



RADLEY

Family Leave Policy and Procedures

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Family Leave

Radley College recognises the demands of family life and is committed to supporting members of staff to obtain a good work life balance. With this in mind, our family leave guidance has been designed to support both staff and managers by guiding them through the procedures for the various family leave types, covering what needs to be considered and the steps that need to be completed.

The College's policies respect the diversity of our daily lives and must be implemented to ensure equality of opportunity and without unfair discrimination. Implementation of this policy must be clear and transparent and Heads of Department are required to familiarise themselves with, and understand, this policy and associated procedures.

All family leave policies apply to staff irrespective of gender identity, sexual orientation, gender expression or biological sex.

If you require unpaid leave for a reason other than those listed in this Policy please contact the HR department for further information.

Adoption Leave and Pay

Adoption Appointments

If you have been notified by an approved adoption agency that a child is being or is expected to be placed with you for adoption, you may take paid time off work to attend up to 5 adoption appointments arranged or requested by the agency ahead of the placement of the child.

If you are jointly adopting a child, the primary/main adopter (i.e. the employee electing to take Adoption Leave) may take paid time off work to attend up to 5 appointments and the secondary adopter may take unpaid time off work to attend up to 2 appointments.

Appointments may include having contact with the child prior to adoption, parenting classes with a registered medical practitioner, midwife or health visitor or appointments for any other purpose connected with the adoption.

The maximum time off work permitted per appointment is 6.5 hours.

Radley College may allow additional time off work to attend further appointments at its absolute discretion.

If requested, you must provide a declaration confirming the appointment is in connection with the adoption, has been arranged or requested by the adoption agency, and an appointment card.

Adoption Leave

If you are adopting a child and you meet certain qualifying conditions you have the right to take 52 weeks' Adoption Leave.

Employees may be eligible for Adoption Leave if they:

- have been notified by an approved adoption agency that they have been matched with a child and have confirmed the placement with the agency; or,
- are or expect to be the parent of a child under a parental order; or,
- are local authority parents who are prospective adopters.

You must notify the College of your intention to take Adoption Leave within 7 days of being notified that you have been matched with a child for adoption. Your notification should include the date on which the child is expected to be placed with you for adoption, when you wish your Adoption Leave to start and how much leave you wish to take. You may be asked to provide documentary evidence of the match from the adoption agency.

You may commence your Adoption Leave from the date of the placement of the child or at any time within 14 days prior to the placement. You can change the start date by giving 28 days' notice prior to the original commencement date. Adoption Leave cannot start after the date on which the child is placed with you for adoption.

The qualifying conditions are slightly different if you are adopting a child from abroad. If you are considering adopting a child from abroad please seek further advice from the HR Department.

During the 52 week Adoption Leave period all contractual benefits except for your pay will be maintained as if you were not absent.

If you wish to return to work before the end of the 52 week period of Adoption Leave you must give at least 8 weeks' notice of your intended date of return.

If you decide to return to work early and this is at the end of the first 26 week period known as Ordinary Adoption Leave you are entitled to return to the job you were in before your absence. If you return to work either during or at the end of the second period of 26 weeks known as Additional Adoption Leave, you may be able to return to your original job, or another job which is suitable and appropriate.

Keeping in Touch (KIT) Days

During adoption/ surrogacy leave, you are entitled to up to 10 Keeping in Touch (KIT) Days. These are days when you may work for the college without bringing your Adoption Leave to an end. Work can be any work under your contract of employment and may include any training or activity undertaken with the purpose of keeping in touch in the workplace. Working up to 10 KIT days will have no effect on any entitlement to Statutory Adoption Pay. KIT days do not act to extend your period of adoption/ surrogacy leave.

Any payment for these days will depend on the type of work, training or activity and will be agreed between you and the College.

Statutory Adoption Pay (SAP)

You will receive Statutory Adoption Pay (SAP) during your Adoption Leave in accordance with the statutory provisions provided you meet the qualifying criteria. You must therefore:

- have been continuously employed for at least 26 weeks ending with the date you are matched with a child;
- have average weekly earnings of not less than the figure set by the Government for the payment of National Insurance contributions;
- have met the notification requirements set out above in relation to taking Adoption Leave;
- have provided the Company with evidence of the adoption.

SAP is payable for up to 39 weeks. For the first six weeks College Adoption Pay is payable at 100% of your basic salary, for the next 12 weeks of Leave you will receive 50% of your basic salary and the next 21 weeks will be paid at the Statutory Adoption Pay rate. The final 13 weeks of the maximum Adoption Leave period are unpaid.

Carer's Leave

The College is committed to helping employees achieve a healthy balance between their personal and work commitments. We understand that on occasion, time off work is required in order to deal with responsibilities involving dependants. This policy sets out the statutory right of employees to carer's leave to provide or arrange care for a dependant with a long-term care need.

How is a dependant defined?

- Your spouse, civil partner child or parent
- A person living in the household (not tenants, lodgers or employees)
- A person who would reasonably rely on you to provide or arrange care

A dependant has a long-term care need if they;

- Have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than 3 months;
- Have a condition that amounts to a disability under the Equality Act 2010; or
- Require care for a reason connected to their old age.

The statutory right to carer's leave applies to a wide range of caring situations, but excludes general childcare, except where your child meets the definition of a dependant with a long-term care need. Planned care for a dependant might include:

- Planning for specific care provisions for your dependant (s)
- Making longer term arrangements for your dependant(s)
- To setup or transition/ settle your dependant(s) with new care arrangements
- To address any medical needs your dependants(s) may require such as care following a sudden illness, an operation/injury/accident, care for a chronic condition, care for a long-term disability etc
- To accompany your dependant(s) to their medical/ welfare/ social care appointments, to meet with their medical practitioners or to meet with their other external carers

Carers Leave Entitlement

You will be entitled to one working week of unpaid leave (pro rata for part-time staff) in any 12-month period.

You can take up to 1 week of carer's leave every 12 months, you can choose to take leave as:

- Half days (minimum which can be taken)
- Full days
- One week block

An employee is entitled to Leave equal to their usual working pattern. For example, if somebody works 3 days a week, they can take 3 days of carer's leave.

A 'working week' is defined as the length of time you would usually work over 7 days:

- For full time employees - this would equate to 5 days of leave.
- For part-time employees – if an employee worked 2 days a week for example, the entitlement would be 2 days of leave.
- For anyone who works an irregular working pattern and/or with changing working hours each week - the total number of hours worked in the preceding 12 months will be divided by a total of 52 weeks (or the number of weeks of work which have taken place since the job started) and this will equate to the amount of leave which can be taken. For a new starter who wishes to take leave during their first week, the aforementioned calculation can be applied by using the amount the employee is expected to work in a week instead.

Carer's Leave can commence on any day of the week and the entitlement will begin from the first day leave is taken. The entitlement can either be taken as the whole working week, as full days, or as half days throughout the 12-month period. The leave does not need to be taken on consecutive days. You can either take a whole week off or take individual days or half days or hours throughout the year

Requesting Leave

You are required to provide notice before you intend to commence Carer's Leave. As soon as you are aware of the need to take care-related absence, please inform your HoD as soon as possible with the date you would like the leave to commence, and an estimated length of the time required away from work.

Number of days requested	Minimum notice required
Half a day to 1 day	3 days' notice
1.5 to 2 days	4 days' notice
2.5 to 3 days	6 days' notice
3.5 to 4 days	8 days' notice
4.5 to 5 days	10 days' notice
6 days (if working a 6 day week)	12 days' notice

Delaying Leave Requests

Your Head of Department is unable to refuse your request for Carer's Leave, but they can ask for it to be rescheduled for a different time if the requested absence will result in any constraints or undue disruption to the operations of the team/department you work in. If this scenario occurs, your line manager must:

- state the rationale for the postponement of your requested leave within 7 days of your original request, and before the intended start date of your leave.
- agree a new date for the leave to commence within once month of initial requested start date

Compassionate Leave

Compassionate leave covers bereavement of a close family member such as a partner, parent or child. It also applies where a member of staff is solely responsible for making the funeral arrangements if the relationship is more distant. The term 'close family member' is subject to individual circumstances and definitions of 'family.' Heads of Department have the discretion to respond appropriately to each situation based on these variations.

Individuals will be paid for up to 5 working days per annum (pro-rata for part-time staff). If more time off is needed after the initial agreed period of compassionate leave, there is no automatic right to extend this to the full five days. Other options may be considered and discussed with the employee. This may include, for example, annual leave or unpaid leave.

Maternity Leave and Pay

Antenatal care

The correct care for a pregnant employee and their unborn child is very important. An employee is entitled to take reasonable paid time off during normal working hours to attend appointments for antenatal care. However, in order to minimise any disruption to the working routine the employee should try to arrange their appointments as far in advance and as close to the start or the end of their working day as they can.

Sickness during pregnancy

If the employee is ill before they start maternity leave, the College's Sickness Management policy should be adhered to.

If a pregnant employee is absent from work as a result of a pregnancy related illness at any time after the start of the 4th week before their child is due, their maternity leave will be triggered automatically. The employee will be deemed to have started their maternity leave on the first day of their pregnancy related sickness absence. Any entitlement to sick pay will cease and they will receive maternity pay as detailed below.

Maternity leave

Maternity leave lasting 52 weeks is available to all pregnant employees, irrespective of length of service, number of hours worked, age or marital status. The first 26 weeks is known as Ordinary Maternity Leave ("OML"), the second as Additional Maternity Leave ("AML"). There are different

terms and conditions surrounding the two periods of leave. During OML the employee continues to benefit from all terms and conditions of employment except remuneration. During AML the terms relating to notice of termination, redundancy and disciplinary and grievance procedures apply.

It is assumed that an employee will take their full 52 weeks leave. If they intend to return to work before they have taken their full leave entitlement they must give 8 weeks' notice to the HR department.

To qualify for maternity leave, an employee must tell the College by the end of the 15th week before the expected week of childbirth that they are pregnant, the expected week of childbirth (by supplying form MATB1) and the date they intend to start their maternity leave. This can normally be any date which is no earlier than the beginning of the 11th week before the expected week of childbirth up to the actual birth date.

On receiving the above notification the College will write to the employee within 28 days setting out the date upon which they are expected to return to work should they take their full maternity leave entitlement.

Maternity pay

To qualify for College Maternity Pay ("CMP") the employee must have been employed for a continuous period of at least 26 weeks ending with the 15th week before the expected week of childbirth, and have average weekly earnings at least equal to the lower earnings limit for National insurance contributions (currently £123 pw). CMP can be paid for up to 39 weeks. The first six weeks is paid at the employee's normal rate of pay, the following 12 weeks at the rate of 50% of average weekly earnings (with no maximum limit), the following 21 weeks is paid at the current rate of £184.03 per week (as at 7 April 2024), or 90% of average weekly earnings, whichever is the lower. The standard rate of Statutory Maternity Pay ("SMP") is reviewed every April. CMP is paid regardless of whether the employee intends to return to work or not. The remaining 13 weeks is unpaid.

Employees who do not qualify for CMP may be entitled to receive Maternity Allowance ("MA") from the Government for up to 39 weeks. To qualify they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth and have average weekly earnings of least £30.

Terms and conditions of employment during maternity leave

During OML the employee continues to benefit from all terms and conditions of employment except remuneration. During AML the terms relating to notice of termination, redundancy and disciplinary and grievance procedures apply.

Keeping in Touch days ("KIT" days)

Employees may, in agreement with their employer, do up to 10 days' work (known as KIT days) under their contract of employment during their SML. This does not affect their right to SML or SMP.

Returning to work

A period of compulsory maternity leave is required immediately after the baby's birth. An employee cannot return to work until two weeks has elapsed since the birth of the baby.

Unless the employee has notified you otherwise, the date they return to work will normally be the first working day 52 weeks after their SML began.

If an employee wishes to return to work early, they must give the HR department at least 8 weeks' notice before their new return date.

If an employee decides not to return to work following SML they must give the College the same period notice stated in their contract of employment. Notice should be given as set out in the employee's contract of employment.

An employee who returns to work at the end of their OML is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent. An employee returning during or at the end of their AML is entitled to return to the same type of job on the same terms and conditions of employment as if they had not been absent.

An employee returning to work may make a request to work flexibly, eg to change their start or finish times, work from home or do part-time hours. Refer to the College's Flexible Working Policy for further details.

Parental Bereavement Leave

Introduction

The purpose of this policy is to set out the College's stance on employee entitlements to Parental Bereavement Leave. The College acknowledges that the death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life. This policy explains the rights to time off, pay during time off and other support offered.

Eligibility

Parental Bereavement Leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. You may take Parental Bereavement Leave if you fall into any one of the following categories:

- a 'natural' parent;
- an adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, provided the placement is ongoing;
- a 'natural' parent where the child has been adopted but a Court Order exists to allow the 'natural' parent to have contact with the child;
- an employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt;
- an intended parent under a surrogacy arrangement where it was expected that a parental order would be made;
- a 'parent in fact', which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions. This category includes guardians and foster parents but does not include paid carers;
- the partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

Taking Leave

A total of two weeks may be taken as Parental Bereavement Leave and you may choose to take leave as:

- a single block of one week;
- a single block of two weeks;
- two separate blocks of one week.

Leave may start on any day of the week and must be taken in whole weeks. It may be taken at any time in the 56 week period following the death.

If you have suffered a stillbirth after 24 weeks of pregnancy, you are still entitled to take your full entitlement to Maternity and Paternity Leave, provided you were eligible to take Maternity or Paternity Leave in the first place, in addition to Parental Bereavement Leave. Parental Bereavement Leave cannot be taken at the same time as Maternity or Paternity Leave.

Where more than one child dies or is stillborn, you are entitled to two weeks of Parental Bereavement Leave in relation to each child.

Notification Requirements

Leave to be taken within the first 56 days of death

You do not need to give any advance notice of taking Parental Bereavement Leave. Radley asks that you contact your Head of Department by telephone by the time you were due to start work on the day you wish leave to begin, or if this is not possible, as soon as is reasonably practicable, giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

Cancelling or Changes Dates of Leave

You can cancel a period of leave that you have already told us about, as long as the period of leave has not already started. If you wish to cancel a period of leave which was to begin within the first 56 days of the death, you can cancel it by letting us know by your normal start time on the day that leave was originally due to start.

To cancel leave which was to begin later than 56 days after the death, you should let us know no later than one week prior to the intended start date.

You can also change the start date of leave by following the notice requirements above.

Payment during Leave

You will qualify for College Parental Bereavement Pay during leave if you meet the following criteria:

- you have been continuously employed with us for at least 26 weeks by the week prior to the week in which the child dies;
- your normal average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes;
- you are still employed by us on the date the child dies.

Payment will be made at the rate of 100% of your basic salary.

Terms and Conditions during Leave

During Parental Bereavement Leave, you remain entitled to receive your normal contractual terms and conditions of employment that you would have received had you not taken this leave. This will include contractual benefits, subject to the terms of these benefits.

Right to Return

Upon your return to work, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence unless:

- the period of leave you have taken is more than 26 weeks when added to any other period of statutory leave including Maternity, Paternity, Adoption Leave etc. in relation to the same child; and,
- it is not reasonably practicable for you to return to the same job.

On your first day back to work, your Head of Department will set time aside to hold an informal meeting with you to discuss any arrangements regarding your return to work and any additional support we may be able to offer you.

Employee Assistance Programme

Employees can also obtain support through the College's independent 24/7 Employee Assistance Programme (EAP) Wisdom on 0800 028 0199 or by downloading the app using our unique reference code: MHA237552.

Parental Leave and Pay

If you are the parent or adoptive parent of a child or have or expect to have parental responsibility for a child, provided you have 1 year's continuous service with the College, you are entitled to take up to 18 weeks' unpaid Ordinary Parental Leave for the purpose of caring for a child, up to the child's 18th birthday.

Leave must be taken in a minimum of 1 week blocks, except for where a child is disabled, then leave may be taken as single days or multiples of 1 day. Parental Leave is limited to a maximum of 4 weeks in any year for each child. At least 21 days' notice must be provided and leave may be postponed apart from leave taken immediately after the birth or adoption, depending on the needs of the College.

The above information is given for guidance purposes only and confers no extra rights to you beyond those provided by statute.

Although you are not entitled to payment for this time off, the College may consider payment at its absolute discretion.

Paternity Leave and Pay

This Paternity Leave Policy has been designed to ensure that all members of staff are treated fairly and consistently and in line with relevant legislation.

The purpose of the policy is to set out Radley College's provision for Paternity Leave for employees who become parents. Paternity Leave is intended to support parents in the early stage of a child's life and as each family situation is different the school offers three options.

Eligibility:

The employee must have or expect to have responsibility for bringing up the child.

They must be one or both of the following:

- the child's father
- married to, the civil partner or partner of the mother or birth parent – this includes same-sex partners

They must have been continuously employed by the same employer for at least 26 weeks up to any day in the 'qualifying week'. To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is expected to be born.

An eligible employee should tell the HR Department as soon as possible that they wish to take paternity leave, but no later than the end of the 15th week before the expected week of childbirth. They should say when the baby is due, and confirm they are planning to take paternity leave. Employees may be entitled to Statutory Paternity Pay ("SPP").

Employees will need to take their paternity leave within 52 weeks of the actual date of birth of the child. Paternity leave cannot start until the birth of the baby.

OPTION 1 - STATUTORY PATERNITY LEAVE ("SPL") and STATUTORY PATERNITY PAY ("SPP")

SPL is for a maximum of two weeks. An employee can choose to take SPL as a single block of two weeks or two separate blocks of one week.

SPL can begin on any day of the week and must be taken within 52 weeks of the birth of the child. SPL cannot be taken before the birth of the child.

SPL can begin: -

- on the day the baby is born, or the day after if they are at work on that day
- on an agreed date after the baby is born

Employees must give at least 28 days' notice before each period of leave, stating in writing that they will leave to care for either or both the child or the child's mother/ birth parent.

During SPL an employee's contract of employment continues and, apart from remuneration, they are entitled to the continuation of all terms and conditions of employment. They have the right to return to the job they held before leave began.

An employee who fulfils the eligibility criteria for SPL will also be entitled to SPP as long as they are still employed at the date the child is born and have earnings that are equal to or greater than the Lower Earnings Limit (currently £123 per week).

SPP is a flat weekly rate currently £184.03 (as at 6 April 2024). However, if 90% of the employee's normal weekly earnings amount to less than this, 90% of their normal weekly earnings will be payable.

OPTION 2 – COLLEGE PATERNITY LEAVE (“CPL”)

An employee may choose to continue working following the birth or placement of their child but on a reduced workload. In liaison with the HR Director and either their Head of Department or (for teaching staff) the Deputy Head (Academic), an employee will work a reduced workload for three weeks. It is envisaged that a teacher would not be expected to carry out extra-curricular or Social duties and have a reduced timetable, teaching 75% of lessons. Those teachers whose responsibilities differ from that of a standard teacher due to the nature of their role, will be treated appropriately with similar goals in mind. For Operational staff it is envisaged that they would work 50% of their basic working hours, agreed in advance with their Head of Department. Employees will continue to be paid at their normal rate of pay.

Leave must be taken within 52 weeks of the birth of the child and can be taken as a consecutive block of leave or as three separate blocks of one week.

During this period an employee’s contract of employment continues and they are entitled to the continuation of all terms and conditions of employment. They have the right to return to the job they held before leave began.

OPTION 3 – ONE WEEK SPL AND TWO WEEKS CPL

An employee may choose to take one week’s SPL followed by two weeks of CPL. SPL will be paid at the standard SPP rate and CPL paid at the employee’s normal rate of pay.

Leave must be taken within 52 weeks of the birth of the child and taken as a consecutive block of leave or as three separate blocks of one week.

During this period an employee’s contract of employment continues and they are entitled to the continuation of all terms and conditions of employment. They have the right to return to the job they held before leave began.

ANTENATAL APPOINTMENTS

By law, an employee who will be taking statutory paternity leave can take time off work to attend 2 pregnancy-related or adoption appointments. These can include attending pregnancy appointments with a surrogate. Pregnancy-related appointments can be called ‘antenatal’ appointments. They can include medical appointments, scans or other pregnancy care. The employee can take up to 6.5 hours for each appointment. This time includes travel to and from the appointment.

Shared Parental Leave and Pay

You and your spouse/partner/child’s other parent may be eligible to share up to 50 weeks’ shared parental leave (SPL) provided you both meet certain eligibility criteria.

SPL allows working parents to take up to 50 weeks leave between them in order to care for their child. They may take leave at the same or different times, once the mother/primary adopter has notified their employer of their intention to end their maternity/adoption leave period.

Leave can be taken in a continuous block or over a number of discontinuous periods.

You may also be eligible to receive shared parental pay for the remainder of the maternity/adoption pay period to a maximum of 37 weeks provided you meet the qualifying criteria.

The rules on shared parental leave are very complex. If you are considering requesting shared parental leave you should discuss this with the HR department, in order for the rules on eligibility, notification and your entitlements to be discussed in more detail. The above information is given for guidance purposes only and confers no extra rights to you beyond those provided by statute.

SPLIT days

During shared parental leave, you are entitled to up to 20 'Shared Parental Leave In Touch Days' (SPLIT days). These are days when you may work for the Company without bringing your shared parental leave to an end. Work can be any work under your contract of employment and may include any training or activity undertaken with the purpose of keeping in touch in the workplace. Working up to 20 SPLIT days will have no effect on any entitlement to Statutory Adoption Pay. SPLIT days do not act to extend your period of adoption leave.

Any payment for these days will depend on the type of work, training or activity and will be agreed between you and the Company. For further details please refer to management.

Time off for dependants (Family Emergency Leave)

You are entitled to reasonable time off, without pay, for urgent or unexpected incidents of real need involving a dependant, who is a member of your immediate family or someone who reasonably relies on you for help when they are ill or injured or for making arrangements for them to be cared for in the event of illness or injury.

The entitlement to time off in such circumstances is limited to what is reasonable for you to deal with the immediate problem and sort out any longer-term arrangements.

If you are unable to attend work due to unforeseen family circumstances such as the death of a dependant, breakdown of childcare arrangements or illness of a dependant, you may be entitled to reasonable time off work.