7. Equality Impact Assessment

- 7.1** Parental leave is the right to take time off work to look after a child or to make arrangements for the child's welfare. Parents can use it to spend more time with children or to strike a better balance between their work and family commitments. This section outlines the rights of mothers and fathers to take parental leave.
- 7.2** Both mothers and fathers with parental responsibilities, whether they are the natural or adoptive parents, and providing they have one years' continuous service, are entitled to 18 weeks parental leave per child, based on the following criteria:-
- Employees who have a baby or adopt a child can take parental leave up until the child's 18th birthday.
 - Mothers and fathers with parental responsibility for a disabled child are entitled to 18 weeks parental leave per child, which can be taken up until the child's 18th birthday.
 - The above entitlements have been extended to include step-parents who have responsibilities for child care.
- 7.3** CHS will not count previous periods of parental leave taken with another employer towards the maximum entitlements.
- 7.4** Parental Leave must be taken in blocks of one week with a maximum of 4 weeks leave being authorised per year. In the case where there are parental responsibilities for disabled children, parental leave can be taken in multiples of a day with a maximum of 4 weeks per year being authorised.
- 7.5** All periods of parental leave are unpaid.
- 7.6** Terms and conditions of employment continue to accrue and be recognised during periods of parental leave. Pension contributions cannot be made on behalf of the employee during periods of unpaid leave. However, the employee can elect to 'buy' back the superannuation contributions for these periods so that the period of unpaid Parental Leave can count towards superannuation entitlement. The employee should discuss the administrative arrangements for this with the Human Resources Team.
- 7.7** When requesting parental leave, the employee should complete the Parental Leave Application Form, at Appendix 4, giving details of their eligibility for parental leave and the dates when the leave is to start and finish.
- 7.8** The Parental Leave Application Form should be submitted to the employee's Line Manager for authorisation giving appropriate notice. Where the period of leave requested is two weeks or less, at least four weeks' notice must be given. Where the period of leave is more than two weeks, notice of twice the length of the proposed leave period must be given.
- 7.9** Parental leave can be requested to be taken immediately following ordinary or additional maternity leave/paternity leave up to the maximum age limits as outlined above.
- 7.10** The request for parental leave will be granted unless it is considered that it would unduly disrupt the business of CHS, for example, the inability to provide staff cover for the time period requested, a detrimental impact on the performance or workload of the team, the

burden of additional costs or inability to reorganise work among existing staff. If this is the case, CHS has the right to postpone the request for up to no more than six months from the date of application.

- 7.11** After a period of parental leave the employee has the right to return to his/her previous position. Where a redundancy occurs while an employee is absent on parental leave, the employee will be treated as if he/she was at work with regard to consultation, notification and offers of suitable alternative employment.

8. Maternity Leave Policy

8.1 Introduction

- 8.1.1 CHS recognises the importance of supporting female employees during their pregnancy and whilst on maternity leave and is committed to ensuring fair and equal treatment for all pregnant women. In respect of this aim CHS provides enhanced maternity pay which goes beyond its statutory obligations.
- 8.1.2 The Human Resources Team at SCRA will administer all maternity leave and pay requests on behalf of CHS and advise line managers accordingly. However, communications between employees and their line managers must still occur so that maternity leave is managed appropriately and returns to work are well planned and co-ordinated.

8.2 Maternity Leave and Pay Entitlements

- 8.2.1 All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, regardless of length of service with CHS. A summary of entitlements is detailed in the table on the next page:-

If You Have:	Your Leave Entitlement is:	Your Pay Entitlement is:
If you have average weekly earnings below the lower earnings limit for payment of NI contributions in the 8 weeks up to and including 15 th week before the EWC, or less than 26 weeks continuous service with CHS at the beginning of the 15 th week before the EWC.	26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave	26 weeks unpaid ordinary maternity leave and 26 weeks unpaid Additional Maternity Leave. No Statutory Maternity Pay (SMP) is payable however there is a possible entitlement to a maximum 39 weeks Maternity Allowance from the Department of Works and Pensions.
If you have average weekly earnings in the 8 weeks up to and including the qualifying week at or above lower earnings limit for payment of NI contributions. 26 weeks continuous service with CHS at the beginning of the 15 th week before the EWC.	26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave	SMP of 6 weeks at 90% of average weekly earnings, 20 weeks at half pay plus SMP and 13 weeks at SMP only. The remaining 13 weeks Additional Maternity Leave are unpaid.

8.2.2 For part-time or job share employees, maternity pay cannot exceed the employee's normal weekly pay.

8.3 Details of Maternity Leave and Pay

8.3.1 Maternity Leave cannot commence earlier than the 11th week before the EWC.

8.3.2 To receive maternity leave and pay, the employee must notify the Human Resources Team:

- that she is pregnant,
- of her EWC; and
- her intended leave commencement date

by no later than the 15th week before the EWC by submitting the form at Appendix 4A.

8.3.3 This should be notified to the Human Resources Team in writing attaching a MAT B1 form which is provided by the employee's Midwife or GP. Any variations to this start date should be notified as soon as reasonably practicable, and no later than 28 days before the new start date. In normal circumstances, maternity leave will commence on a Sunday.

8.3.4 Within 28 days of receiving the written notification, the Human Resources Team will notify the employee of her return to work dates following ordinary and additional maternity leave periods.

8.3.5 If the baby is born prior to maternity leave commencing, the employee should advise the Human Resources Team as soon as reasonably practicable and maternity leave will commence on the day after the birth of the baby.

8.3.6 Where an employee is absent from work with a pregnancy-related illness during the 4 weeks before the EWC, then maternity leave starts automatically. Throughout the employee's pregnancy period, pregnancy-related absences do not count towards occupational and statutory sick pay and leave entitlements. (For further information on pregnancy-related absences, please refer to CHS's Managing Sickness Absence Policy).

8.3.7 Maternity leave must be taken as a continuous period with no gap between the Ordinary Maternity Leave and the Additional Maternity Leave.

8.4 Ante-natal Care

8.4.1 All pregnant employees, regardless of length of service are entitled to paid time off during working hours to receive ante-natal care. Ante-natal care may include time off for attendance at parentcraft or relaxation classes, where these are recommended by a registered medical practitioner, midwife or health visitor, and cannot be attended outside working hours. Fathers/partners have the right to attend at two ante-natal care appointments of up to 6.5 hours per appointment.

8.4.2 Employees must request time off giving as much notice as reasonably possible of the appointment and produce an appointment card for all ante-natal appointments as confirmation. These requirements do not apply to the first ante-natal appointment.

8.5 Health and Safety

- 8.5.1 To ensure the health and safety of employees who are pregnant, have recently given birth or are breast-feeding, appointed risk assessors will carry out a risk assessment of hazards in the employee's work environment. The employee will then be made aware of any potential risks and measures put in place to avoid exposure to those risks. The employee should contact the Health and Safety Adviser or their appointed risk assessor during their pregnancy to arrange a risk assessment. Further information for new and expectant mothers is included in the Health and Safety Handbook or can be obtained from the Health and Safety Adviser.

9. Adoption Leave Policy

9.1 Introduction

- 9.1.1 CHS is committed to ensuring that employees are given the opportunity to take leave and pay for adoption in accordance with the provisions of relevant legislation.
- 9.1.2 CHS has enhanced the statutory provisions for adoption leave to enable employees to take time off to care for their adopted child, subject to the provisions below. The general approach is that adoption leave is managed in a broadly similar manner to maternity leave.

9.2 Eligibility

- 9.2.1 Employees are entitled to Adoption Leave to care for a child up to the age of 18, who has been newly matched for adoption by an approved adoption agency. Adoption leave is not available in circumstances where a child is not newly matched for adoption e.g. when a step-parent is adopting a partner's child.
- 9.2.2 To qualify for paid adoption leave an employee must:
- * be newly-matched (or foster to adopt) with a child for adoption by an approved adoption agency, and
 - * have worked continuously for CHS for 26 weeks leading into the week in which they are notified of the matched with a child for adoption (the 'matching week'). The 26 weeks service is assessed at the end of the 15th week before the week in which an approved match is made.
- 9.2.3 Where a couple jointly adopt, only one adoptive parent can apply to take adoption leave.

9.3 Adoption Leave and Pay Entitlements

- 9.3.1 Adoption leave must be taken as a continuous period with no gap between the Ordinary Adoption Leave and the Additional Adoption Leave.
- 9.3.2 A summary of entitlements is detailed in the table below:-

If You Have:	Your Leave Entitlement is:	Your Pay Entitlement is:
If you have average weekly earnings below the lower earnings limit for payment of NI contributions in the 8 weeks up to and including 15 th week before the week in which an approved match is made or less than 26 weeks continuous service with CHS.	26 weeks Ordinary Adoption Leave followed by 26 weeks Additional Adoption Leave, allowing the new parents up to 52 weeks adoption leave.	No Statutory Adoption Pay (SAP) but possible entitlement to financial support from the Department of Works and Pensions.

<p>If you have average weekly earnings above the lower earnings limit for payment of NI contributions in the 8 weeks up to and including 15th week before the week in which an approved match is made.</p> <p>Plus 26 weeks continuous service by the week in which notification is given of being matched with a child for adoption.</p>	<p>26 weeks Ordinary Adoption Leave followed by 26 weeks Additional Adoption Leave, allowing the new parents up to 52 weeks adoption leave.</p>	<p>SAP of 6 weeks at 90% of average weekly earnings, 20 weeks at half pay plus SAP and 13 weeks at SAP only.</p> <p>The remaining 13 weeks Additional Adoption Leave are unpaid.</p>
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9.4 Details of Adoption Leave and Pay

- 9.4.1 An employee must give 28 days' notice of their intention to take adoption leave. However CHS does recognise that little notice may be given of the placement of children, and will, unless not operationally viable, accommodate the short notice release of employees. If the employee is required to change the start date of Adoption Leave, the 28 days' notice requirement should be observed where reasonably practicable.
- 9.4.2 To request adoption leave and pay, the employee must notify the Human Resources Team in writing within the required notice timescales. They should also produce a Matching Certificate or Foster to Adopt confirmation from the approved adoption agency within 7 days following the start of the Adoption Leave.
- 9.4.3 The Human Resources Team will notify the employee within 28 days of receipt of the Request for Adoption Leave Form of the employee's return to work dates if they take their full leave entitlement.
- 9.4.4 Adoption Leave can start on the date of the child's placement or on a date which can be up to 14 days before the Expected Week of Placement. Leave can start on any day of the week.
- 9.4.5 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- 9.4.6 If the child's placement ends during the adoption leave period, the adoptive parent will be able to continue adoption leave for up to a maximum of 8 weeks after the placement has come to an end.

10. Terms and Conditions during Maternity and Adoption Leave

10.1. Return to Work

- 10.1.1 All employees on maternity leave must take a minimum of 2 weeks compulsory maternity leave after the birth of the child.
- 10.1.2 An employee who intends to return to work at the end of either ordinary or additional maternity or adoption leave does not need to notify CHS in advance of their return.
- 10.1.3 An employee who wishes to return to work before the end of ordinary or additional maternity or adoption leave, a minimum of 28 days' notice must be given in writing to the Human Resources Team. An employee can change the date of their return by giving 8 weeks' notice as long as the proposed return date remains within the Maternity leave period.
- 10.1.4 An employee who, due to illness, is unable to return to work after maternity or adoption leave, is entitled on the production of a medical certificate, to occupational and statutory sick pay, as detailed in CHS' Managing Sickness Absence Policy.
- 10.1.5 An employee has the right to return to the same job with the same terms and conditions of employment following maternity or adoption leave. If this is not reasonably practicable, they must be offered another job which is both suitable and appropriate in the circumstances. Terms and conditions must be no less favourable.
- 10.1.6 An employee is entitled to benefit from any general improvements to the rate of pay, or other terms and conditions, which may have been introduced for their grade or job type while on maternity or adoption leave.

10.2 Non-Return to Work

- 10.2.1 If an employee decides not to return to work they must give the required contractual notice in writing.
- 10.2.2 If an employee does not return to work on the date they were advised their maternity or adoption leave would end, and has not submitted a leave request or a medical certificate, CHS will assume that they have chosen not to return to work and will consequently terminate their employment.

10.3 Annual Leave

- 10.3.1 During maternity or adoption leave the employee will continue to accrue annual leave in accordance with their contractual entitlement. Accrued annual leave can be taken, by arrangement with the line manager, prior to the commencement of or following maternity or adoption leave. Annual leave cannot be taken during maternity or adoption leave. If the maternity or adoption leave period covers more than one leave year, then accrued annual leave (or pro-rata equivalent) can be carried over into the new leave year. An employee who decides not to return to work will be paid for any outstanding leave entitlement.

10.4 Public Holidays

10.4.1 Public holidays will continue to accrue during maternity or adoption leave.

10.5 Pension Contributions

10.5.1 An employee will continue to pay pension contributions during paid maternity and adoption leave. During unpaid maternity or adoption leave, no contributions can be deducted since the employee is not receiving a salary. However, on returning to work, they can pay back the contributions (the “arrears”) so that the period of unpaid maternity or adoption leave can count towards their pension entitlement. The “arrears” will be based on the rate of maternity or adoption pay the employee was receiving immediately before starting unpaid leave.

10.6 Keeping in Touch

10.6.1 CHS may make reasonable contact with an employee (and vice versa) while on maternity or adoption leave. The purpose of the contact can be to discuss a range of issues such as to discuss plans for returning to work or to keep an employee informed of important developments at the workplace. The method and the regularity of the contact will be agreed prior to the commencement of the maternity or adoption leave period. An employee should be encouraged to keep themselves up to date with developments at CHS by regular review of information published on CHIRP.

10.7.2 In addition, an employee may elect to undertake up to 10 days work, under their contract of employment, during their maternity or adoption leave. These days are known as “Keeping in Touch Days”. Employees will be paid at their normal rate of pay for any work undertaken.

10.7.3 If the employee elects to undertake work while they are receiving occupational or statutory payments, the amount payable will not exceed their normal salary for that day.

10.7.4 Keeping in Touch Days may be used for any activity which would normally be classed as work under the employee’s contract but could also be used to attend a conference or undertake training.

10.7.5 Keeping in Touch Days cannot be used within the two weeks following the birth of a child.

10.7.6 Further information on keeping in touch days can be found on the DTI website, <https://www.gov.uk/government/organisations/department-for-business-innovation-skills> or from the HR Team on 0300 200 1583

11. Additional Paternity Leave (Swapping statutory leave between partners)

- 11.1** Any time from 20 weeks after a child is born or placed with adoptive parents, parents have the option to divide a period of paid paternity leave between them.
- 11.2** This entitlement is separate from CHS' paternity leave entitlement of two paid weeks and is called Additional Paternity Leave.
- 11.3** To receive Additional Paternity Leave and Additional Statutory Paternity Pay, the employee must:
- notify the Human Resources Team at least 8 weeks prior to the week they wish to transfer the entitlement from Additional Maternity or Adoption Leave to Additional Paternity Pay.
 - The employee should complete an SC7 form which can be downloaded from <http://www.hmrc.gov.uk/forms/sc7.pdf> or obtained from the Human Resources Team.
 - notify the father/partner's employer as above; and
 - attach the form in Appendix 5B within 28 days.
- 11.4** The father/partner will be paid their entitlement in line with Section 7.2.1 or 8.3.2 by their employer and in accordance with the statutory entitlement.
- 11.5** To take Additional Paternity Leave an employee must have an employment contract and must have been with an employer for at least 26 weeks' by the qualifying week either:
- the end of the 15th week before the start of the week when the baby is due
 - the end of the week they are notified that they are matched with a child (adopting within the UK)
 - the date the child enters Great Britain for the purposes of adoption (adopting from overseas)
- They must also still be employed with that employer the week, which runs Sunday to Saturday, before they want to start their leave.
- 11.6** To qualify for Additional Statutory Paternity Pay the employee must
- be an employed earner;
 - work for someone who is liable to pay the employer's share of their class one National Insurance contributions; and
 - earn at least the lower earnings limit (LEL) for National Insurance contributions in force at the end of the qualifying week.
- 11.7** For Additional Statutory Paternity Pay in the case of overseas adoptions, the qualifying week is the later of either:
- the week official notification was received
 - the week the employee has 26 weeks' continuous employment with the employer who will be paying Additional Statutory Paternity Pay.

The employee must have the main responsibility (alongside the responsibility of the mother or adopter taking adoption leave) for the upbringing of the child. If they are adopting from a UK adoption agency, they must be matched with the child for adoption.

The employee has the right to take unpaid Additional Paternity Leave if they meet the eligibility criteria for leave but not pay. All Additional Paternity Leave taken after the end of the Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period is unpaid.

An employee continues to be an employee throughout the Additional Paternity Leave unless their contract is expressly ended by the employee or their employer.

- 11.8** The father/partner will have the right to keeping in touch days as appropriate. They will also have the right to return to work as noted below if they are an CHS employee.

12. Shared Paternal Leave

- 12.1** Where parents wish to share the responsibility of caring for a new baby, the mother can elect to end her maternity leave early. She must however take a minimum of two weeks maternity leave before returning to work. Any entitlement to maternity leave and statutory maternity pay not taken by the mother can then be transferred to shared parental leave (ShPL) to be used by either the mother or her partner.
- 12.2** For adoptive parents the primary adopter can end their adoption leave early and then transfer the remaining leave and statutory adoption pay into shared parental leave as above.
- 12.3** To qualify for shared parental leave you must:
- be the child's mother or primary adopter;
 - be the biological father of the child; or
 - be the mother's husband, or partner (including same sex relationships) or civil partner, or be the husband or partner (including same sex relationships) of the primary adopter;
 - have 26 weeks continuous service with CHS 15 weeks before:
 - the expected week of childbirth; or
 - being notified of being matched with an adoptive child; and
 - be able to satisfy the minimum employment and earnings criteria.
- 12.4** Eligible parents will be able to share a maximum of 50 weeks leave and 39 weeks statutory pay, for the purpose of caring for a child within the first year of the child's life or in the year after the child is placed for adoption provided that the mother/primary carer has given notice that she intends to end her maternity/adoption leave early. Shared parental leave cannot be taken until after the birth/placing of the child. Partners do not have to work for CHS but they must satisfy minimum employment and earnings criteria.
- 12.5** ShPL must be taken in complete weeks, it can be taken as one continuous block or in multiples of complete weeks. The minimum ShPL that can be taken is one week. Shared parental leave can be taken by one or both parents at the same time allowing them to take time off together or parents can take it separately in blocks. You may take one or more periods of shared parental leave per pregnancy or adoption. From the amount of ShPL available you can decide which periods of ShPL you would like to be paid and which will be unpaid. You can also take annual leave between periods of shared parental leave.
- 12.6** Requests for a single block of leave must be agreed by CHS. If a request is for more than a single block CHS may agree to your request, decline your request due to organisational need or propose alternative dates. Up to three separate requests for periods of shared parental leave and three withdrawal notices may be submitted.
- 12.7** Anyone eligible and intending to take shared parental leave must give at least 8 weeks' notice stating that they wish to end their maternity or adoption leave early. Once you have ended your maternity/adoption leave and have returned to work you will only be entitled to statutory pay during periods of shared parental leave and at that point you cannot revert back onto maternity leave. You should give careful consideration to the financial implications of ending your maternity/adoption leave early while still in receipt of occupational maternity/adoption pay.

- 12.8** Each parent must submit a signed declaration to their line manager with the notice of entitlement and intention, stating:
- their full name;
 - their partners full name;
 - the name and address of their partners employer;
 - confirmation that they meet all the criteria to be eligible for shared parental leave;
 - confirmation that they have met the notification requirements;
 - a statement that the information contained within the declaration is accurate;
 - details of the amount of leave each partner is to take (this is non-binding); and
 - the consent of their partner, that they agree to the amount of shared parental leave each partner is to take.
- 12.9** All other terms and conditions of employment during ShPL are as outlined in para 9 except keeping in touch days. In addition, to the 10 keeping in touch days applicable during maternity or adoption leave, employees on ShPL can undertake a further 20 SPLIT days between each partner.

Appendix 1

CHILDREN'S HEARINGS SCOTLAND

Dependant Care Leave Authorisation Form

Please complete and pass to your line manager for authorisation either before the commencement of your leave or as soon as possible after your return. Once authorised please pass a copy of the form to the Finance and Administrative Assistant for recording.

13. Name:..... **Employee No:**.....

Address:..... **Post:**

..... **Team:**

Reason for request (in accordance with the emergency care situations outlined in the Dependant Care Leave Policy):

.....
.....
.....

Length of leave:calendar days / working days (if different)

Start date:

End date:

Signed: **Date:**

Authorised By:

Designation: **Date:**

Appendix 2

CHILDREN'S HEARINGS SCOTLAND

Paternity Leave Request Form

Please complete and pass to your line manager for authorisation. Once authorised please pass a copy of the form to the Finance and Administrative Assistant for recording.

(This form should be submitted not less than 28 days before you intend to start paternity leave or, within seven days of being notified by your adoption agency that you have been matched with a child. Leave can be taken anytime from the actual date of childbirth or adoption up until the end of the 8 week period running from the Sunday of the week the baby was originally expected/due to be placed for adoption.)

14. Name: **Employee No:**.....

Address: **Post:**

..... **Team:**

.....

I certify that:

- I am the baby's biological or adoptive father, or married to the mother, or living with the mother in an enduring relationship.
- I have responsibility for the child's upbringing .
- I will take time off work to support the mother or care for the child.
- I have 26 weeks continuous service.

The baby is due on the week starting Sunday:

Or, if the baby has been born, please enter the actual date of birth

Or, date child is due to be placed for adoption

I would like my paternity leave and pay to start on

I want to be away from work for one/two* weeks (delete as appropriate).

Signed: Date:.....

Authorised By:

Designation:

Date:



Appendix 3

CHILDREN'S HEARINGS SCOTLAND

Parental Leave Request Form

Please complete and pass to your line manager for authorisation. Once authorised please pass a copy of the form to the Finance and Administrative Assistant for recording.

(Where leave of 2 weeks' or less is requested, the request for parental leave should be submitted to your line manager not less than 4 weeks before the date you intend to start your leave. Where more than 2 weeks' leave is requested a period of notice twice the length of the proposed leave period must be given.)

15. Name:..... **Employee No:**.....

Address:..... **Post:**

..... **Team:**

I certify that:

- I am a *parent/adoptive parent/step-parent with parental responsibility for the child.
- I have one years' continuous service.
- I am entitled to 18 weeks parental leave
- I understand that my request may be postponed for up to 6 months due to operational requirements.
- The date(s) of birth of my child(ren) for whom am I requesting parental leave is/are as follows:-

Name..... Name.....

Date of Birth Date of Birth

16. Dates Requested:

A maximum of 4 weeks unpaid parental leave can be taken per year per child, to a maximum of 18 weeks in total for each child.

I request that my Parental Leave commences on (date).....

for weeks (or daysF).

Signed: Date:

Authorised By:

Designation:

Date:



Appendix 4

Please complete and return to:
16.1 Human Resources Team

Scottish Children’s Reporter Administration
Ochil House
Springkerse Business Park
STIRLING
FK7 7XE

NOTICE OF INTENTION TO TAKE MATERNITY LEAVE

To be submitted no later than the 15th week before the Expected Week of Childbirth.

Full Name: _____ Employee No: _____

Home Address: _____ Post: _____

Line Manager: _____

Length of Service: _____

I hereby confirm the following:-

1. I am pregnant;
2. My child is due in the week commencing Sunday
(a signed MatB1 form is enclosed);
3. I intend to start my maternity leave on; and I will
notify you in writing immediately if for any reason this date changes.

Do you intend to return to work after your maternity leave? Yes / No
(delete as appropriate)

N.B. If you intend to return to work at the end of your Ordinary or Additional maternity leave you do not require to notify CHS in advance. If you wish to return to work before the end of your Ordinary or Additional maternity leave a minimum of 28 days’ notice must be given in writing to the Human Resources Team.

Signed:

Dated:

Please return completed copy to: payroll.hr@scra.gsi.gov.uk and alison.melrose@CHS.gsi.gov.uk

Appendix 5

CHS Please complete, attach to SC7 form and return to:

16.2 Human Resources Team

Scottish Children’s Reporter Administration
Ochil House
Springkerse Business Park
STIRLING
FK7 7XE

NOTICE OF INTENTION TO TAKE ADDITIONAL STATUTORY PATERNITY LEAVE AND PAY

MOTHER

Full Name: Employee No:

Home Address: Post:

Signed:

Dated:

Please attach a copy of the relevant Birth/Adoption Certificate

FATHER/PARTNER

Full Name: Employer

Home Address: Job title

Employer’s address

(If self-
employed)
Business
Address

Details of
HR/payroll contact
at employer:

Signed:

Dated: