



SUPPORTING THE WORK-LIFE BALANCE PIN POLICY

JULY 2015

Ministerial Foreword



NHSScotland aims to deliver the highest quality healthcare services and, through this, to ensure that we are recognised by the people of Scotland as amongst the best in the world. The Quality Strategy sets the overall direction for achieving this, both now and in the future, focussing on three Quality Ambitions: 'person-centred', 'safe', and 'effective'. The 2020 Vision for Healthcare recognises that, over the coming years, the demands for healthcare and the ways in which it is delivered will be radically different.

'Workforce' is therefore one of the 12 strategic priorities in the Route Map to the 2020 Vision. The accompanying 2020 Workforce Vision, 'Everyone Matters', which was launched in June 2013, sets out our vision for the workforce, with values that are shared across NHSScotland, and asks everyone who works for NHSScotland to play their part in supporting the changes and living these values. The accompanying Implementation Framework and Plan sets out our five Priorities for Action in a 7-year plan to 2020 and will allow us to measure progress in these important areas.

I am proud of the progress made by NHSScotland Boards in striving towards exemplar employer status. Staff Governance (ensuring the fair and effective management of staff), has been enshrined in legislation, and is an integral part of the NHSScotland Governance Framework. Similarly, the evolution of partnership working between employers and trade unions/professional organisations at both local and national level has helped to ensure that we have employment relations which have been described by an independent report as 'groundbreaking' and 'arguably the most ambitious labour-management partnership so far attempted in the UK public sector'.

The development of NHSScotland Partnership Information Network (PIN) Policies provides a means of further ensuring sound staff governance practice. They set a minimum standard of practice in the area of employment policy, helping to ensure a fair and consistent means of managing staff which meets both current legislative requirements and best employment practice. These PIN Policies have been published following significant work in partnership between the Scottish Government, NHSScotland employers and recognised trade union/professional organisation partners, and following widespread consultation across the service.

These PIN Policies also form part of the terms and conditions of employment of all NHSScotland employees. While Boards may develop policies to meet particular local needs, I expect all Boards to adhere to the PIN Policies and ensure that practice never falls short of any of the provisions set out within these policies. By doing so, we can ensure that employees are treated fairly and consistently irrespective of the part of the service in which they work.

I am asking all NHSScotland managers and leaders to ensure that they adopt and embrace the PIN Policies within their Boards and within their individual roles. I am also tasking Employee Directors and Board Partnership Forums to champion these policies and to raise non-compliance in a positive and constructive manner.

A handwritten signature in black ink, appearing to read 'Shona Robison'.

Ms Shona Robison MSP
Cabinet Secretary for Health, Wellbeing and Sport

Preface

Staff Governance

Staff Governance is defined as “a system of corporate accountability for the fair and effective management of all staff”. The [Staff Governance Standard](#)¹, which is applicable to all staff employed in NHSScotland, sets out what each NHSScotland employer must achieve in order to continuously improve in relation to the fair and effective management of staff. The Standard requires that all NHS Boards must demonstrate that staff are:

- Well informed;
- Appropriately trained and developed;
- Involved in decisions;
- Treated fairly and consistently with dignity and respect in an environment where diversity is valued; and
- Provided with a continuously improving and safe working environment promoting the health and wellbeing of staff, patients and the wider community.

It is recognised that staff are central to achieving the principal aims of NHSScotland, namely to improve health and wellbeing, and to deliver high quality care to those with ill health. Achievement against the Staff Governance Standard is therefore key to the effective and efficient delivery of services by providing an environment that is inclusive and conducive to employees giving of their best.

NHSScotland’s commitment to staff governance has been reinforced by its legislative underpinning within the [National Health Service Reform \(Scotland\) Act 2004](#)², which ensures parity with the other two governance pillars of clinical and financial governance.

PIN Policies

Partnership Information Network (PIN) policies define a minimum standard of best employment practice and are designed to achieve a consistent approach to the way NHSScotland deals with its employees. They have been developed in partnership between NHSScotland management, trade unions/professional organisations and Scottish Government. While local adaptations may be agreed in partnership to suit Boards’ own local needs, any such adaptations must still meet or exceed the minimum standards set out within the PIN policies.

¹ <http://www.staffgovernance.scot.nhs.uk>

² <http://www.legislation.gov.uk/asp/2004/7/contents>

Compliance with the Staff Governance Standard includes implementation of PIN policies. Boards will be expected to evidence adherence to the PIN policies as part of the annual Staff Governance Standard Monitoring Framework. Part 1: Principles and Partnership of the *Agenda for Change Terms and Conditions Handbook*³ incorporates PIN policies within the terms and conditions of employment of all NHSScotland staff and serves to further reinforce the fact that adherence to the minimum standards set out within them is mandatory for all NHSScotland Boards.

Board Partnership Forums therefore have a key role in ensuring that locally developed policies meet or exceed the minimum standards set out in the PIN policies; and in raising non-compliance in a positive and constructive manner.

³ <http://www.msg.scot.nhs.uk/wp-content/uploads/Agenda-for-Change-Handbook-Master-Scottish-Copy-October-2014.pdf>

CONTENTS

| | Page |
|--|-------------|
| 1 Introduction | 1 |
| 2 Main Report | 2 |
| 2.1 Scope | 2 |
| 2.2 Strategic Framework/Organisational Culture | 2 |
| 2.3 Legal Framework & NHS Terms & Conditions of Service | 3 |
| 2.4 Principles & Values | 4 |
| 2.5 Roles & Responsibilities | 5 |
| 2.6 Benefits for NHSScotland | 6 |
| 2.7 Arrangements to Support the Work-life Balance | 7 |
| 2.8 Outcomes & Success Criteria | 10 |
| Appendix 1 | |
| Annex A: Procedure for Managing Flexible Working Requests | 12 |
| Annex B: Model Flexible Working Policy | 21 |
| Annex C: Model Job-share Policy | 29 |
| Annex D: Model Reduced Working Year Policy | 34 |
| Annex E: Model Career Break Policy | 36 |
| Annex F: Model Annualised Hours Policy | 45 |
| Annex G: Model Homeworking Policy | 53 |

| | |
|--|-----|
| Annex H: Model Retirement Policy | 65 |
| Annex I: Model Special Leave Policy | 67 |
| Annex J: Model Maternity Leave Policy | 75 |
| Annex K: Model Maternity Support (Paternity) Leave Policy | 87 |
| Annex L: Model Shared Parental Leave Policy | 95 |
| Annex M: Model Parental Leave Policy | 107 |
| Annex N: Model Breastfeeding Policy | 113 |
| Annex O: Model Adoption Leave and Fostering Policy | 115 |
| Annex P: Childcare Guidance | 128 |
| Appendix 2 | |
| PIN Policy Review Group | 131 |

1 Introduction

- 1.1** The purpose of this Partnership Information Network (PIN) Policy is to outline the current best practice which can be developed in partnership at local level to create policies to support the work-life balance. Alternative approaches are not precluded provided that they are based upon the best practice principles outlined in this policy. Such local policies should be developed and agreed by the appropriate partnership forum and jointly reviewed on a regular basis. The ultimate decision about an organisation's approach must be developed in a fully inclusive manner to ensure that the required changes in organisational culture, behaviour and attitude are achieved.
- 1.2** Throughout their career, employees will face differing demands on their time and energies at home as well as at work. 'Work-Life Balance' may be defined most simply as enabling staff to have sufficient control and autonomy over where, when and how they work to fulfil their responsibilities both inside and outside paid work.
- 1.3** This PIN Policy has been developed to provide staff with a range of flexible working options and leave arrangements to help them to balance their lifestyle whilst maintaining and promoting the best possible service to our patients and service users within a 24 hours a day, 365 days a year service.
- 1.4** It is designed to promote fairness and consistency in the treatment of all employees, and to clarify the rights and responsibilities of managers, employees and trade unions/ professional organisations in respect of employees who seek to access the provisions set out within this PIN Policy.

2 Main Report

2.1 Scope

- 2.1.1** 'Work-life balance' is a concept that applies to all staff members and not simply those who have family or caring responsibilities.
- 2.1.2** Except where there are specific qualifying conditions which are required in order to access particular provisions within this document, this PIN Policy applies to all directly employed staff.
- 2.1.3** Staff should be treated fairly and consistently, with equality of access to the range of flexible working options and leave arrangements set out within this PIN Policy, in line with the provisions of the *Equality, Diversity and Human Rights PIN Policy*.

2.2 Strategic Framework/Organisational Culture

- 2.2.1** Successful service delivery depends upon the workforce within NHSScotland and it is understood that staff are at their best when they are able to strike a balance between life inside and outside work.
- 2.2.2** As exemplar employers, NHSScotland Boards recognise the need to attract and retain the best staff and that a commitment to helping staff to achieve a 'work-life balance' will assist staff to work more happily and productively, as well as widen the potential pool of talent available to the service.
- 2.2.3** However, it is equally recognised that achieving work-life balance within an organisation demands willingness on the part of staff, managers, clinical leaders, and trade union/professional organisation representatives to explore how practices to support the work-life balance can support the organisation as a whole to achieve its objectives. This will challenge all partners to create a fundamental cultural change at all levels.

2.3 Legal Framework & NHS Terms & Conditions of Service

2.3.1 Current employment legislation sets out the rights and responsibilities of employees and employers in relation to the following areas as applicable to this PIN Policy:

- Rights of Part-time Workers Flexible Working Requests
- Time off for Dependants
- Time off for Public Duties
- Rights of reservists
- Maternity Leave & Pay
- Adoption Leave & Pay
- Paternity Leave & Pay
- Parental Leave

2.3.3 The legislation covering these areas is in some cases particularly complex and regularly subject to change. It would not be prudent therefore to detail all current applicable legislation.

2.3.3 While it is intended that this PIN Policy will be reviewed and amended to reflect any future changes to employment legislation, it is the responsibility of individual NHSScotland Boards to ensure that their local policies, developed in line with this PIN Policy are reviewed on a regular basis, to ensure that they are in line with any future legislative change.

2.3.4 Similarly, NHSScotland Boards should ensure that those who may require to access such local policies, whether employees or managers are provided with up-to-date, accurate information regarding their rights and responsibilities.

This PIN Policy should be read alongside the [Equality, Diversity and Human Rights in NHSScotland PIN Policy](#), which sets out NHSScotland Boards' obligations in relation to the Equality Act 2010.

2.3.5 With specific regard to flexible working arrangements, employers should also be mindful of their responsibilities under the Working Time Regulations 1998.

2.3.6 This PIN Policy is an addendum to the Terms and Conditions of Service. It is an annex to the Agenda for Change Handbook but equally applies to other members of staff within NHSScotland.

- 2.3.7** Boards should refer to both this PIN Policy, NHS Terms and Conditions of Employment and current employment legislation to ensure an approach which meets legal requirements and current best practice.

2.4 Principles & Values

- 2.4.1** NHSScotland Boards must have in place a local policy which is developed in partnership with trade unions/professional organisations, and which meets or exceeds the minimum standards as set out within this PIN Policy.
- 2.4.2** NHSScotland Boards must ensure a genuine commitment to supporting the 'work-life balance'. Board members need to recognise and accept their corporate responsibility for developing an organisational culture in which local policies are implemented and meaningful for all staff. Where organisations feel that service demands challenge this, particularly surrounding flexible working practices, conscious efforts must be made, in partnership with staff and their representatives, to find a balance through creative and effective solutions. This might include examining individual and departmental workloads, assessing the distribution of work across the organisation, and revisiting organisational priorities where possible.
- 2.4.3** Boards will ensure that clear arrangements are in place for accessing their local policy and the provisions contained within it, and actively encourage employees to ask questions over any matters they do not understand. In particular, reference should be made to the existence of such policies and where they can be accessed, during the induction of new employees to the organisation.
- 2.4.4** Boards will ensure that managers and trade union/professional organisation representatives are made aware of the provisions of their local policy to support the work-life balance through joint training.
- 2.4.5** Specifically, Boards will ensure that managers are provided with clear advice on the range of work-life balance employment options they can offer staff who wish to balance personal and work responsibilities, and of the potential benefits for both employees and the service. Furthermore, Boards must ensure that managers fully understand their role and responsibilities under its local policy, and that they know where further information and guidance can be found.

- 2.4.6** All employees will have equal access to this Policy in compliance with relevant legislation and NHS Terms and Conditions of Employment. Boards will take steps to promote and extend equity of access to the provisions set out within their local policy, thereby contributing to increased equality of opportunity within NHSScotland. In particular, Boards should ensure that flexible working arrangements are positively promoted through their recruitment and selection procedures.
- 2.4.7** No application for access to the provisions contained within Boards' local policies will be unreasonably refused.
- 2.4.8** Boards must, in partnership, monitor applications for access to and use of the provisions set out within their local policies on an on-going basis with a view to ensuring the fair and consistent application of their local policy, as well as return on investment in relation to those provisions which go beyond legal minimum standards, ensuring that the policy is regularly reviewed to ensure that it remains fit for purpose and to enable Boards to demonstrate adherence to this PIN Policy.

2.5 Roles and Responsibilities

2.5.1 Employees

- To recognise that with rights come responsibilities to act reasonably;
- To make use of the provisions of their Board's local policy fairly and reasonably; and
- To be prepared to agree solutions and working arrangements that take account not only of their own needs, but also of the needs of colleagues and the service.

2.5.2 Employers (through Line Managers)

- To ensure fairness and consistency in the application of the provisions set out within their Board's local policy;
- To give genuine consideration to all applications made under the provisions set out within their Board's local policy and to ensure that no application is unreasonably refused;
- To ensure that they understand their role and responsibilities under their Board's local policy, and that they seek further information and guidance where required; and
- To support work to promote the provisions set out within their Board's local policy.

2.5.3 Trade Union/Professional Organisation Representatives and their local representatives

- To work in partnership with their respective NHSScotland Board to develop a local policy which meets or exceeds the provisions set out within this PIN Policy;
- To support work to promote the provisions set out within their Board's local policy; and
- To support employees and Boards in ensuring fairness and consistency in the application of the provisions set out within their Board's local policy.

2.6 Benefits for NHSScotland

As well as the benefits for the organisation and their staff outlined below, an organisational culture that promotes work-life balance is also directly benefited in the following ways:

2.6.1 Recruitment

NHSScotland needs to take account of the changing expectations of the workforce and the wider labour market. Trends show that employees and potential recruits will be more likely to choose to work in organisations that can match their own expectations. Arrangements to support the work-life balance encourage recruitment from a more diverse range of applicants.

2.6.2 Retention

Evidence indicates that staff are more likely to stay with an organisation where arrangements to support the work-life balance are available. Organisations that recognise the needs of staff will reduce wastage of skills, ability and experience as people will remain within the workforce. Work-life balance policies allow employers to reduce turnover rates, which may in turn result in savings on recruitment, training and induction costs. For example, arrangements to support the work-life balance are one of the main reasons women choose to return to work after maternity leave.

2.6.3 Quality and effectiveness

Increasing the ability to balance work and life responsibilities has been shown to increase quality of life. In turn, this can lead to increased motivation, greater job satisfaction, improved job performance, increased productivity levels, staff engagement and ultimately improved service delivery.

2.6.4 Increased organisational ability to meet service demands

Arrangements to support the work-life balance, particularly regarding flexible working, increase the ability, through effective workforce planning, to match staff availability with service demand.

2.6.5 Reduced absenteeism

Evidence suggests that arrangements to support the work-life balance are likely to lead to a reduction in absenteeism as staff have the flexibility to adjust their working environment to meet their personal responsibilities. This results in a more productive workforce with lower absenteeism costs, which serves to improve the quality of services.

2.6.6 Health at work

Work-life balance policies are a key contributor to the reduction of stress at work and the improved wellbeing of staff. More guidance on the management of stress at work is included in the [Managing Health at Work PIN Policy](#).

2.6.7 Equality and inclusion

Work-life balance policies are available to all staff to meet their individual needs and responsibilities, as their circumstances change throughout their working life, thus promoting equality across the workforce.

2.6.8 Staff satisfaction

Work-life balance policies provide an opportunity to combine paid work with other activities, allowing for more effective management of work-life responsibilities, leading to a more varied and balanced lifestyle.

2.7 Arrangements to Support the Work-life Balance

The accompanying model policies set out arrangements for employees to access the following provisions to support the work-life balance.

2.7.1 Flexible Working Arrangements

Flexible working encompasses a range of options as listed below:

2.7.1.1 Part-Time Working

Where an employee is contracted to work less than full-time hours.

2.7.1.2 *Job Sharing*

A form of part-time working where two or more people share the responsibility for a job between them in a structured manner.

2.7.1.3 *Career Breaks*

A means of enabling people to take an unpaid break from work where the contract of employment does not terminate.

2.7.1.4 *Reduced Working Year*

Where an employee's contract of employment remains in place, but they take paid/unpaid leave during fixed periods of the year, such as during school holidays.

2.7.1.5 *Flexi-Time*

A system by which employees can choose when they work, subject to achieving a required total number of hours over an agreed daily, weekly or monthly reference period. Such a system may involve a core period of the day when employees are expected to be at work and may also involve the facility for employees to carry over a debit or credit of hours between such reference periods.

2.7.1.6 *Self-Rostering*

An arrangement whereby members of a team are allowed to be self-sufficient by scheduling their own shifts, whilst maintaining agreed service levels.

2.7.1.7 *Compressed Working Hours*

Where employees compress normal working hours into fewer working days.

2.7.1.8 *Annualised hours*

Where contracted hours are calculated over the period of a whole year. They may consist of both fixed and unallocated shifts, ensuring that core times are filled and remaining times are flexible. The unallocated shifts can then be used by the manager for unexpected surges in demand at reasonably short notice.

2.7.1.9 *Home working*

Where a staff member fulfils their contractual obligations working from home for all or part of their hours.

2.7.1.10 *Phased retirement*

An arrangement where an employee can gradually reduce their working hours as they near an agreed retirement date, enabling them to balance their work and personal life and prepare for full retirement.

2.7.1.11 *Voluntary reduced working hours*

The provision for employees to request a reduction in their contracted hours for a defined temporary period of time.

2.7.2 **Special Leave**

NHS conditions of service provide for staff entitlement to compassionate leave and special leave, and NHS employers must ensure that they have a policy in place in order to address a range of staff needs. The model policy at Appendix I group these responsibilities to encompass:

- Provision to allow a carer to meet their responsibilities for a relative, partner or dependant;
- Arrangements for time off when there is for example a serious illness or death of a close relative or dependant;
- Arrangements for time off for essential civic and public duties (including reservist duty; and
- Arrangements for time off to deal with domestic or unforeseen crises.

2.7.3 **Parental Policies**

2.7.3.1 *Maternity and Breastfeeding*

Detailing provisions for pregnant employees and new mothers returning to work, and covers maternity leave and pay, antenatal and postnatal care, health and safety considerations and provisions for new mothers wishing to breastfeed.

2.7.3.2 *Adoption and Fostering*

Detailing provisions for employees who are intending to adopt or who have been matched with a child for adoption, and who will be the primary carer for that child, and covers adoption leave and pay and time off in relation to appointments during the adoption process. It also covers provisions for employees who are intending to or who are fostering children.

2.7.3.3 *Maternity Support (for example Paternity)*

Detailing provisions for employees who will have parental responsibility for a newly born child (or a child newly placed for adoption), but where they are not the primary carer (i.e. where it is their partner who is entitled to maternity or adoption leave). It covers provisions for maternity support (paternity) leave and pay, and time off in relation to antenatal appointments (or appointments during the adoption process).

2.7.3.4 *Shared Parental Leave*

The Shared Parental Leave (SPL) scheme allows parents to share between them what would otherwise have been statutory maternity leave and pay. Although the first two weeks of maternity leave remain reserved to the mother, the following 50 weeks can be taken by either the mother or the father (or the mother's spouse, partner or civil partner), subject to various notification and eligibility requirements.

2.7.3.5 *Parental Leave*

Parental leave is expressly for the purpose of allowing parents to spend quality time with their children and assist in balancing this with work commitments, thus improving their participation in the workplace.

2.7.3.6 *Childcare Guidance*

Offers information on childcare provision or support.

2.8 **Outcomes & Success Criteria**

The Staff Governance Standard Monitoring and Assessment Framework and Annual Return offers a clear structure within which organisations can measure their progress in relation to the Standard. The fourth arm of the Staff Governance Standard requires staff in NHSScotland to be treated fairly and consistently, and implementation of PIN Policy is part of the self-assessment criteria used to measure this element of the Standard.

The extent to which NHS employers' work-life balance policies have been successfully implemented can be measured through the following indicators:

- Recruitment levels and the organisation's ability to fill vacancies (this might be measured by the length of time taken to fill vacancies);
- Equity of access to policies that support a work-life balance, to training opportunities and to promoted posts;
- Retention and staff turnover levels – retention of staff should be increased as demonstrated by reduced turnover rates;
- Increased quality and effectiveness of service delivery as the potential for staff stress due to managing competing priorities is reduced;
- Sickness absence levels – an effective special leave policy, for example, will mean that staff do not take sick leave to manage domestic responsibilities;

- Change of culture to one in which a long-hours culture is discouraged;
- Robust and effective monitoring (for example via staff surveys);
- Organisational reputation – status as a good employer with supported, well-trained managers implementing policies that work to the benefit of staff, the organisation and ultimately patients and users of services.
- Monitor, review and evaluate take up of policies to ensure that they:
 - comply with the on-going changes rights, and
 - constantly meet the needs of both the business and the individual, and
 - don't exclude or cause unfair disadvantage
- Regularly review other relevant procedures (such as selection criteria) to ensure that they do not present barriers to those wanting to balance personal and work responsibilities. Show how and where progress is being made.

Appendix 1

Model Policies

Annex A: Procedure for Managing Flexible Working Requests

1 Introduction

All individual applications for flexible working must be made on the Flexible Working Application Form attached at Annex 1. The completed form should then be submitted to the employee's line manager. This application should be acknowledged in writing by the line manager (see Annex 2).

There are two exceptions to this: the procedure for women returning from maternity leave who wish to job share is described in the model job share policy, and the procedure for introducing annualised hours is described within the annualised hours policy.

2 Submitting a Flexible Working Application Form

The following procedure must be followed:

2.1 Initial meeting

The line manager will hold a meeting with the employee to discuss the application within 28 calendar days of the date on which the application is made. In appropriate circumstances, this period can be extended by mutual agreement.

2.2 Communication after Initial Meeting

The manager will inform the employee of their decision in writing within 14 days of the date of the initial meeting.

2.3 Request accepted

If the request is accepted, the line manager must confirm this in writing to the employee, specifying the new working pattern and the date from which it will take effect. The line manager must also notify the Payroll Department. The line manager must also consider whether the employee's contract of employment requires to be amended to reflect the change to the working pattern. If so, this should progress with the support of the organisation's Human Resources Department.

2.4 Request unsuccessful

Non-acceptance of an application for flexible working can only be for valid and objective service/operational reasons. The line manager must, therefore, confirm the reasons in writing to the employee (see Annex 3). The employee should also be provided with details of the formal appeal procedure.

There is also the provision that, before progressing to appeal, it may be preferable for the manager and the employee to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative. This approach will not preclude the employee's right to raise a formal appeal in the event that they consider that the matter has not been satisfactorily resolved.

3 Appeal Procedure

A member of staff can appeal against the decision to refuse their application by submitting a Notice of Appeal form (see Annex 4) to the Manager/HR Team (as agreed locally) within 14 days of receiving written confirmation that their application for flexible working has been refused. The notice of appeal must be dated and clearly set out the grounds of appeal. The member of staff should receive confirmation of receipt of the Notice of Appeal (see Annex 5).

3.1 Appeal Hearing

A hearing will be held to discuss the appeal within 14 days of the Notice of Appeal form being given to the HR Team by the employee. The Appeal Panel will ideally consist of a manager who is at a more senior level than the manager who made the original decision and a member of the HR Team, neither of whom should have been involved in making the original decision.

N.B. A hearing will not be required where, within 14 days of the Notice of Appeal form being received by the HR team, the matter has been satisfactorily resolved informally as outlined above.

3.2 Notice of the Decision

The employee will be informed, in writing, of the outcome of the appeal within 14 calendar days of the hearing.

Where the appeal is upheld, the notice of the decision will specify the new agreed working pattern and the date on which it will take effect. The line manager must also notify the Payroll Department. The line manager must also consider whether the

employee's contract of employment requires to be amended to reflect the change to the working pattern. If so, this should be progressed with the support of the organisation's Human Resources Department.

Where the appeal is unsuccessful, the notice of the outcome will provide a clear and detailed explanation of the reasons for the decision.

4 Extension of Time Limits

The above timescales can be extended but only if both parties agree in writing to an extension.

5 Representation

Employees are entitled to be accompanied by a trade union or professional organisation representative (including full-time Trade Union Officers), or a colleague, at all stages of the procedure.

6 Service Reasons for Refusing a Request

An application can only be refused for one of the following service/operational reasons where it is determined that a change to the employee's work pattern would:

- Create an unacceptable burden of additional cost;
- Have a detrimental effect on the organisation's ability to meet a service demand;
- Have a detrimental impact on service quality;
- Have a detrimental impact on the performance of the organisation, their colleagues or the employee;
- Result in an inability on the part of the organisation to re-organise work among existing staff;
- Result in an inability on the part of the organisation to recruit additional staff; or
- Include periods where there would be insufficient work for the employee to undertake.

In addition, there may be occasions where planned structural changes might make it impracticable for the organisation to agree to an employee's request for flexible working. An application may also be declined on this basis.

7 Withdrawal of Application

The organisation will treat an application as withdrawn if the employee has:

- Notified their manager in writing that their application is being withdrawn;
- Failed, without reasonable cause, to attend a meeting/Appeal Hearing convened under the procedure on more than one occasion; or
- Refused, without reasonable cause, to provide information which the organisation considers necessary to assess whether the employee's request to work flexibly should be granted.

The employer will confirm the withdrawal of the application in writing to the employee, unless the employee has provided written notice of the withdrawal.

Annex 1 – Flexible Working Application Form

1. Personal Details

| | |
|----------------|--|
| Name | |
| Job title | |
| Payroll number | |
| Department | |
| Location | |

2. Describe your current working pattern below, i.e. days/nights/ hours/times worked:

3. Describe the working pattern you wish to work in future below, i.e. days/nights/hours/times worked:

4. I would like this working pattern to start from:

Impact of the new working pattern

Please give details of how you think the requested work pattern will affect the department:

Accommodating the new work pattern

How do you think this can be managed/resolved?

If you are applying for a statutory right to a flexible working pattern that is different from your current working pattern you should meet the following eligibility criteria:

- I have been continuously employed by this organisation for at least 26 weeks at the date of application; and
- I have not made another application to work flexibly during the past 12 months; or
- I have made other applications to work flexibly during the past 12 months, but circumstances have changed which I have detailed above.

Applicant's signature

Date

Annex 2 – Confirmation of Receipt of a Flexible Working Application Form

(To be completed by the line manager and returned to the employee)

Dear

I confirm receipt of your completed Flexible Working Application Form dated _____.

I will arrange a meeting with you within 28 days of the date of your application in order to discuss it with you. In the meantime you may wish to consider whether you wish to be accompanied at that meeting by a Trade Union/or Professional Organisation representative or a colleague.

Please let me know, as soon as possible, if you will be accompanied in order that I can include your representative in the arrangements for the meeting.

Yours sincerely,

Annex 3 – Confirmation that a Flexible Working Application Has Been Declined

(To be completed by the line manager and returned to the employee)

Dear

Following our meeting on _____ at which we discussed your application for flexible working, I have now considered your application and regret that I am unable to accommodate your request for the following service/operational reason(s): [insert one of more valid reasons as listed at section 6]

This (these) reason(s) apply in the circumstances because:
[The line manager should also explain here why any other work patterns that may have been discussed at the meeting were inappropriate.]

You have the right to appeal against this decision by completing the attached Flexible Working Appeal Form, clearly stating your grounds of appeal and sending this to

_____ (name)
of the Human Resources Team at

_____ (address)
within 14 days of receiving this letter.

Receipt of your Appeal Form will be acknowledged in writing and a hearing to consider your appeal will be held within 14 days of receipt of your appeal form.

You will be notified of the outcome of your appeal within 14 days of the appeal hearing.

Yours sincerely,

Annex 4 – Flexible Working Appeal Form

1. Personal Details

| | |
|----------------|--|
| Name | |
| Job title | |
| Payroll number | |
| Department | |
| Location | |

2. I wish to appeal against the decision not to allow my application for flexible working. I am appealing on the following grounds:

[Please continue on a separate sheet if necessary].

Applicant's signature

Date

Annex 5 - Confirmation of Appeal

(To be completed by HR and returned to the employee)

Dear

I confirm that I received your Appeal Form in respect of the decision not to allow your request for flexible working on _____.

I will be arranging a hearing to discuss your appeal within 14 days of the above date. In the meantime you may wish to consider whether you wish to be accompanied at that meeting by a Trade Union/or Professional Organisation representative or a colleague.

Please let me know, as soon as possible, if you will be accompanied so that I can include your representative in the arrangements for the meeting.

Yours sincerely

Annex B: Model Flexible Working Policy

1 Introduction

This organisation, being an employer committed to the principles of work/life balance, recognises that, as one of a range of options, a flexible working arrangement may give staff some discretion as to their starting and finishing times each day. This policy details the procedure for requesting types of flexible working:

There are many forms of flexible working. It can describe a place of work, for example, home-working, or a type of contract. Other common variations include: part-time working, flexitime, job sharing and shift working. The request can cover hours of work, times of work and place of work and may include requests for different patterns of work.

Employers will have a duty to consider all requests in a reasonable manner; however, managers will have the flexibility to refuse requests on business grounds.

2 Right to request flexible working

All employees who meet the eligibility criteria outlined in Section 2.2 below have the right to request flexible working.

2.1 Scope

Eligible employees are entitled to request:

- A change to the hours they work;
- A change to the times when they are required to work; or
- A change to the place they are required to work.

An acceptance of an employee's request for flexible working will result in a permanent change to that employee's terms and conditions of employment unless otherwise agreed (for example any temporary arrangement under review). Any permanent change should be documented as a formal contract variation in order to be effective. The employee has no right to revert back to the previous working pattern once a formal contract variation is in place. For medical staff in the consultant and Specialty Doctor/Associate Specialist grades, this is normally achieved through the contractual job planning process.

2.2 Eligibility

To be eligible to make a request, the employee must:

- Have been continuously employed by this organisation for at least 26 weeks at the date of application;
- Not be an agency worker; and
- Not have made another application to work flexibly during the previous 52 weeks.

This does not preclude a manager agreeing with an employee that their request can be approved within that time period in circumstances where the request was originally refused, but the work environment can now sustain the change requested.

2.3 Application

An employee can only make one application for flexible working in any 12 month period from the date on which any previous application was made.

3 Flexi-time

3.1 Hours of Duty

Core working time falls between [enter time] each [enter days of week] with a minimum of 20 minutes and a maximum of two hours for a lunch break, taken between [enter times].

Each member of staff will have discretion within agreed limits to work at times of their choosing but all departments must ensure that they have adequate staffing levels during the working day.

Any balance outstanding must be worked within the hours of [enter times for morning and afternoon core times]. The period between [enter earliest and latest times for start and finish] is known as the bandwidth. Staff will normally work their contracted hours during this bandwidth, and working outside this bandwidth will only be allowed if authorised by direct line manager [or other named person].

3.2 Personal Appointments

Members of staff making appointments with GPs, dentists or opticians, etc. are expected to ensure that wherever possible these take place out with core times.

On occasions it may be necessary to take these appointments during core time as hospital appointments, for example, may not be within the control of the individual. These appointments will

be regarded as time on duty but must nevertheless be sanctioned by the departmental manager and recorded accordingly.

3.3 Settlement Period

The settlement [insert definition] period will be four weeks and there are 13 such periods in a year.

Debit or credit up to [enter number of hours] may be carried forward to the next settlement period. During the settlement period a whole day or two half days may be taken off in lieu of credit accumulated or in anticipation of credit to be accumulated during the settlement period. Prior notice of time off in lieu is needed in order that staffing levels can be maintained.

3.4 Record of Hours Worked

Each employee will use appropriate documentation to record their own time when starting and leaving work, including lunch breaks. At the end of each day an employee should enter the total time worked.

At the end of each week/month a copy of the flexi recording sheet should be authorised by the appropriate line manager or other named person.

3.5 Treatment of Authorised Absences

Absences through sickness, attendance at courses, annual leave and other leave of absence with pay will be regarded as [x hours x minutes] per day. The hours of authorised absence should be entered on return. For the purpose of recording, a half day will be defined as [x hours x minutes].

3.6 Leave

For annual, compassionate, sick leave, etc., time will be credited on the record sheet on the basis of one full day or half day of the working week.

3.7 Overtime

Employees who are required by their manager to work more than their full-time hours (or the full-time equivalent of a part-time member of staff) will be entitled to overtime rates. For hours worked up to between [x] a.m. and [x] p.m., staff may choose either to accrue lieu time or to claim an overtime payment. Hours worked before [x] am and [x] pm will attract normal overtime rates according to NHS Terms and Conditions of Service. If for operational reasons any flexi/time back has not been taken after

three months this should be paid as overtime, in line with NHS Terms and Conditions of Service.

3.8 Part-time Staff

This agreement will also apply to part-time staff with the relevant changes to work times.

4 Self-rostering

4.1 Definition

Team-based self-rostering is a 'bottom up' approach to scheduling work, giving people more control over the pattern of their working week. Parameters are set by agreeing in advance the levels of staff and skill mix required hour-by-hour throughout the working day. Staff put forward the times they would like to work and times they would like to protect away from work. This information is then used to compile shift patterns that match individual preferences as closely as possible, whilst maintaining agreed levels of cover at all times. There may be no requirement for staff to work their 'contracted hours' on a weekly or indeed monthly basis. Self-rostering programmes can enable staff to 'bank' hours worked over or under contractual hours. Hours can then be taken back or extra hours borrowed as dictated by the personal circumstances of staff. Self-rostering can lend itself to all staff groups within the NHS, and works best in a large mixed team where there is a variety of personal circumstances among staff, and different preferences about work patterns.

4.2 Benefits of team-based self-rostering

Benefits for staff include:

- More control over the scheduling of their own working lives;
- A stronger voice in the planning of team activity;
- Previously unrecorded extra time at work is noted and carried forward in a "time bank";
- Linking start and finish times more efficiently to travel and family care arrangements;
- Opting for fewer, longer shifts where appropriate (within the requirements of the Working Time Regulations);
- Being able to attend appointments without losing a whole shift; and
- More discretion to be at work for significant events in patient care.

Benefits for the organisation include:

- Potential conflicts and tensions over shift allocation may be reduced;
- A better match between staffing levels and delivery of care;
- Development of stronger team spirit;
- An opportunity to review the match between staff resources/ care needs, and the potential for new care initiatives, such as evening and weekend clinics, extra theatre sessions, etc.;
- Improved retention of staff (once staff have worked in a self-roster environment, very few want to give it up); and
- Reduced reliance on agency/bank staff.

Benefits for patients and users include:

- Better motivated staff ensuring better quality of care;
- More effective use of staff resources to deliver more care;
- Improved access to care through extended work patterns.

4.3 Implementation Guidelines

There is no single way to structure a project to introduce self-rostering that will prove successful for all. However, the following critical success factors have been identified:

4.3.1 Ask the team

The first step is to assess the support among staff for team-based self-rostering. Although there are benefits to the service in implementing a successful scheme, its first purpose is to give staff more control over when they work. There may be differences of opinion among existing staff about how desirable this is. But the scheme's impact on future recruitment and retention should also be considered.

4.3.2 Explore the key questions

In discussions with staff, these questions need to be considered:

- Would staff value more flexibility in their working lives?
- Will there be any effect on the delivery/continuity of patient care and how can a gain in quality of care be ensured?
- Will it help to retain existing staff and recruit new staff?
- Will it reduce absences and the need for bank or agency staff?
- Will it be fair to all?
- Could it impact on equal opportunities policy?
- Will a computer system be required or will a manual system work?

- Will it affect overtime or unsocial hour's earnings?
- How will handovers be managed when there aren't clear shift changes?

4.3.3 Set the parameters

Before a team-based self-rostering scheme can be introduced, principles and parameters must be agreed. These will include:

- Agreeing minimum and maximum staff levels for each hour of the day;
- Agreeing skill, grade and if necessary gender mix, hour by hour;
- Agreeing "veto" hours and any "core" hours;
- The preferences for hours to be worked by each member of the team;
- Protected time periods for each member of the team when they specifically do not want to work; and
- Agreed limits as to how much time owed or time owing can accrue to each team member.

4.3.4 Compare agreed staffing levels with actual establishment

Is there a match between required staffing levels and staff available? If there is a mismatch, what steps can be taken to correct it?

4.3.5 Select an operating system

The operating system which processes staff requests and produces the rosters is a key element. This can be done manually with pencilled preferences input to a shift chart and then confirmed in ink. Various computer systems will automatically process the information from staff to produce recommended rosters. However, computer programs may be difficult to program where complex skill mixes have to be achieved, and require basic keyboard skills from staff. Some form of manual system is probably desirable in the early phases of implementation, and for smaller or less complex teams. Questions to consider are:

- Are all team members comfortable with using a computer-based system?
- If not, what support or training can be given?
- Where could the computer(s) be sited to give all team members access?
- Will it be possible to integrate the computer system into existing organisational IT systems?
- Is IT support available?
- Who will be responsible for putting in the time it takes to prepare a roster manually from information supplied?

4.3.6 Trial the system

A time-limited trial will give team members a taste of self-rostering. Evidence suggests that three months is the minimum period for the effect to be assessed; six months will provide a better picture of how well it works. All members of the team should be given the opportunity to express their views during this trial. At the end of this period, the effect of the scheme can be assessed:

- What is the general team view?
- What has been staff's uptake of the scheme?
- Have patients expressed views?
- Are any individuals unhappy with the scheme and, if so, for what reasons?
- How has the service been affected?

It may be appropriate to trial the scheme with a "team within the team", but it should be large enough to make the trial a valid basis for assessment.

4.3.7 Implement and monitor

Given that problems identified in the trial can be resolved, the scheme can be carried forward, but it will be important to continue to monitor staff attitudes to its operation.

- Do team members want it to continue?
- Have patients or the service been affected?
- Are modifications needed?

Communicate the initiative to other teams, if it is successful.

Self-rostering will work effectively where these factors are present:

- Effective team working;
- Sensitivity to individuals' working time requirements within the team; and
- Managers with good leadership skills.

4.4 Earnings

Any intention to alter pay through changing shift patterns should be negotiated through the normal channels, to avoid rejection of a system that would suit both staff and the organisation. Increased flexibility may take some staff into or out of periods that attract enhanced payments.

Some groups may not have worked unsocial hours in the past and therefore not attracted additional payments, for example

therapists. Increasing flexibility for those groups raises the issue of whether such additional payments should be made. If so, the pay budget could increase significantly.

4.5 Training

There may be a need for training for managers and staff in the following areas:

- An understanding of the concepts and cultural changes involved in self-rostering; and
- Techniques for managers to assess the scope for flexibility balanced with the preferences of individual staff within the agreed parameters.

Each initiative will need to consider how to provide training in the self rostering system and who should provide it. The starting point should be to consult those who are responsible for general management training within the organisation.

Annex C: Model Job-share Policy

1 Introduction

This organisation is committed to equal opportunities and the promotion of flexible, employee-friendly working practices for all members of staff. By implementing this job share policy, the organisation aims to create an environment which will allow all employees to utilise their skills, talents and experience and thereby allow it to both recruit and retain a well-motivated and committed workforce.

Job sharing represents an opportunity for staff to work an alternative work pattern hours while maintaining their career prospects and personal development.

Job share is designed to increase the variety and seniority of work available to those not seeking full-time employment, without reducing the number of full-time jobs in the organisational structure. It is intended to:

- Increase the pool of labour from which the organisation can draw staff;
- Increase employment opportunities for people committed to caring for children, partners, or other relatives;
- Make it easier for employees returning from maternity leave to cope with career and family, thus retaining the benefits of their skills and experience;
- Enable existing employees to reduce working hours (e.g. for personal/domestic reasons; as a pre-retirement option, etc.);
- Improve possibilities of career development for people who do not work full-time;
- Allow employees to broaden their experience and increase job satisfaction by undertaking a wider range of responsibilities at work; and
- Allow employees to pursue outside interests.

2 How Job Share Might Arise

Job sharing can be introduced into a post in a number of ways:

- An existing employee formally applying to management for a job share arrangement to be agreed in respect of the post they currently hold;
- An internal application being made by one member of staff to share a post;

- A joint internal application being made by two or more existing employees as a unit to share a post;
- An external application being made by a candidate to job share a post; and
- Two or more separate applications being made, whether internal or external, which can be matched together to form a job share unit.

3 General Principles

3.1 Eligibility

The opportunity to request a job share is open to all members of staff, as well as to prospective members of staff, irrespective of the grade or level of the post.

3.2 Sharing of Duties

The sharing of the duties and responsibilities of a post may take several forms. The aim in all cases is to ensure the most efficient means of operation. Division may be into projects, tasks, clients or merely time, as the case may be.

Great care should be taken not to confuse working arrangements with the job description. Although the duties may be divided, the overall responsibility must be shared. One partner should not be able to monopolise the most prestigious areas of work.

The partners should always be in a position to demonstrate that at some time each had fulfilled the duties and responsibilities of the whole post.

Hours should be organised to suit both the service and the employees. However, it is understood that the hours/days/weeks agreed with either job sharer should always be such that should a part vacancy occur, the working arrangement to be advertised will form a sufficiently viable package to attract new applicants.

4 Terms and Conditions

The general spirit and intention of the scheme is that all terms and conditions of service should be applicable to job sharers on a pro-rata basis.

4.1 Contract of employment

Each partner to a job share will hold an individual contract of employment. The post holder's job title will be that given to the established post with the endorsement "(job share)" – for example: "Medical Secretary (job share)".

The hours to be worked will be individually stated for each partner to the job share.

4.2 Rate of Pay

Pay rate will be pro-rata to the salary grade for the number of hours worked. Commencing salary and increments will be determined in accordance with NHS terms and conditions.

4.3 Annual Leave

The standard annual leave entitlement under NHS terms and conditions of service will apply pro-rata to the number of hours/days worked.

4.4 Public and Extra Statutory Holidays

Public and statutory holidays will be agreed between the job share partners and their line manager to ensure that a pro-rata division is maintained and legislative entitlements honoured.

4.5 Sick Pay

Job sharers shall have applied to them the provisions of the appropriate NHS terms and conditions of service pro-rata to the number of hours worked.

4.6 Maternity, Paternity, Adoption and Parental Leave

Job sharers shall be entitled to the appropriate NHS terms and conditions relating to maternity, paternity, adoption and parental leave. Payment will be applied on a pro-rata basis.

4.7 Changeover/Overlap Arrangements

Where continuity is regarded as an essential requirement of the job share, such arrangements must be achieved within the normal established total hours, subject to management discretion.

4.8 Travel Allowances

Entitlement to travel allowances will be determined according to the nature of the post.

4.9 Car Leasing

Individual job sharers who are eligible can apply for a car under the organisation's leasing scheme.

4.10 Superannuation

All job sharers will be able to join the NHS Superannuation Scheme. However, because job sharers are on reduced pay this also means that they will pay less into the fund and in turn will get lower pension benefits for the period of the job share. Job sharers should consult the Scottish Public Pensions Agency to discuss their particular circumstances.

4.11 Overtime

Overtime approved by the manager, will be payable if an individual job sharer works more than the full time hours per week for the post. This will be paid and agreed in accordance with the Terms and Conditions of employment.

4.12 Training

Job sharers shall have access to training opportunities on the same basis as all part-time and full-time employees with respect to day release qualification courses.

In respect of work-related training courses, job sharers will be paid only where attendance coincides with their normal working hours. However, where training takes place on a day when a sharer does not normally work they should be allowed time off in lieu.

4.13 Notice Periods

Normal notice periods will apply.

5 Selection Procedure

Where a job share request is approved, in principle the post holder will continue in their current contracted hours until a job share partner is found. If a job share appointment to the “part” vacancy cannot be made within three months from the day of the first advertisement, the post holder will remain in their current contracted hours and the job share cannot be progressed.

Where a job share is not approved an individual should be encouraged to meet their manager to discuss other possible alternatives. Where a job share is approved, it will be the responsibility of those involved in the selection process to ensure that the skills and the experience of the prospective job sharers are sufficient to undertake the full duties of the post, as detailed in the person specification.

Each job share applicant will be required to complete an application form for the post and each shortlisted candidate

will be interviewed separately in accordance with normal recruitment practice.

Job sharers shall be treated in the same way as other part-time or full-time employees in relation to promotional opportunities.

6 Termination/Resignation

In the event of the resignation of one job share partner, the vacancy shall not be advertised until the remaining sharers have been offered the opportunity to take up the remaining hours. If the individual is unable to take up these hours, the hours will be advertised. If the job share appointment cannot be made within three months of advertising, the job share cannot be maintained. Under these circumstances, full consultation will take place with the job sharer and his/her Trade Union/or Professional Organisation representative and attempts would be made to redeploy the remaining job sharer into another suitable post where appropriate and in line with the local redeployment policy.

7 Working Arrangements

There are various ways in which the working week may be divided for job sharers. Possible options include working on a half day basis, a half weekly basis or alternating days. Working hours must be agreed by both job sharers and line management. In normal circumstances job sharers will not be required to cover their partner's absences, though they may opt to do so in specific instances.

The working patterns of job sharers shall not be altered without full consultation and after attempts have been made to reach agreement.

8 Individual Responsibility

Each job sharer is responsible individually for the satisfactory performance of his/her own duties. They are not responsible for their partner's conduct and capability and, for the purposes of the disciplinary and grievance procedures, job sharers will be treated individually.

9 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

Annex D: Model Reduced Working Year Policy

1 Introduction

This organisation is committed to equal opportunities and the promotion of flexible employee-friendly work practice opportunities for its entire staff. By implementing this policy we hope to create an environment which will allow all employees to utilise their skills, talents and experiences and thereby allow us to both recruit and retain a well-motivated and committed staff.

2 Definition

Flexible working in the form of a reduced working year can take a number of forms. One of the most common examples is that of term-time working, which is a formal agreement whereby the duties and responsibilities of a post are carried out (either full-time or part-time) during school terms. It allows employees to remain on a permanent contract and to take their annual leave during school holidays, topped up with unpaid leave as necessary. The salary of the post is reduced proportionately to the hours worked by the post-holder. Annual Leave and Public Holidays will be calculated on a pro-rata basis on the number of hours worked. These principles would apply regardless of whether a reduced working year contract is explicitly linked to school terms or not.

A reduced working year represents an opportunity for staff to work during certain agreed periods of the year while maintaining their career prospects and personal development.

3 Operation of the Policy

An application to request a reduced working year contract is open to all employees as well as prospective employees, no matter what level in the organisation. Where posts are not considered to be suitable for a reduced working year contract, a full explanation will be given by the line manager.

Employees on reduced working year contracts are expected to take their contractual entitlement to paid annual leave during pre-agreed periods of leave (such as the school holidays). A maximum of five days' contractual paid leave may be held to be taken with prior notice at times out with holiday periods for needs which may arise from time to time.

Each employee must agree with their manager how much additional unpaid leave is required to cover the leave period and when exactly paid leave will be taken. These arrangements should be made at the start of the reduced working year agreement.

4 Calculation of Pay

Once an employee has agreed with their manager how much unpaid leave will be taken, their paid annual leave allocation (this will include public holidays due on a pro rata basis) will be recalculated. This calculation will take account of the unpaid period of leave (no annual leave will be accrued during unpaid leave).

Following this calculation the annual salary will be calculated on a pro-rata basis for the period of paid employment. This figure will then be paid in twelve equal payments throughout the year.

5 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

Annex E: Model Career Break Policy

1 Introduction

This organisation is committed to equal opportunities and the promotion of flexible, employee-friendly work practice opportunities for all members of staff. By implementing this career break policy the organisation aims to create an environment which will allow all employees to utilise their skills, talents and expertise and thereby allow it to both recruit and retain a well-motivated and committed workforce.

The purpose of the career break policy is to provide a methodology in appropriate circumstances for staff to leave their employment on a long-term basis (for example, a career break would normally be between one to five years in duration).

Some examples of where applications could apply are in the context of:

- Caring for a dependent relative;
- Continuing childcare following a period of maternity leave; or
- Undergoing further education and training of mutual benefit to employee and employer.

However, the policy is not intended as a means of dealing with short-term emergencies for which other forms of leave would be more appropriate.

This policy will enable staff to keep up to date with the workplace during their career break and assist them where possible with affecting a return to work at the end of the agreed break.

2 Definition

A career break is a variation in contract for a specified period of time. The member of staff applying for a career break should understand that, depending on the length of the career break, it may impact on their pension rights. They should check the terms of the pension scheme they are a member of as they will be subject to the rules of that scheme.

3 Purpose

The policy is designed to enable staff to take an unpaid break from work but who would like to return to the NHS at a later date, e.g. after a course of further education, bringing up

children or having cared for a dependent relative. A career break will not be allowed for the purpose of taking up alternative employment.

4 Eligibility

All staff must have a least 12 months' service with the organisation to be eligible to take a career break.

Each application will be considered on the merits of the individual case and, where possible, a decision made within 14 calendar days following receipt of a formal application. Full details should be provided in writing to the employee if an application has been rejected or delayed, clearly explaining the reasons for doing so.

The applicant has a right to appeal where a request has been refused. The mechanism for doing so is left to the discretion of the organisation. Each Board must have an appeals process agreed in Partnership.

5 Duration of Career Break

The maximum period for a career break is two years. A member of staff may, however, take a number of breaks throughout their employment provided that the total periods of absence do not exceed five years. Once a Career Break has been agreed it cannot be extended. A new application must be made for each break requested.

6 Application Procedure

6.1 Employees who are considering making application for the scheme should arrange to discuss the matter with their line manager in the first instance. They should also contact their pension scheme contact.

The line manager should:

- Ensure that the employee has the necessary information with which to make an informed decision as to the appropriateness or otherwise of making an application for a career break;
- Gain an understanding of the circumstances involved and discuss the options available to the employee and where relevant, the duration of any career break required;
- Ensure, by providing a copy of the career break policy, that the employee is appraised of the process involved in making

an application; the resultant loss of contractual rights for the duration of the career break (as outlined in section 10); the requirements placed upon them while on a career break (as outlined in section 7); the management commitment (as outlined in section 8) ; and the process involved in effecting a return to work at the end of the career break (as outlined in section 9).

6.2 The Application Form (Appendix 1) should be used to progress any application formally allowing at least three months before the start of the proposed break.

6.3 If the application is approved, the employee will be issued with appropriate documentation by the HR department which requires an agreement to abide by the terms and conditions of the career break. The employee will be issued with an alternative annual hours contract. This contract should enable the member of staff to keep in touch and remain up to date with their required continuous professional development. The hours to be worked within the alternative hour's contract should be mutually agreed between the member of staff and their manager. It is however recommended that these should not be less than 15 hours per annum.

Managers will be reminded by the HR department at the end of each financial year of their need to ensure that staff on career breaks have complied with the terms and conditions outlined in the career break agreement.

6.4 Where an application for a career break is refused the employee should be advised in writing as to the reasons for refusal, and be provided with detail as to the mechanism for lodging an appeal.

7 Employee Commitment

7.1 Employees are required to have fully considered the implications and potential loss of any contractual or pension rights **before** committing to a career break. Employees are also expected to fulfil the following requirements whilst on a career break:

- Maintain any professional membership or state registration where this is required for employment purposes. It is the responsibility of the employee to ensure they maintain practice to the relevant regulatory standard required to continue practice;
- Keep their knowledge updated by reading relevant professional journals and attend professional meetings, journal clubs, etc.; and

- Any other additional measures agreed with their Line Manager at the outset of the career break with a view to maintaining/updating/refreshing their knowledge and skills.

7.2 Employees who participate in the scheme are obliged to ensure that they keep their manager fully apprised of any changes in their circumstances, including any change of home address or telephone number.

8 Management Commitment

8.1 The organisation is committed to ensuring that, as far as is reasonably practicable, employees returning from a career break shall be considered for any vacant post at the same grade and undertaking the same type of work as that undertaken prior to the career break. However, it may be that the organisation finds itself in a position where it is unable to identify any suitable vacancy. As the organisation cannot provide any firm guarantee of re-employment at the end of any agreed break, the employee should take full cognisance of this before making any decision to embark upon a career break.

8.2 The employer and employee will agree at the outset of any career break an appropriate level and method of maintaining communication with a view to ensuring that the individual is kept informed as to any relevant factors relating to the workplace.

9 Return to Work

9.1 While no guarantee of re-employment can be given, every effort will be made to place individuals in posts of a similar grade and responsibility to that held prior to the break, taking into account the employee's experience, achievements and qualifications. Consideration must be given to the Board's organisational change and Redeployment policies, as applicable.

9.2 The individual on a career break should provide three months' notice to the designated manager as to their intention to return to the organisation following their career break. During this period copies of the internal vacancies bulletin will be sent to participants in the scheme by HR.

9.3 If, before starting a career break, an employee works in a part-time/job share arrangement every effort will be made to allow the employee to be re-engaged on that basis. In normal circumstances the provisions available through the local redeployment policy would apply. However, should the employer

become involved with organisational change this may have a significant bearing on the employer's ability to make any role available. As such the employer is unable to provide any firm guarantee as to re-employment at the end of any career break. In the event of any organisational change, any individual on a career break will be notified as soon as is reasonably practicable in order to make them aware of any proposed changes and the effects this may have on them.

- 9.4** To ease the transition back to work, and if a vacancy exists for which the individual is suited, it may be possible to offer re-employment on a part-time basis for up to three months before returning to the normal hours for the role. This must be discussed with the relevant line manager at the time of notifying the employer of their wish to return to work.

10 Terms and Conditions of Service

10.1 General Conditions

Any periods of paid NHS employment during the break (as agreed at the outset of the break with the employer) will however count as reckonable service.

The period of the career break will not count as a break in service for NHS continuous service purposes, although the break will not itself count as reckonable service. In the event that the individual on a career break is able to affect a return, any entitlements accrued prior to the break will not be lost.

10.2 Superannuation

The NHS scheme provides for members of both the 1995 and 2008 sections (excluding locum practitioners) who are on an authorised break (including a career break), to choose to continue to pay contributions towards membership for a limited period. This is provided that their contract of employment is retained. Members who choose to continue to pay contributions to the scheme can do so for a period of six months. During this period, contributions also remain payable by the employer. The member can choose to extend the period for a further 18 months. However, if this option is taken, the member would be responsible for payment of both employee and employer contributions. **Please note** that contributions must be paid for the first six months to allow the member the option to extend for a further 18 months if required.

Contributions should be submitted by employers in the same way each month as for all other active members. These should not be paid as arrears on return to work. The employer should

make arrangements with the member before the leave begins, to collect the contributions due and pay promptly to Scottish Public Pensions Agency (SPPA). It is not compulsory for a member to continue to pay contributions during an authorised break. If a member chooses not to continue with their membership of the scheme, employers must submit leaver information to SPPA in the normal way.

Members of the scheme should check their positions with SPPA in respect of pension before embarking on a career break. This is advisable as changes to the scheme may affect which scheme or section of the scheme the member is able to join on return to employment if there has been a break in payment of contributions. Those who hold “Special Class” or “MHO” status should especially check whether this can be retained. A new Scheme is being introduced in 1 April 2015. However, members who were within 10 years of their scheme pension age as at 1 April 2012 and have less than a five-year break in pensionable employment will retain a right to re-join their original section of the scheme. Full details of the changes are published in the SPPA website at www.sppa.gov.uk

10.3 Lease Cars

A member of staff who is provided with a lease car will be required to return the car to the Car Leasing Section for the period of their career break.

The full leasing cost of the vehicle will be borne by the employee if it is retained during a career break. The individual is advised to discuss the matter with a member of the Car Leasing Team prior to embarking upon such a break.

In the event of a lease vehicle being returned, a termination fee may apply.

10.4 Organisational Change

The Organisational Change policy will apply equally to employees on career break and, consequently, where redeployment attempts are unsuccessful normal redundancy procedures will apply. Redundancy payments will be calculated in accordance with NHS Terms and Conditions.

10.5 Sick Leave

As there is a contract of employment in place for the duration of a career break, there is an entitlement to provisions under NHS Sickness Benefits scheme.

10.6 Annual Leave

As there is a contract of employment in place this will influence the provision of Annual Leave. Annual Leave entitlement will be accrued during Keeping in Touch (KIT) days.

10.7 Maternity, Parental, Paternity provisions

As there is a contract of employment in place this will influence the provision. Entitlement should be discussed with your HR advisor.

11 Monitoring, Review and Evaluation

This policy will be monitored reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

APPLICATION FOR A CAREER BREAK

APPENDIX 1

To be completed by the applicant in consultation with their manager.

Full Name
.....

Employee No.
.....

Position
.....

Location
.....

Department
.....

Home Address
.....

Home Telephone No.
.....

Reason for Career Break
.....

Date Commenced Employment
.....

Start Date of Career Break
.....

Proposed Return Date
.....

Employee

I wish to apply for an extended period of unpaid leave under the Career Break policy. I understand continued acceptance of the scheme will require that I do not carry out any other substantive employment during the Career Break.

I confirm that I wish to remain in the NHS Superannuation Scheme and, having discussed this with my manager, I am aware of the contributions I am required to make, the method for doing so, and the date by which contributions must be received. I accept and will abide by the conditions of the policy. I understand that a failure to comply with the terms and conditions of the Career Break could result in termination of employment.

Signed **Date**

Line Manager

I support this application and confirm that the applicant’s work performance is satisfactory. I will ensure appropriate arrangements are made to maintain contact with the applicant, including arrangements required to maintain competences, professional registration, training and general information for the duration of the break.

Signed **Date**

Approved/Rejected (Delete as appropriate)

If rejected, give reasons:

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

Signed **Date**

Senior Manager/Director

I **support/reject*** this application for a career break on the following grounds:

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

*delete as appropriate

Signed **Date**

Copy to HR for actioning/records.

Annex F: Model Annualised Hours Policy

1 Introduction

Annualised hours systems provide a way of organising working time by contracting with staff to work an agreed number of hours per year rather than a standard number each week. The actual number of hours worked by a member of staff during the week will then be “flexed” to match workload requirements. As well as hours being varied week to week, they may also be varied seasonally and/or according to fluctuation of service demands. Annualised hours are used to match attendance of staff to the periods when they are most needed by services.

Fluctuations in hours reflects the often uncertain patterns of demand for services such as in an acute hospital. Annualised hours working can offer a flexible and efficient way of deploying staff by matching staffing levels more closely with variances in workload. For staff, annualised hours working offers greater flexibility and the opportunity to better manage working hours to allow individuals to tailor the time they spend at work and at home. For employers, in time this can lead to reductions in staffing costs through efficient allocation of staffing levels and the reduction of overtime costs or use of agency or bank staff.

Under more traditional working arrangements, the demand for services may result in overtime or premium rates of pay at busy times or overstaffing when demand is low. With annualised hours, a yearly staff plan is drawn up in advance so that staffs know when they are expected to work on a regular basis.

2 Benefits of annualised hours systems

2.1 Flexibility and staff and employer satisfaction

This is one of the primary reasons for implementing an annualised hours system. For staff, annualised hours working can offer the opportunity to better meet the demands of working life with time at home better matched to individual need. The ability to vary hours of work across the day, week, month or year means that employers are able to match workload with staff availability.

2.2 Staffing/workload matching

Significant amounts of staff time can be lost as a result of mismatches between required and actual staffing. Traditional 9-5 work patterns or roster arrangements which may have

rosters drawn up one month in advance may not match service demands on a weekly, monthly or annual basis. Onwards, staffing rosters may have to be changed frequently in order to cope with unpredictable and fluctuating patient needs, resulting in disruption to staff members and considerable nursing and management time spent on re-arranging rosters and trying to find bank or agency staff.

Mismatches of staff time to service demands tend to be less pronounced in wards or areas where patient or service demands can be predicted reasonably accurately, for example, in orthopaedics where generally it is known in advance how many patients would be booked in for treatments such as hip replacements. It is however more difficult to predict what demands will be placed on, for example, maternity units. Fluctuations in patient intake may lead to high fluctuations in overall workload of ward staff where the problem of mismatch between staffing and workload is highly evident. Difficulties of mismatches of staff time to workload are more widespread than solely in ward settings and annualised hours working may be beneficial in support services, administration and other clinical disciplines.

2.3 Reduction of use of bank or agency staff

Health service employers frequently have to approach bank or agency staff to fill staffing gaps for all types of clinicians. While bank or agency staff may offer relatively low costs, labour efficiency and the lack of sickness absence problems, other problems, which may be major, may be experienced. Examples of these are that bank or agency staff may not be available when required, either because they are not qualified to work in the area of need, or because they are already working elsewhere or for other employers. Developing a more flexible approach such as annualised hours systems allows rostering which is more responsive to patient needs and enables flexible deployment of existing experienced staff to enable short-term fluctuations in activity to be serviced by meeting peaks and troughs in workload.

2.4 Reduction of overtime and on-call costs

Where on-call systems are operated, they may be scheduled too far in advance to predict fluctuations in service demands and may not allow sufficient flexibility in meeting peaks of need. This can result in resources being wasted and extra costs being incurred when staff are not needed, or can result in having insufficient staff on call at times when there is an urgent need for them. Staff costs may be better controlled through the

flexibility offered by annualised hours working by reducing the cost impact of staff deployment decisions, particularly those associated with “inappropriate” use of bank or agency staff, overtime, and time owed to existing staff.

2.5 Effective patient care

For the NHS, the use of annualised hours could improve the effectiveness of patient care and increase patient satisfaction by ensuring that appropriately qualified staff and services are available when patients want and need them, and that those staff have higher satisfaction in meeting the needs of those patients as a result of being able to better meet their own needs to have an adequate work-life balance.

2.6 Organisational change

Annualised hours systems are sufficiently flexible to accommodate changes in working times and arrangements, and may be effectively introduced to redesigned and reconfigured services as well as to existing services, bringing benefits to both staff and patients. The system may be useful where an overall reduction of staffing is required.

2.7 Reductions in absenteeism

It has been documented that lower absenteeism and sickness have resulted due to improved flexibility for staff, affording them the opportunity to better match their hours worked/off to their home needs.

2.8 Simplified pay administration

Staff are paid the same monthly salary throughout the year regardless of the exact number of hours they work each month.

3 Disadvantages of annualised hours working

3.1 Development of an annualised hours system

The diversity of approach which comes with increased flexibility means that it is unlikely that any one model of annualised hours working can be offered as a blueprint. Staff, their representatives and managers in any one area or organisation will have to identify the best solutions to their own staffing requirements and tailor the design of their annualised hour's system accordingly. It is unlikely therefore to offer an “off the shelf” policy for flexible working.

3.2 Removal of overtime payments

The removal of overtime payments may mean a cut in total pay for those staff that depend heavily on overtime working. Although some staff may earn less, most employers consolidate the value of overtime payments and other enhanced payments into the annual salary (see “Implementation” at section 4 below). In addition, for many staff annualised hours working offers the security of a guaranteed amount of salary, reduced working hours, pre-set holidays and sensible breaks between the hours worked.

3.3 Developing the system

Developing the system requires accuracy and significant effort. Very accurate work scheduling is essential as absenteeism could lead to difficulties in service delivery. Therefore, adequate assessments need to be made before implementation of a scheme, of workflows, demand patterns and efficiency.

3.4 Staff, colleague and manager perceptions

Staff who do not fully understand the concept of annualised hours may have some suspicion of the scheme and for those participating in it. To this end it is essential that adequate briefing sessions and documents are provided to staff, representatives and managers explaining the purpose and working of the scheme.

4 Implementation

Annualised hours working is likely to be a useful mechanism where:

- Staffing levels do not match the level of patient activity and dependency;
- There are unforeseen peaks in workload;
- Sickness absence cover has to be provided at short notice;
- Staff are frequently asked to work extra shifts or hours at short notice;
- Bank or agency staff are required to provide cover; or
- Staff from other wards are needed to “help out”.

Annualised hours working may be appropriate in a range of other settings but the above circumstances describe where an annualised hours system may bring greatest benefit to both staff and managers in providing services. The above condition can lead to uncertainty and informal flexible working for staff, increased costs and decreased quality of patient care.

5 Starting the project

5.1 Partnership

It is essential that plans to introduce annualised hours working are developed in conjunction with a Trade Union/or Professional Organisation representative from the earliest possible stages. Pilot areas for the introduction of the system should be identified and full briefings given to staff and managers on what the system involves the benefits, drawbacks and anticipated outcomes. Full staff participation should be encouraged. Once pilot areas are identified a substantial data gathering and analysis exercise is required.

5.2 Gathering data

Information on both patients/service activity and staff is required to allow the design of the annualised hours system. In terms of staffing, it will be necessary to collate information on an annual basis to assess how many staff are in post; how they are deployed; assess use of bank/agency staff; turnover; current shift patterns and rotas; absence rates and patterns; and staff costs.

If the example of a ward setting is used as the service provision unit, the information on patients that is required is monthly bed state over the period of a year; admissions patterns; discharge patterns; total patient days; numbers of day cases; and patient dependency levels.

5.3 Analysing data

To assess whether or not annualised hours would be appropriate, data should be checked to see whether or not there are peaks and troughs in activity; against the fluctuations of service demand over a 24 hour period/service provision time; the extent to which there are high levels of emergencies and when they occur; whether or not there are seasonal variations in activity/demand; and the extent to which staff costs may be unpredictable.

The data considered against these factors will help to inform the decision as to whether or not the existing system of staff allocation is working well, and also supports decision-making as to the need and desirability of proceeding to develop an annualised hours system.

From the perspective of staff, an annualised hour's contract may be requested by only one or two staff for whom such a system would provide the opportunity to have a better work-

life balance. Operating the system for small numbers of people within a service area has been proven effective, provided that the analysis of service demands has been undertaken to inform the design of the working pattern.

5.4 Designing the system

It is recommended that annualised hours working systems are introduced on a pilot basis in a simple or small number of sites and that clear evaluation criterion are agreed at the outset. A steering or evaluation group may be useful and this should be constituted on a partnership basis. Pilot areas may have only a small number of staff on annualised hours contracts and need not necessarily involve whole teams.

It is essential that staff and their representatives are involved in working out the details of the system in order to capitalise on their knowledge and experience and to gain ownership and understanding of the system.

5.5 Calculating hours to be worked

Annualised hours contracts are equally appropriate for all grades of staff wishing to work full-time and part-time hours. A full-time nurse, for example, would be contracted to work 1950 hours on an annualised hour's contract (based on a 37.5 hour full-time working week for nurses). This number of hours will include annual leave and public holiday allocation appropriate to that member of staff.

Maximum and minimum working hours per week are also agreed within the 48 hours (set by the Working Time Regulations) as the norm for a maximum length of working week and a minimum to be agreed in line with service needs.

Over the course of a year the number of hours worked overall may vary by plus or minus an agreed number of hours, for example, 30 hours, which can be carried over to the next year. Staff and managers record the number of hours worked by each member of staff and the cumulative totals are regularly monitored to ensure the account will be kept within the prescribed limits at the end of the year.

5.6 On/off duty and on-call

Staff rotas should be planned to match service demands/patient need in line with the analysis undertaken. Where a member of staff wishes to take time off when they are scheduled to work, they can negotiate times with colleagues by agreeing to swap shifts with them. Work schedules include an on-call roster where appropriate. Staff on-call may need only to be contactable, rather than be at home, and credit for on-call duty should be given in accordance with terms and conditions specified under Agenda for Change. While off duty and on-call requests should be met after the needs of the service, as much choice and self-rostering of on-call as well as normal working, should be given.

5.7 Stand-down arrangements

Guidelines need to be developed appropriate to the service area to provide for standing down staff where demand is low. Arrangements for how credit is to be given should be included in the guidelines. For example, if a member of staff has worked 2 hours of their shift and is then stood down, they could be given credit for one hour, i.e. 3 hours in total. There is no benefit to standing staff down less than 2 hours before the end of their shift, as they would still be entitled to an hour's credit.

5.8 Salary arrangements

Where annualised hours systems have been implemented, local arrangements for calculation of payment and enhanced payment should be put in place.

5.9 Sickness absence

For staff working under annualised hours systems they should comply with the local arrangements for reporting sickness absence. During periods of absence staff should be paid in accordance with the relevant terms and conditions for the staff group.

5.10 Contract of employment

An annualised hours contract can be trialled by agreement between the employer and the employee. During this period the individual has the right to revert to their original terms and conditions upon giving an agreed amount of notice. At the end of the trial period, should the employee wish to continue with the arrangement, then with the agreement of the employer the contract will be amended on a permanent basis.

6 Evaluation

On-going evaluation of the pilot in order to effectively manage the system will be required. In addition, evaluation of staff and managers' experiences and of the effectiveness of the system should be undertaken in order to inform revisions to the system where necessary. Evaluation criteria should be established at the outset of a pilot and could include assessments of the effectiveness of communication of the scheme, the effectiveness of the partnership approach, the difficulties and opportunities experienced in running the scheme, the extent to which gaps between staffing and workload have narrowed, including pressures on staff, the effectiveness and quality of patient care, financial performance and the need for bank/agency staff.

7 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

Annex G: Model Homeworking Policy

1 Applicability and Definitions

This policy applies to any post where work is performed at or from home instead of at or from the employer's premises for a significant proportion of the contractual working hours.

1.1 Working at Home (see Section 4)

This is where staff wish, with the approval of their manager, to work at home for part of their working time even though their contract of employment requires them to have their office based on the employer's premises.

Sections 1-4 only of this policy apply. The annexes do not apply.

1.2 Working from Home (see Section 5)

This is where staff are required in their contract of employment to have their office based in their home, even though they may work other than at home for part of their working time. Such staff will be referred to hereafter as "Homeworkers".

All of this policy applies, with the exception of section 4. Appendices 1 - 3 inclusive apply.

2 Equality

The organisation is committed to promoting and practising equal opportunities in employment. This includes giving staff the opportunity to work more flexibly wherever practicable.

The organisation will review the composition of homeworkers as a proportion of the workforce to ensure no unjustified indirect discrimination takes place.

This policy should be read in conjunction with the organisation's Equality, Diversity and Human Rights Policy.

3 Rationale

There are a number of reasons why homeworking and working at home is desirable, including:

- Providing greater flexibility;
- Increasing scope to meet the organisation's commitment to equal opportunities, e.g. it may enable a person with disabilities to do a job they otherwise would not be able to do;

- Reducing energy consumption and pollution from unnecessary car journeys;
- Broadening the traditional recruitment market and gaining access to alternative labour markets;
- Attracting and retaining staff;
- Providing a working environment which enables work to be carried out effectively and efficiently.

Key points to bear in mind are that:

- Those working from home/teleworking have the same employment rights as office-based workers; and
- It should be agreed that employer and employee will review the practice regularly and, if necessary, to revert to previous arrangements.

4 Working at Home

4.1 Definition

‘Working at Home’ occurs when an employee agrees with their manager to work at home for part of their working time, even though their contract of employment requires them to be based on the employer’s premises.

4.2 Guidance for working at home:

- Working at home should be used to undertake specific work activities;
- Frequency and duration of working at home should be agreed with the manager and relevant colleagues;
- Reasonable notice of a wish to work at home must be given;
- Once there is an agreement that an individual is to work at home for a part of a day, given day or given period of days, the arrangement should be respected in so far as possible;
- Staff working at home may be recalled to work premises at short notice;
- In cases where staff working at home are frequently recalled to work premises at short notice, working arrangements should be reviewed;
- Individuals and colleagues/managers should jointly monitor the impact of time spent working at home;
- Staff working at home are required to carry out their work duties during their normal hours of work. Any domestic arrangements such as childcare/carer arrangements must remain in place throughout the hours of work;

- Perceived problems caused by staff working at home should be addressed within departments and/or teams;
- Staff working at home must be contactable by telephone and/or email;
- Where an employee works at home more than 50 days in any one calendar year, that employee's manager shall actively review ways of working with particular regard to location of the workplace.

5 Working from home (Homeworkers/Teleworkers)

5.1 Definition

Staff are referred to as 'homeworkers' where they are required in their contract of employment to have their office based in their home, even though they may be other than at home for part of their working time.

5.2 Criteria to determine suitable posts

The manager and HR representative will agree the number and type of jobs to be operated in line with this policy. If a current member of staff requests to work from home they will participate fully in these discussions. Selection is undertaken in the following stages:

Stage 1: The Nature of the Role:

- The role requires a high degree of personal concentrated work with very limited interaction and can be done at home in isolation from colleagues;
- The role effectively has no need for, or would derive limited benefit from, an office base;
- There is no 'face to face' service at the work base (the home).

Stage 2: Health and Safety Assessment

Individuals who are planning to work from home should complete the attached self-assessment form (Annex 1) to ascertain whether their home needs to be assessed by a risk assessor. The purpose of any such assessment is to establish the suitability of their home for working against health and safety standards and the requirements as specified within Annex 2.

Stage 3: Capability, Personal and Role Development

Selection must be in accordance with the competencies and criteria which have been identified as essential to being able to work productively and competently in the home environment, i.e.:

- Competency to deliver the role effectively without supervision;
- Understanding of the impact of homeworking on the home environment;
- Self-motivation, self-discipline and possession of good time management skills;
- Clarity of role, deadlines and objectives with feedback;
- Clarity of personal development plan and monitoring arrangements.

The above selection criteria will be reviewed according to the needs of the service, and may vary dependent on the specific job roles.

5.3 Regular Information/Support/Communications

The following provides guidance to managers and staff to ensure that those who work from home form an integral part of a team:

- The manager should ensure that each homeworker has the opportunity to meet with their team at least once a week;
- In addition to regular and detailed team briefings, line managers will ensure that there are regular communications, as appropriate, made between the office-based team and homeworkers. Homeworkers and their managers should meet on a regular basis to evaluate and develop effective communication links. Homeworkers should receive all relevant information, briefing papers and internal departmental communications;
- Clear objectives are required with specific targets and the organisation of work into a series of 'deliverable' segments;
- Homeworkers should be allocated a work area using principles of 'hot-desking', if appropriate, within work premises for the time they are expected to attend work;
- Homeworkers shall be supplied with relevant IT. equipment, e.g. e-mail, telephone conference facilities, computer, etc. to allow them to work effectively.

5.4 Terms and Conditions of Employment

The terms and conditions set out below must be agreed before homeworking begins.

5.4.1 Place of Work:

- The contract will define the normal place of work as the employee's home. Should the individual move to a different home address, then the suitability of those premises will

be assessed and homeworking will only continue with the employer's express agreement;

- The contract shall provide that the employee is required to attend work premises at reasonable notice and for whatever periods may be necessary. Purposes may include meetings, reporting sessions, submission of completed work and training;
- At the determination of the organisation, the employee will be required to live within a reasonable travelling distance of work premises for meetings, briefings, training, etc. in line with arrangements for office-based staff. This requirement will be specified at the time of advertising and when notifying staff of homeworking;
- There may be occasions, as a result of system or equipment failure, when the employee will be required to work from work premises. Arrangements will be agreed in relation to such circumstances between the line manager and employee prior to the commencement of homeworking;
- The organisation, by prior appointment, has the right to enter the employee's home to inspect equipment and methods of storage, including a right of access to filing cabinets and to computer files relating to the organisations' activities.

5.4.2 Hours of Work

Hours of work will be as for staff based in work premises.

5.4.3 Domestic Arrangements

Homeworkers are required to carry out work duties during their normal hours of work. Any domestic arrangements such as childcare/carer arrangements and any other arrangements that the member of staff would require to have in place to enable him or her to attend the workplace must remain in place throughout the homeworker's hours of work.

5.4.4 Reimbursement of Expenses

Reimbursement of business travel costs will be based on the home address as the normal place of work and will be in line with organisational policy.

5.5 Equipment and Workstation

- The organisation will provide, for homeworkers, equipment as outlined and agreed as above. The organisation will be responsible for installation, maintenance, repair and removal as required. Stationery and similar office materials will be supplied by the employer;

- The organisation will, at its discretion and up to specified limits, reimburse the homeworker for the previously agreed purchase of essential equipment, e.g. desk, chair, filing cabinet;
- The homeworker is responsible for keeping all such equipment in good condition, reasonable wear and tear excepted, and for reporting any damage or malfunction to the line manager;
- The homeworker shall be responsible for ensuring that equipment and furniture purchased meets health and safety requirements as outlined within Annex 2;
- On termination of the contract of employment, the employer will have the right to recover all its property including equipment, software and copy documents and files. Without prejudice to the organisation's legal right, entry to the employee's home should always be by mutual agreement; Alternatively, the homeworker may opt to keep the equipment and/or furniture in exchange for a payment equal to the original cost, less 3% of the value per month of service since its purchase; otherwise the employer will have the right to remove the equipment;
- The homeworker shall arrange for a business telephone line to be installed solely for business usage, as applicable, and all call and rental charges will be invoiced to the employer. A softphone or mobile phone may be used as an agreed alternative to this;
- Additional and/or specialist equipment may be required, due to a homeworker's disability. On such occasions it may be appropriate to have the workplace assessed by the local Disability Employment Adviser to advise on equipment available under the access to work scheme.

6 Taxation and Insurance Arrangements

- 6.1** Based on current legislation, it is not expected that there should be any additional personal taxation or Benefit in Kind implications on the homeworker as a result of working from home. Employees should be encouraged to contact HMRC to satisfy themselves as to any tax liability or relief arising from working from home.
- 6.2** It is not expected that there will be any Capital Gains Tax implications if the room used for working from home is dual purpose (i.e. occupies under 10% of the employee's home). However, homeworkers should contact HM Revenue & Customs to confirm their individual circumstances.

- 6.3** Insurance arrangements are a joint responsibility between the employee and the employer. Homeowners must provide evidence of adequate insurance cover prior to commencing homeworking.

7 Withdrawal from Homeworking

'Homeworking' is regarded as a long-term commitment both for the organisation and staff. Notwithstanding this, homeworkers may seek to discontinue the arrangements and request to be based in work premises. The organisation will not unreasonably refuse such a request and will seek to agree to such a request where it deems this practicable. The line manager will take a compassionate approach to requests made due to exceptional personal circumstances.

Homeworkers will be required to co-operate in enabling the organisation's property to be removed from their home upon termination of employment.

8 Monitoring and Review

'Homeworking' undertaken within the organisation will be monitored and reviewed on at least a two year basis to ensure that the terms of this policy are operating effectively. If they are not, the organisation reserves the right to review a homeworker's place of work after discussion with the member of staff.

Annex G, Appendix 1

Health and Safety Audit: Homeworker's Self-assessment

A risk assessment must be completed by the individual planning to work from home and be counter-signed by their manager. The purpose of this is to ascertain whether a full health and safety assessment should be undertaken on the individual's home environment by a risk assessor. This assessment should be completed and returned to HR before the organisation agrees to a member of staff working from home.

| | | | |
|--|--|------------------------------------|----|
| Name | | | |
| Address | | | |
| Telephone No. | | | |
| Department | | | |
| Job Title | Please forward a copy of your job description with this completed form | | |
| | | <i>Please tick appropriate box</i> | |
| 1 | Do you anticipate spending more than 20% of your time working at your home base? | Yes | No |
| | If yes, do you anticipate spending more than 50% of your time working at your home base? | Yes | No |
| 2 | Do you have a room at home which will be used specifically as an office base? | Yes | No |
| | If you answered no to the above question, within which room in the home will the work be undertaken? | | |
| | How much space in this room will be required to carry out your role effectively? | | |
| | Is there sufficient space within this room to carry out your role effectively? | Yes | No |
| | Is there adequate ventilation, reasonable temperature, and suitable lighting within the home to perform the role effectively and in comfort? | Yes | No |
| 3 | Will you be using your PC continuously for an hour or more at a time? | Yes | No |
| | Will you be using the PC every day? | Yes | No |
| | If not, how often will you be required to use your PC at your home base? | Yes | No |
| 4 | Do you have adequate first aid provisions in the home? | Yes | No |
| 5 | Are you likely to have to carry or move heavy loads in the home as part of your role? | Yes | No |
| | If yes, what manual handling activities will be undertaken in the home? | | |
| 6 | Is your electricity supply adequate for homeworking? E.g. are there sufficient sockets, etc? (Consult a qualified electrician if necessary) | Yes | No |
| If you believe there is additional information we may require in relation to health and safety issues of working at home, please set this out below. | | | |

Annex G, Appendix 2

Homeworking Health and Safety Issues

In accordance with Section 2(1) of the Health & Safety at Work etc. Act 1974 (“HASAWA”) there is a duty on every employer “...to ensure, as far as is reasonably practicable, the health, safety and welfare at work of all its employees”.

In particular, the employer is responsible for:

- The provision and maintenance of the organisation’s equipment and systems of work that are safe and without health risks;
- Ensuring safety and absences of health risks in the use, handling, storage, and transport of articles; and
- The provision of information, instruction, training and supervision necessary to ensure health and safety.

The employer will make a suitable and sufficient assessment of all the risks to the health and safety of their homeworkers by identifying any hazards in the home, assessing the risks those hazards might pose to the homeworkers, and other occupants of and visitors to the home, and taking appropriate action to remove those risks or reduce them as far as possible. The homeworker is required to assist in that process by completing a preliminary Health and Safety Self-Assessment Audit (Appendix 1). This assessment should take place before a new employee, or existing member of staff is designated a homeworker and then reviewed on a regular basis.

Homeworkers are required to take reasonable care for their own health and safety and that of other persons who may be affected by their acts and omissions at work in the home. Without prejudice to the organisation’s duties as the employer, the homeworker’s duties in this regard are likely to be significant because the working environment is not under the employer’s control.

Risk Assessments should take into account the following issues:

Display Screen Equipment

A homeworker will not be permitted to carry out a significant amount of work at a home-based work station until such risk assessment has been carried out and any recommendations implemented. Such assessments shall be conducted by someone who has received relevant training. The “workstation” as defined in the Health and Safety (Display Screen Equipment) Regulations 1992 includes the display screen, the software, the keyboard, disk drive, telephone, modem, printer, documents holder, work chair, work desk, work surface, any other items peripheral to the display screen equipment, and the immediate environment around it.

Work Equipment

The Provision and Use of Work Equipment Regulations 1992 (PUWER) do apply to the home. Other equipment not comprising part of the 'workstation' as defined above provided by the employer will nevertheless be suitable and sufficient for its purpose, with proper information and training being given on how to use that equipment properly and safely. Particularly important will be proper storage facilities for paper files.

Handling Loads

Homeworkers should be warned of the hazards of handling loads. Steps will be taken to avoid the need for any hazardous manual handling by homeworkers of loads relevant to their work in the home either altogether or until risk assessments have been carried out.

Workplace

The Workplace (Health, Safety and Welfare) Regulations 1992 do not apply to the home but the standards they require provide a useful benchmark in carrying out the overall risk assessment. The home workplace should have adequate ventilation, a reasonable temperature, suitable and sufficient lighting, sufficient space, and the floor should be kept free from obstructions or from articles or substances which could cause a homeworker to slip, trip or fall. If the employer approves the home as suitable it will be the homeworker's responsibility to maintain that safe and healthy working environment.

Electrical Equipment

The Electricity at Work Regulations 1989 requires electrical systems to be constructed and maintained, so far as is reasonably practicable, to prevent danger. Duties under the regulations fall on employers and employees insofar as they relate to matters under their control. The employer is only responsible for electrical equipment which it supplies. However, before allowing a homeworker to work from home the organisation will ensure that the homeworker's own electrical wiring is adequate for the purposes intended. Maintenance of the wiring is the homeworker's responsibility.

Substances and Materials

The employer is only responsible for substances and materials it provides to homeworkers. Procedures under the Control of Substances Hazardous to Health Regulations 1994 should be complied with. (Please refer to the organisational Health and Safety Policy.)

Security

Staff who undertake to meet with members of the organisation or members of the public in the course of their employment should make appropriate arrangements to meet at the local work office or in a public building.

First Aid

In accordance with paragraph 3 of First Aid at work the Approved Code of Practice and Guidance to the Health and Safety (First Aid) Regulations 1981, the employer will ensure that the homeworker has adequate and appropriate first aid provisions in the home. It shall be a contractual obligation on the part of the homeworker to allow managers to have reasonable access to the home, by appointment, in order to carry out inspections for health and safety purposes. The homeworker will be given sufficient training and information to enable the employer to comply with its duty to report and record the work related accidents, injuries and diseases referred to in the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995.

Further guidance for employers and employees on Health & Safety is available at <http://www.hse.gov.uk/pubns/indg226.pdf>

Annex G, Appendix 3

Homeworkers' Intellectual Property and Data Protection

Employees do not own the copyright in work produced in the course of their employment with the organisation unless there is a written agreement to the contrary.

It is the duty of the homeworker to take all reasonable precautions to protect confidential information relating to employment with the organisation which is stored in the home and, in particular, from other people residing in or visiting the home. Information is confidential where it is expressly stated to be confidential. Information can also be confidential where its nature or quality attracts confidence by implication, or where it is covered by the data protection legislation.

Information held on computer which contains data about any identifiable living individuals is likely to be subject to the Data Protection Act 1998. Homeworkers, as employees, do not need to register separately under this Act; they are covered by the organisation's Register entry. However, homeworkers will need to know and understand their obligation to keep data about any identifiable living individuals confidential and secure, to operate within the terms of the organisation's Data Protection Register entry, and to comply with the eight Data Protection Principles.

In practice, the homeworker's obligations as set out above are best observed by keeping work life and domestic life separate. In particular, where there is a risk that other household occupants, might gain access to work-related computer files these should be password protected. Great care should be taken not to inadvertently disclose passwords. All staff must be compliant with information governance/ IT security policies regardless of where they work.

Computer files which are not contained in the organisation's networked drives should be regularly backed up onto disc and stored away from the home. Managers are responsible for agreeing and monitoring procedures for ensuring the security of work, information, and data and files under the homeworker's control. Homeworkers should comply with the organisation's system's department procedures on virus checking and logging off when a computer is not in use.

Annex H: Model Retirement Policy

1 Introduction

(Name of organisation) recognises that the change from work to retirement is one of the most significant events encountered during a person's life. This policy aims to provide the best support and practical information to enable employees to experience as smooth a transition from work to retirement as possible.

This policy applies to employees with a confirmed retirement date who have given 6 months' notice of their intention to retire. In exceptional circumstances where the notice period is less than 6 months the policy may be applied with mutual agreement between employer and employee.

Principles

All employees for whom this policy applies will be given the opportunity to access the benefits detailed in this policy. There is now no compulsory retirement age. However, employees should contact the HR department 13 months before they wish to retire to state their intent in regard to retirement. The HR department will then arrange an individual interview with the member of staff 9 months before the proposed date of retirement in order that a 'Retirement Plan' may be drawn up.

2 Working Hours Reduction

In order that an employee can adjust to the prospect of retirement, a gradual reduction in working hours may be introduced three months prior to retirement,

- Third month before retirement – 80% of contracted hours
- Second month before retirement – 60% of contracted hours
- Last month before retirement – 40% of contracted hours days

During this time employees will be paid as if at work. The pattern of reduced hours can only be permitted on the basis shown, i.e. the paid time off cannot be aggregated over a longer or shorter period.

3 Preparation for Retirement

Employees will be given the opportunity to attend the pre-retirement course where they will have access to a wide range of information and be given their 'retiral pack'. To encourage long and healthy retiral employees will have access to a health check and advice from the Occupational Health Department.

4 Staff Termination/Pensions Application

Pension's applications and notification of termination should be completed four to six months before the date of retiral in order to ensure that pensions are paid timeously. If an employee is considering any return to work options following receipt of their Scottish Public Pensions Agency (SPPA) retirement benefits they are advised to check the implications of this on the benefits already in payment with SPPA. When an employee has retired, their contract of employment will be terminated. If they wish to return to NHS employment the employee will be required to apply for an advertised position. Employees who have previously retired utilizing the working hours reduction option will not be entitled to take this option again.

5 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

Annex I: Model Special Leave Policy

1 Introduction

This organisation recognises that many staff balance the demands of work requirements with domestic responsibilities. While each member of staff is responsible for ensuring that they have appropriate care mechanisms in place to meet their personal responsibilities, this organisation endeavours to assist in circumstances where these arrangements have unavoidably broken down, or where additional pressures, out with the norm, arise and for which time off work may be required.

All requests from staff must be dealt with on a strictly confidential basis and no undue pressure will be exerted on staff to divulge details which might breach their personal privacy.

2 Legal Framework

Employment Rights Act 1996

This Act provides for the right to time off for a variety of different reasons, for example, public and civic duties, ante-natal care, care of dependants and parental leave. Parents and carers of children under 17, and of disabled children under 18, and carers of certain adults, may request flexible working arrangements and their employers have a duty to seriously consider such requests.

3 Policy Rationale

The purpose of this policy is to allow for an appropriate response to a variety of situations, including:

- The necessary and unexpected need for a member of staff to provide care to a spouse or civil partner, child, parent, a person who lives within same household or any other person who reasonably relies on the employee for assistance on any occasion where the person falls ill or is injured or to make arrangements for the provision of care in the event of illness or injury;
- Suffering a bereavement;
- Civic and public duties.

This could be where normal arrangements break down without notice, or where an urgent and unforeseen situation arises.

Examples of this include:

- The spouse or civil partner, child, parent or a person who lives within the same household (not a lodger) falling ill, being

involved in an accident, or being assaulted, including instances where the victim is distressed rather than being physically injured;

- The need to make longer term care arrangements for a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger) who is ill or injured;
- To deal with the death of a spouse or civil partner, child, parent, close relative or a person who lives within the same household (not a lodger), e.g. to make funeral arrangements, or to attend a funeral;
- To deal with an unexpected disruption, or breakdown, in care arrangements for a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger), e.g. when a child-minder/carer or nurse fails to turn up; or
- To deal with an incident involving the employee's child during school hours, e.g. if the child has been involved in a fight, or is being suspended from school.

The provisions of this policy are applicable to all staff, irrespective of length of service, hours of work, or grade and no employee will suffer any detriment as a result of making application for time off under these provisions.

As always, the extent and duration of such leave must be balanced by service needs. It is acknowledged that there will be occasions where requests relate to situations which are entirely unforeseen and this will be borne in mind when requests are considered.

4 Time Off

The provisions for time off are as follows:

i) *Serious Illness/Bereavement Leave*

Up to one working week's paid leave in the event of the serious illness, acute need or death of a family member, dependant, close friend or colleague. This can be extended by up to a further working week and it will be at the discretion of the manager whether this is extended and whether it is paid or unpaid.

ii) *Domestic Emergencies*

Up to one working week can be allocated as paid leave to deal with urgent and predominately unforeseen circumstances to which sick leave, annual leave, or any other form of specified leave is not applicable. This can be extended by up to a further working week and it will be at the discretion of the manager, taking into account the circumstances of the specific case and the

needs of the service, whether this is paid or unpaid.

iii) *Carer Leave – Short & Long Term*

This provision is primarily for those who are required to provide care for a dependant.

Short term Carer Leave allows for up to one working week's paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.

Long term Carer Leave allows for the possibility of altering contractual work patterns to enable the employee's family life and work requirements to be balanced for an appropriate period.

Note: The references above to a "working week" mean the number of hours that an individual member of staff is contracted to work. For example, the working week of a member of staff contracted to work 37½ hours per week, is 37½ hours, while the working week for a member of staff contracted to work 20 hours per week, is 20 hours.

5 Serious Illness/Bereavement Leave

5.1 Definition

To provide reasonable support to members of staff at times of distress due to the unforeseen serious illness, or the death, of a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger).

5.2 Entitlement

Managers have the discretion to award paid leave of up to one working week in each occurrence of serious difficulty. In particularly distressing circumstances, the manager, in discussion with an appropriate member of the HR Team, may extend this by up to a further week of paid or unpaid leave.

5.3 Duration Criteria

In considering the amount of leave, the manager should take into account the specific circumstances, e.g. the relationship between the member of staff and the person in question, whether the member of staff has a responsibility for the estate of the deceased, the availability of other relatives or friends and the distance to be travelled in dealing with such matters.

5.4 Consistency

Managers should aim to be fair, consistent and sympathetic in applying this policy.

5.5 Notification

Members of staff must make their manager aware of the potential need for leave at the earliest opportunity and should keep in regular contact throughout that period.

5.6 Record Keeping

Leave should be recorded on the appropriate record system for future reference and to enable monitoring of its fair application throughout this organisation. It must also be notified to Payroll Department to ensure appropriate payment and recording.

6 Domestic Emergencies

6.1 Definition

Leave under this heading can be defined as arrangements granted when members of staff need to be absent from work under circumstances not covered by sick leave, annual leave, bereavement leave, maternity leave, paternity leave, parental leave, adoption and fostering leave, or flexible working arrangements. It is urgent and unforeseen.

This leave is provided as a short-term solution to help members of staff to balance the demands of their work and home responsibilities.

6.2 Entitlement

Up to one working week can be allocated as paid leave by the manager, taking into consideration the amount of the time reasonably required to attend to the situation which has arisen.

In cases of exceptional difficulty, the manager can extend this period for up to a further working week and, in discussion with an appropriate member of the HR Team, has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual leave under circumstances where the situation, while still important, has ceased to be an emergency.

In exceptional circumstances, a member of staff may be faced with long-term difficulties and the manager, in discussion with an appropriate member of the HR Team, should consider other

options to assist in the situation. This may include a reduction in hours, an alteration to the employee's shift pattern, a move to another post, etc.

There should be no requirement for the approved number of days to be taken in one block.

6.3 Notification

Members of staff must make their manager aware of their potential need for leave at the earliest opportunity and should keep in regular contact throughout this period.

6.4 Record Keeping

Leave must be recorded in the appropriate record system for future reference and to enable monitoring of its fair application throughout this organisation. It must also be notified to Payroll Department to ensure appropriate payment and recording.

7 Carer Leave

7.1 Definition

Where members of staff are responsible for caring for a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger) work and home life can cause conflicting pressures. Carer leave is designed to encourage managers to adopt flexible working practices at times when employees need assistance to balance their caring responsibilities with their work commitments.

As recorded in 4 (iii), Short-term Carer Leave allows for up to one working week's paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.

7.2 Local arrangements

The needs of staff who care for spouse or civil partner, child, parent or a person who lives within the same household (not a lodger), can often be very simple, e.g. knowing that they will be able to leave work on time each day, or being able to make a telephone call home during the day to check that all is well. Alternatively, a variation in the working pattern, such as altered shifts, or earlier/later starting and stopping times, may provide an adequate solution.

Needs such as these may be relatively easy to satisfy and it is expected that the individual's manager will provide sympathetic support and strive to reach a mutually acceptable solution to the employee's requirements that balances these with the needs of the service.

7.3 Short periods of time off

There may be circumstances when an employee needs a short period of time off, e.g. to deal with an emergency situation, to attend hospital, etc. In these circumstances, one of the arrangements shown in Section 4 can be utilised to allow the employee time off.

7.4 Long-term arrangements

There may, however, be times when the caring demands on the employee are such that the individual is forced to consider more extreme measures, such as a long-term reduction in working hours, in order to meet their caring commitments.

While each case must, quite obviously, be judged on its individual merits, this organisation is committed to ensuring that where the reason for an employee requesting a reduction in contracted hours is for the provision of care, the individual's case will be considered sympathetically and will not be unreasonably denied.

Employees with caring responsibilities, who recognise the need to alter their contracted working hours on a long-term basis, should discuss the matter with their manager in the first instance. It may be considered appropriate for a member of the HR Team to be involved in these discussions.

Where the manager feels unable, because of the needs of the service, to agree to the employee's request, the employee should contact an appropriate member of the HR Team in order to investigate other alternatives, e.g. secondment, redeployment, etc. Under circumstances where it is agreed that redeployment is an option, the employee concerned will be entitled to the full range of provisions available under this organisation's Redeployment Policy.

7.5 Other assistance

Employees with caring responsibilities are encouraged to take advantage of other facilities which already exist within the organisation and which may provide them with support or access to coping mechanisms, e.g. stress management initiatives, the Occupational Health Service who can arrange access to counselling, etc.

8 Other Types of Special Leave

8.1 Definition

Another type of special leave is where an organisation is required to make available special leave with pay for staff to be absent from work to perform 'essential civic and public duties'.

The legislative requirement for this is contained within the Employment Rights Act 1996 and covers a wide range of circumstances, a number of which are given below as examples:

- Justice of the Peace;
- Attendance at court as a witness;
- Members of a variety of public bodies including Children's Panels.

This list is illustrative, not exhaustive.

8.2 Entitlement

Up to one working week per year can be allocated as paid leave by the manager taking into consideration the amount of time reasonably required to devote to the issue.

In exceptional circumstances the manager can extend this period for up to a further working week and in discussion with an appropriate member of the HR Team, has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual or unpaid leave.

NHSScotland is pleased to support employees who are members of, or wish to join, the Volunteer Reserve Forces. The training undertaken by Reservists enables them to develop skills and abilities that can be of benefit not just to the armed forces, but also to the NHS patients they serve. The NHSScotland Reserve Forces Training & Mobilisation Policy has been developed, in line with legislation, to enable NHS Scotland and its employees to get the maximum benefit from time spent in the Reserve Forces. http://www.sehd.scot.nhs.uk/mels/CEL2009_42.pdf

Whilst the Organisation is under no legal obligation to pay employees who undertake jury service, any staff who are called to fulfil the role of a juror will be paid their normal basic pay with enhancements for unsocial hours. Further information on Jury Service is available at: <https://www.scotcourts.gov.uk/coming-to-court/jurors>

8.3 Notification

Members of staff must make their managers aware of the potential need for leave at the earliest opportunity and, where appropriate should keep in regular contact throughout the period.

8.4 Record Keeping

Leave should be recorded on the appropriate record system for future reference and to enable monitoring of its fair application throughout this organisation. It must also be notified to Payroll to ensure appropriate payment and recording.

8.5 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

Annex J: Model Maternity Leave Policy

1 Policy Statement

This policy sets out the rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay.

The policy aims to implement best practice in the processing of applications, management of pregnant workers and return to work arrangements.

2 Maternity Leave and Pay

The following provisions are as set out within Section 15 of the NHS Terms and Conditions of Service Handbook. However, they apply to all individuals employed by [name of organisation], including the Executive Level and Senior Management cohort and Doctors and Dentists.

These provisions provide benefits which exceed the statutory minimum levels.

2.1 Eligibility

All employees will have a right to take 52 weeks of maternity leave whether or not they return to NHS employment.

An employee will be entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme if:

- i) she has 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth;
- ii) she notifies her employer in writing before the end of the 15th week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):
 - (a) of her intention to take maternity leave;
 - (b) of the date she wishes to start her maternity leave – she can choose when to start her maternity leave – this can usually be any date from the beginning of the 11th week before the baby is born;
 - (c) that she intends to return to work with the same or another NHS employer for a minimum period of three months after her maternity leave has ended;
 - (d) and provides a MATB1 form from her midwife or GP giving the expected date of childbirth.

2.2 Continuous service

In order to calculate whether the employee meets the qualification set out in paragraph 2.1 (i) to have had 12 months of continuous service with one or more NHS employers, reference should be made to the provisions of the NHS Terms and Conditions of Service Handbook sections 15.61 to 15.65.

2.3 Notification

In addition to 2.1 (ii) above, employees should be encouraged to notify their line manager as soon as possible after becoming pregnant. This is important as there are health and safety considerations for the organisation, as detailed below. The rules regarding notification apply irrespective of the employee's entitlement to paid leave under this policy.

2.4 Confirming maternity leave and pay

An employee should be written to upon receipt of her application form, detailing what she must do (if anything) and her entitlements to pay and leave together with dates (where these can be confirmed).

Following discussion with the employee, the employer should confirm in writing:

- i) the employee's paid and unpaid leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under this agreement);
- ii) unless an earlier return date has been given by the employee, her expected return date, based on her 52 weeks paid and unpaid leave entitlement under this agreement;
- iii) the length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal maternity leave period; (NHS Terms and Conditions of Service Handbook - paragraphs 15.49 and 15.50); and
- iv) the need for the employee to give at least 28 days of notice if she wishes to return to work before the expected return date.

2.5 Paid maternity leave

2.5.1 Amount of pay

Where an employee intends to return to work the amount of contractual maternity pay receivable is as follows:

- i) for the first eight weeks of absence the employee will receive full pay, less any Statutory Maternity Pay or Maternity Allowance (including any dependents' allowances) receivable;

- ii) for the next 18 weeks the employee will receive half of full pay, plus any Statutory Maternity Pay or Maternity Allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay;
- iii) for the next 13 weeks, the employee will receive any Statutory Maternity Pay or Maternity Allowance that they are entitled to under the statutory scheme.

By prior agreement with the employer, occupational maternity pay may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period.

2.5.2 Calculation of maternity pay

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the qualifications set out within section 15.23 of the NHS Terms and Conditions of Service Handbook.

2.6 Unpaid contractual leave

Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total of leave to 52 weeks. However, this may be extended by local agreement in exceptional circumstances, for example, where employees have sick pre-term babies or multiple births.

2.7 Commencement and duration of leave

An employee may begin her maternity leave at any time between 11 weeks before the expected week of childbirth and the expected week of childbirth, provided she gives the required notice. An employee is not permitted to return to work for a period of two weeks immediately after giving birth.

2.7.1 Changing the maternity leave start date

If the employee subsequently wants to change the date from which she wishes her leave to start, she should notify her employer at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

2.7.2 Sickness prior to childbirth

If an employee is off work ill, or becomes ill, with an illness, either related to the pregnancy or not, during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4th week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later.

Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work, or a self-certificate, shall be treated as sick leave in accordance with normal leave provisions.

Odd days of pregnancy-related illness during this period may be disregarded if the employee is medically fit to continue working till the maternity leave start date previously notified to the employer.

2.7.3 Pre-term birth

Where an employee's baby is born prematurely, the employee will be entitled to the same amount of maternity leave and pay as if her baby was born at full term.

Where an employee's baby is born before the 11th week before the expected week of childbirth and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.

Where an employee's baby is born before the 11th week before the expected week of childbirth and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.

Where an employee's baby is born before the 11th week before the expected week of childbirth and the baby is in hospital, the employee may split her maternity leave entitlement, taking a minimum period of two weeks' leave immediately after childbirth and the rest of her leave following her baby's discharge from hospital.

2.7.4 Stillbirth

Where an employee's baby is stillborn after the 24th week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.

2.7.5 Miscarriage

Where an employee has a miscarriage before the 24th week of pregnancy, normal sick leave provisions will apply as necessary.

2.8 Contractual rights

During maternity leave (both paid and unpaid) an employee retains all of her contractual rights, except remuneration.

2.8.1 Increments

Maternity leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. The expectation is that an employee on maternity leave would progress through a Knowledge Skills Framework gateway on the due date, if concerns had not been raised about the ability to meet their KSF outline prior to maternity leave.

2.8.2 Accrual of Annual Leave and Public Holidays

Annual leave and public holidays will continue to accrue during maternity leave, whether paid or unpaid, provided for by this agreement.

Where the amount of accrued annual leave and public holidays would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

2.8.3 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations. It is recommended that staff check with HR and the Scottish Public Pensions Agency (SPPA) how their leave will impact upon their own pension contributions; the organisation's contributions and their entitlements under the pension scheme.

2.9 Line Management Contact

Line managers should keep in contact with the employee throughout the period of her confinement and maternity leave, providing information and support where required and a link to the workplace.

2.9.1 Pre-Maternity Leave Interview

Before going on leave, the line manager and the employee should meet to discuss the practicalities of the pregnant employee's approaching maternity leave. The employee should already have been informed by this stage of her maternity leave and pay entitlement.

The meeting will provide the opportunity:

- To discuss the final arrangements for the employee's maternity leave;

- To discuss with the employee how her work will be covered during the maternity leave, including who will take over her tasks, how the handover will be managed and any other practicalities that arise;
- To discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave, including:
 - i) The employee's right to keeping-in-touch days and whether or not she might be interested in exercising this right;
 - ii) how the line manager will keep in touch with the employee while she is on maternity leave, what information she might expect to receive and by what means;
 - iii) keeping the employer in touch with any developments that may affect her intended date of return.
- To discuss how the employee's annual leave entitlement will be managed while she is on maternity leave;
- For the employee to raise any other issues that she would like to discuss.

2.9.2 Keeping in touch days

To facilitate the process of keeping in touch, it is important that the employer and employee have early discussion to plan and make arrangements for Keeping in Touch (KIT days) before the employee's maternity leave takes place.

To enable employees to take up the opportunity to work KIT days, employers should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities.

KIT days are intended to facilitate a smooth return to work for women returning from maternity leave.

An employee may work for up to a maximum of ten KIT days without bringing her maternity leave to an end. Any days of work will not extend the maternity leave period.

An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace.

Any such work must be by agreement and neither the employer nor the employee can insist upon it.

The employee will be paid at their basic daily rate for the hours worked, less appropriate maternity leave payment for KIT days worked.

Working for part of any day will count as one KIT day.

Any employee who is breastfeeding must be risk assessed and facilities provided in accordance with the provisions set out in the Breastfeeding Policy.

2.10 Antenatal and Postnatal care

Pregnant employees have the right to paid time off for antenatal care. Antenatal care may include relaxation and parent-craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if required to do so.

Women who have recently given birth should have paid time off for post-natal care, e.g. attendance at health clinics. Evidence of such appointments should be similarly provided if required.

The employee should endeavour to give her line manager as much notice as possible of antenatal or postnatal appointments and, wherever possible, try to arrange them out with working hours or as near to the start or end of the working day as possible. However, it is recognised that this may not necessarily be possible.

2.11 Miscellaneous provisions

2.11.1 Fixed-term contracts or training contracts

Employees subject to fixed-term or training contracts which expire after the 11th week before the expected week of childbirth and who satisfy the conditions in paragraphs 2.1 (i), and 2.1 (ii) (a), (b) and (d), shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid contractual and statutory maternity pay, and the remaining 13 weeks of unpaid maternity leave.

Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions set out in paragraph 2.10 above will not apply.

Employees on fixed-term contracts who do not meet the 12 months' continuous service condition set out in paragraph 2.1 (i) above, may still be entitled to Statutory Maternity Pay.

2.11.2 Rotational training contracts

Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, she shall have the right to return to work in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

2.11.3 Employees not returning to NHS employment

An employee who satisfies the conditions in paragraph 2.1, except that she does not intend to work with the same or another NHS employer for a minimum period of three months after her maternity leave is ended, will be entitled to pay equivalent to Statutory Maternity Pay, which is paid at 90 per cent of her average weekly earnings for the first six weeks of her maternity leave and to a flat rate sum for the following 33 weeks.

2.11.4 Employees with less than 12 months' continuous service

If an employee does not satisfy the conditions in paragraph 2.1 for occupational maternity pay, but has 26 weeks' continuous service with her employer assessed at the 15th week before the week the baby is due, she may be entitled to Statutory Maternity Pay, depending on her earnings level.

If her earnings are too low for her to qualify for Statutory Maternity Pay, she may be entitled to claim Maternity Allowance. In such circumstances, the employee should seek further information from her local Job Centre Plus or social security office.

2.11.5 Information about statutory maternity/adoption and paternity leave and pay

There are occasions when employees are entitled to other statutory benefits/allowances and Information about all statutory maternity/adoption and paternity rights can be found using the following links:

<https://www.gov.uk/search?q=maternity+leave>

<https://www.gov.uk/search?q=statutory+maternity+pay>

Information about health and safety for new and expectant mothers at work can be found using the following link:

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

3 Management of Pregnant Workers

3.1 Health and safety of employees pre and post birth

The Pregnant Workers Directive 1992 introduced measures to encourage improvements in the health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding. The Management of Health and Safety at Work regulations 1999 places a duty of care on employers to ensure that the health and safety of pregnant workers is risk assessed and that action must be taken in relation to identified risks.

Where an employee is pregnant, has recently given birth or is breastfeeding, the employer must carry out a risk assessment of her working conditions. The result of the risk assessment should be communicated to the female worker and her representative (where appropriate).

Examples of risk:

- Chemical exposure;
- Physical and biological agents;
- Industrial processes movements and postures;
- Mental and physical fatigue;
- Other types of physical and mental stress connected with the work done.

If it is found, or a medical practitioner considers, that an employee or her child would be at risk were she to continue with her normal duties, the employer should provide suitable alternative work for which the employee will receive her normal rate of pay.

Examples of provisions to reduce risk:

- Temporarily adjusting the working conditions or hours;
- Move the worker to another job;
- Transfer to daytime working.

Where it is not reasonably practicable to offer suitable alternative work, the employee should be suspended on full pay on pregnancy grounds.

4 Return to Work Arrangements

- 4.1** An employee who intends to return to work at the end of her maternity leave will not be required to give any further notification to the employer, although if she wishes to return early, she must give at least 28 days' notice.
- 4.2** An employee has the right to return to her job under her original contract and on no less favourable terms and conditions.
- 4.3** The line manager will arrange to meet with the employee on her return to work (ideally at the start of her first day back at work, but as soon as is reasonably practicable) who will be responsible for dealing with any housekeeping matters and ensuring that she settles in smoothly. In order to assist further in this regard, her manager will also:
- Arrange a catch-up meeting to update the employee on developments in her absence not previously notified to her;
 - Discuss the arrangements for handing work back to her;
 - Arrange for her to meet with other work colleagues to enable her to re-familiarise herself with the workload and the relevant systems of work;
 - Discuss any training needs and ensure that these are addressed as soon as possible after her return;
 - Introduce her to any new members of staff;
 - Advise on parental leave entitlement;
 - Confirm the right to request flexible working arrangements;
 - Discuss provision of support should the employee wish to breastfeed after they return to work;
 - Discuss any recommendations that the employee's doctor and/or Occupational Health have made in relation to their health and wellbeing following their return from maternity leave (carrying out a risk assessment and implementing any resulting actions as appropriate);
 - Discuss any other operational matters.
- 4.4** Work should be handed back to the employee on a gradual basis with the aim that she will be completely up to speed and handling a workload appropriate to her contracted working hours within an agreed period following her return from maternity leave.

4.5 Returning on flexible working arrangements

If, at the end of maternity leave, the employee wishes to return to work on different hours, the NHS employer has a duty to consider this and will seek to facilitate this, wherever possible bearing in mind the needs of the service. If possible, the employee will return to work on different hours but in the same job. If this is not possible, the employer must provide written, objectively justifiable reasons for this and the employee shall, wherever possible, be given the option to return to a role at the same pay band and undertaking work of a similar nature and status, to that which they held and undertook prior to their maternity absence. It may not be possible for an employee to have her flexible working request accommodated either in her existing role or through the provision of an alternative role.

If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect the employee's right to return to her job under her original contract, at the end of the agreed period.

4.6 Sickness following the end of maternity leave

In the event of illness following the date the employee was due to return to work, normal sick leave provisions will apply as necessary.

4.7 Failure to return to work

If an employee who has notified her employer of her intention to return to work for the same or a different NHS employer, in accordance with paragraph 2.1 (ii) (c) above, fails to do so within 15 months of the beginning of her maternity leave, she will be liable to refund the whole of her maternity pay, less any Statutory Maternity Pay, received. In cases where the employer considers that to enforce this provision would cause undue hardship or distress, the employer will have the discretion to waive their right to recovery.

4.8 Shared parental leave

Under a new system of flexible parental leave (called Shared Parental Leave), parents will be able to choose how they share care of their child during the first year after birth. Employed mothers will still be entitled to 52 weeks of maternity leave; however, working parents will be able to opt to share the leave.

Mothers will have to take at least the initial two weeks of leave following the birth as a recovery period. Following that they

can choose to end the maternity leave and the parents can opt to share the remaining leave using the Shared Parental Leave Policy.

The Government introduced the changes to flexible parental leave in April 2015.

Further information is available from
<https://www.gov.uk/search?q=reform+of+flexible+parental+leave>

Dignity at Work

The organisation is committed to providing all reasonable support to employees who are pregnant or new mothers. Colleagues should be sensitive to this issue and should adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are pregnant or who have recently given birth. It is a requirement of this policy that all employees of the organisation respect this principle.

5 Questions or Concerns

[Name of organisation] recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is the policy of [name of organisation] to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant, she should clarify the relevant procedures with [name] to ensure that they are followed correctly.

6 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

7 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

Annex K: Model Maternity Support (Paternity) Leave Policy

1 Policy Statement

This policy sets out the rights and responsibilities of employees who wish to take maternity support (paternity) leave. This will apply to biological and adoptive fathers, nominated carers and same-sex partners.

[Name of organisation] recognises that biological and adoptive fathers, nominated carers and same-sex partners have a need and desire to spend time at home during a period of family extension, be that the birth or adoption of a child.

The policy aims to implement best practice in the processing of applications, management of employees who wish to take paternity leave and return to work arrangements following paternity leave.

2 Maternity Support (Paternity) Leave and Pay

The following provisions for maternity support (paternity) leave and pay are as set out within Section 35 of the NHS Terms and Conditions of Service Handbook. However, they apply to all individuals employed by [name of organisation], including the Executive Level and Senior Management cohort and Doctors and Dentists.

These provisions exceed statutory minimums by a significant margin.

2.1 Eligibility

All employees whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, will have a right to take two weeks' maternity support (paternity) leave whether or not they return to NHS employment. Maternity support (paternity) leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either adoptive parent may take maternity support (paternity) leave where the other adoptive parent has elected to take adoption leave. The employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's primary carer.

An employee will be entitled to paid maternity support (paternity) leave if:

- i) they have 12 months' continuous service with one or more NHS employers at the beginning of the week in which the baby is due (or in the case of adoption, ending with the week in which they are notified of being matched with the child for adoption);
- ii) in the case of a birth child, they notify their employer in writing (using a completed SC3 "Becoming a Parent" form) at least 28 days before they want the leave to start (the employer should accept later notification if there is good reason):
 - (a) of their intention to take maternity support (paternity) leave;
 - (b) of the length of maternity support (paternity) leave they wish to take (i.e. one or two consecutive weeks);
 - (c) of the date on which their partner's baby is due;
 - (d) of the date on which they wish the leave to commence;
 - (e) that the employee is the baby's biological father; or married to the mother; or civil partner of the mother; or living with the mother in an enduring family relationship but not an immediate relative; and
 - (f) that the purpose of the leave is to care for the child or to support the mother.
- iii) in the case of an adopted child, they notify their employer in writing no later than 7 days after the date on which notification of the match with the child was given by the adoption agency (the employer should accept later notification if there is good reason):
 - (a) of their intention to take maternity support (paternity) leave;
 - (b) of the length of maternity support (paternity) leave they wish to take (i.e. one or two consecutive weeks);
 - (c) of the date on which the adopter was notified of having been matched with the child;
 - (d) of the date on which the child is expected to be placed for adoption;
 - (e) of the date on which they wish the leave to commence;
 - (f) that the purpose of leave is to care for the child or support the child's adopter and that the employee is married to or living with the adopter in an enduring family relationship but not an immediate relative; and

- (g) provide evidence of entitlement to maternity support (paternity) leave and pay by producing a 'matching certificate' from the adoption agency (or in the case of overseas adoption, a copy of the 'official notification' and, within 28 days of the child's entry into Great Britain, inform the organisation of the date of entry and provide evidence of this date in the form of a plane ticket or copies of entry clearance documents).

2.2 Continuous service

In order to calculate whether the employee meets the qualification set out in paragraph 2.1 (i) to have had 12 months of continuous service with one or more NHS employers, reference should be made to the provisions of the NHS Terms and Conditions of Service Handbook sections 15.61 to 15.65.

2.3 Notification

In addition to 2.1 (ii) and (iii) above, employees should be encouraged to notify their line manager as soon as possible after their partner becomes pregnant or they are notified of being matched with the child for adoption. The rules regarding notification apply irrespective of the employee's entitlement to paid leave under this policy.

2.4 Confirming maternity support (paternity) leave and pay

An employee should be written to upon receipt of their application form, detailing what they must do (if anything) and their entitlements to pay and leave together with dates (where these can be confirmed).

Following discussion with the employee, the employer should confirm in writing the employee's entitlement to paid leave (or statutory entitlement or unpaid leave if the employee does not qualify under this agreement);

2.5 Paid maternity support (paternity) leave

2.5.1 Amount of pay

Subject to the eligibility criteria detailed above, there will be an entitlement to two weeks' occupational maternity support (paternity) pay. The employee will receive full pay less any receivable statutory paternity pay at the rate which applies at the time.

2.5.2 Calculation of maternity support (paternity) pay

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity/Adoption Pay entitlements, subject to the qualifications set out within section 15.23 of the NHS Terms and Conditions of Service Handbook.

2.6 Commencement and duration of leave

Maternity support (paternity) leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. It cannot be taken over two separate periods. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Maternity support (paternity) leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

2.6.1 Changing the maternity support (paternity) leave start date

If the employee subsequently wants to change the date from which they wish their leave to start, they should notify their employer at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

2.6.2 Stillbirths

A qualifying employee will be entitled to paid leave if their baby is stillborn after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will be entitled to paid paternity leave in the usual way.

2.6.3 Multiple Births

Entitlement to paternity leave for twins, triplets, etc. is the same as for a single birth. Only one period of occupational paternity pay is ordinarily available when there is a multiple birth. However, NHS organisations have scope for agreeing locally more favourable arrangements where they consider it necessary, or further periods of unpaid leave.

2.7 Contractual rights

During maternity support (paternity) leave an employee retains all of their contractual rights.

2.7.1 Increments

Maternity support (paternity) leave shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. The expectation is that an employee on maternity support (paternity) leave would progress through a KSF gateway on the due date, if

concerns had not been raised about the ability to meet their KSF outline prior to maternity support (paternity) leave.

2.7.2 Accrual of annual leave and public holidays

Annual leave and public holidays will continue to accrue during maternity support (paternity) leave provided for by this agreement.

2.7.3 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

2.8 Pre-maternity support (paternity) Leave

Reasonable time off should be given to attend ante-natal classes (or in the case of adoption, official meetings in the adoption process, such as court sessions and interviews).

Requests for such time off leave will be considered in accordance with the Special Leave Policy (or with the Adoption and Fostering Policy in the case of adoption).

2.9 Step-parents

When a step-parent is adopting a partner's children, there is scope for local arrangements on the amount of leave and pay in addition to time off for official meetings. If they meet the eligibility criteria, the employee would also be entitled to parental leave following the adoption.

2.10 Miscellaneous provisions

If an employee leaves employment prior to the birth of the child/placement for adoption there will be no entitlement to Statutory Paternity Pay (SPP). If an employee's contract ends after the baby is born/child is placed for adoption then the employee will still be entitled to SPP. However, if the employee starts work for a new employer SPP will not be paid for any week worked with the new employer.

2.10.1 Employees with less than 12 months' continuous service

If an employee does not satisfy the conditions in paragraph 2.1 for occupational maternity support (paternity) pay, but has 26 weeks' continuous service with their employer assessed at the 15th week before the week the baby is due, they may be entitled to Statutory Paternity Pay, depending on their earnings level.

If the employee's earnings are too low for them to qualify for Statutory Paternity Pay, they may be entitled to other welfare benefits. In such circumstances, the employee should seek further information from their local Job Centre Plus or social security office.

2.10.2 Information about statutory maternity/adoption and paternity leave and pay

There are occasions when employees are entitled to other statutory benefits/allowances and Information about all statutory maternity/adoption and paternity rights can be found using the following links:

<https://www.gov.uk/search?q=maternity+leave>

<https://www.gov.uk/search?q=statutory+maternity+pay>

Information about health and safety for new and expectant mothers at work can be found using the following link:

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

3 Return to work arrangements

3.1 On the employee's return to work, they should be advised of the following:

- Parental leave entitlement;
- Right to request flexible working arrangements.

3.2 Returning on flexible working arrangements

If, at the end of maternity support (paternity) leave, the employee wishes to return to work on different hours, the NHS employer has a duty to consider this and to seek to facilitate this, wherever possible, bearing in mind the needs of the service. If possible, the employee will return to work on different hours, in the same job. If this is not possible, the employer must provide written, objectively justifiable reasons for this and the employee should, wherever possible, be given the option to return to a role at the same pay band and undertaking work of a similar nature and status, to that which they held and undertook prior to their absence. It may not be possible for an employee to have their flexible working request accommodated either in her existing role or through the provision of an alternative role.

If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect the employee's right to return to their job under their original contract, at the end of the agreed period.

3.3 **Sickness following the end of maternity support leave**

In the event of illness following the date the employee was due to return to work, normal sick leave provisions will apply as necessary.

3.4 **Reforms of flexible parental leave**

Under a new system of flexible parental leave (called Shared Parental Leave), parents will be able to choose how they share care of their child during in the first year after birth. Employed mothers will still be entitled to 52 weeks of maternity leave; however, working parents will be able to opt to share the leave.

Mothers will have to take at least the initial two weeks of leave following the birth as a recovery period. Following that they can choose to end the maternity leave and the parents can opt to share the remaining leave as flexible parental leave.

The Government introduced the changes to flexible parental leave in April 2015.

Further information is available from

<https://www.gov.uk/search?q=reform+of+flexible+parental+leave>

Dignity at Work

The organisation is committed to providing all reasonable support to employees who become new biological or adoptive parents. Colleagues should be sensitive to this issue and should adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are new biological or adoptive parents. It is a requirement of this policy that all employees of the organisation respect this principle.

4 **Questions or Concerns**

[Name of organisation] recognises that, from time to time, employees may have questions or concerns relating to their maternity support (paternity) rights. It is the policy of [name of organisation] to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity support (paternity) provisions are complex, if an employee's partner becomes pregnant or an employee is notified of a match to a child for adoption, they should clarify the relevant procedures with [name] to ensure that they are followed correctly.

5 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

6 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

Annex L: Model Shared Parental Leave Policy

1 Policy Statement

This policy outlines the arrangements for shared parental leave and pay in relation to the birth or adoption of a child.

The definitions applicable in this policy in relation to the birth of a child are:

Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).

Partner: spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Qualifying Week: the fifteenth week before the expected week of childbirth.

The definitions applicable in this policy in relation to the adoption of a child are:

Partner: your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is placed for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Qualifying Week: the week the adoption agency notifies you that you have been matched with a child for adoption.

2 Shared Parental Leave

2.1 Shared parental leave (SPL) is a form of leave available to working parents following the birth or adoption of a child. It applies in respect of children who are expected to be born on or after 5 April 2015. It is also available where an adoption agency places a child with you and/or your partner on or after 5 April 2015.

2.2 In the case of adoption, it provides a more flexible alternative to the default system whereby one partner may qualify for up to 52 weeks' adoption leave and the other partner may qualify for up to two weeks' ordinary paternity leave.

2.3 In birth cases, SPL allows parents to take up to 52 weeks leave in total (2 of which has to be Maternity Leave) on the birth of a child. They may be able to take this leave at the same time, or at different times.

2.4 In the case of adoption, under the SPL system, up to 50 weeks of the adoption leave entitlement may be designated as SPL. Assuming you are both eligible, you and your partner can choose how you split that leave between you. You may be able to take this leave at the same time or at different times. You may also be able to take it in more than one block.

3 Entitlement to Shared Parental Leave

3.1 You are entitled to SPL in relation to the birth of a child if:

- a) you are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- b) you are the child's father and share the main responsibility for the care of the child with the child's mother; or
- c) you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

3.2 You may also be entitled to SPL in relation to the adoption of a child if an adoption agency has placed a child with you and/or your partner for adoption, and you intend to share the main responsibility for the care of the child with your partner.

3.3 In both birth and adoption cases, the following conditions must also be fulfilled:

- a) you must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and must still be employed by us in the week before the leave is to be taken;
- b) the other parent (or in adoption cases, your partner) must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC or Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
- c) In birth cases, you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

- d) In adoption cases, you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).
- e) In adoption cases, either you or your partner must also qualify for statutory adoption leave and/or SAP, and must take at least two weeks of adoption leave and/or pay.

3.5 If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see our Paternity Leave Policy). You should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.

3.6 In birth cases, the total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave). In the case of adoption, the total amount of SPL available is also 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave).

3.7 In birth cases, if you are the mother, you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

3.8 In birth cases, if you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

4 Opting in to Shared Parental Leave and Pay

4.1 Not less than eight weeks before the date you intend your SPL to start, you must give us a written opt-in notice giving:

- a) your name and the name of the other parent (or in adoption cases, the name of your partner);
- b) In birth cases, if you are the child's mother, the start and end dates of your maternity leave;
- c) In birth cases, if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period.

- d) In the case of adoption, if you are taking adoption leave, your adoption leave start and end dates;
- e) In the case of adoption, if you are not taking adoption leave, your partner's adoption leave start and end dates, or if your partner is not entitled to adoption leave, the start and end dates of their SAP;
- f) the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, adoption leave, SMP, MA or SAP period (as appropriate) taken or to be taken by you or your partner;
- g) how many weeks of the available SPL will be allocated to you and how much to the other parent / your partner. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- h) if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP, SAP or MA period taken or to be taken);
- i) how much of that available ShPP will be allocated to you and how much to the other parent / your partner. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- j) an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- k) declarations by you and the other parent / your partner that you meet the statutory conditions for entitlement to SPL and ShPP.

5 Ending Maternity/Adoption leave

5.1

In birth cases, if you are the child's mother and are still on maternity leave, you must give us at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. In adoption cases, this is also the case if you are taking or intend to take adoption leave and want to opt into the SPL scheme. The notice must state the date on which your maternity/adoption leave will end. You can give the notice before or after you give birth, or after adoption leave starts, but you cannot end your maternity / adoption leave until at least two weeks after birth, or in the case of adoption you must take at least two weeks' adoption leave.

N.B. Once the child's mother ends Maternity leave she cannot go back onto maternity leave once she or her partner has taken Shared Parental Leave.

- 5.2** You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see above), or a written declaration that the child's father or your partner has given his or her employer an opt-in notice and that you have given the necessary declarations in that notice.
- 5.3** The other parent or your partner may be eligible to take SPL from their employer before your maternity or adoption leave ends, but they cannot start it until you have given us your curtailment notice.
- 5.4** The curtailment notice is usually binding and cannot be revoked. You can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies:
- a) if you realise that neither you nor the other parent / your partner are in fact eligible for SPL or ShPP, you can revoke the curtailment notice in writing up to eight weeks after it was given;
 - b) if you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
 - c) if the other parent / your partner has died.
- 5.5** In birth cases, once you revoke a curtailment notice you cannot submit a second curtailment notice, unless the revocation was given in the circumstances in paragraph 1.1b). In adoption cases, once you have revoked a curtailment notice you will be unable to opt back in to the SPL scheme.
- 5.6** In birth cases, if you are the child's father or the mother's partner, you will only be able to take SPL once the mother has either:
- (a) returned to work;
 - (b) given her employer a curtailment notice to end her maternity leave;
 - (c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
 - (d) given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).

- 5.7** In adoption cases, if your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:
- (a) returned to work;
 - (e) given their employer a curtailment notice to end adoption leave; or
 - (f) given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

6 Evidence of Entitlement

You must also provide on request:

- a. In birth cases, a copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); or in the case of adoption, one or more documents from the adoption agency showing the agency's name and address and the expected placement date;
and
- b. The name and address of the other parent's employer (or a declaration that they have no employer or that they are self-employed).

7 Notifying us of your SPL dates

- 7.1** Having opted into the SPL system, you will need to give a period of leave notice telling us the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim shared parental pay, if applicable.
- 7.2** If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.
- 7.3** You can give up to three period of leave notices. This may enable you to take up to three separate blocks of shared parental leave. In exceptional circumstances we may agree to accept more than three period of leave notices but there is no obligation for us to do so.

8 Procedure for requesting split periods of SPL

8.1 In general, a period of leave notice should set out a single continuous block of leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your manager and HR in advance of submitting any formal period of leave notices. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

8.2 You must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave).

Alternatively, you may:

- a) choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and notify us of this new date within five days of the end of the two-week discussion period; or
- b) withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

9 Changing the dates or cancelling your SPL

9.1 You can cancel a period of leave by notifying us in writing at least eight weeks before the start date which you have given in the period of leave notice.

9.2 You can change the start date for a period of leave, or the length of the period of leave, by notifying us in writing at least eight weeks' notice before the original start date and the new start date.

- 9.3** You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date and the new end date.
- 9.4** You can change split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date.
- 9.5** You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request in the way set out in paragraph 8.1 – 8.2.
- 9.6** In birth cases, you do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, and where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify us in writing of the change as soon as you can.
- 9.7** A notice to cancel or change a period of leave will count as one of your three period of leave notices, unless:
- a) in the case of a birth, the variation is a result of your child being born earlier or later than the EWC;
 - b) in the case of adoption, the variation is a result of the child being placed with you earlier or later than the expected placement date;
 - c) the variation is at our request; or
 - d) we agree otherwise.

10 Shared Parental Pay

- 10.1** Statutory Shared Parental Pay of up to 39 weeks (less any weeks of statutory maternity pay or statutory adoption pay claimed by you or the other parent or your partner) may be available, provided you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. Statutory Shared Parental Pay is paid at a rate set by the government each year.
- 10.2** You may also qualify for contractual Shared Parental Pay if you have been continuously employed with one or more NHS employers during the 12 month period ending with the Qualifying Week.

- 10.3** Your entitlement to contractual Shared Parental Pay, as described in the following paragraphs, will be subject to deduction of any contractual maternity or paternity or adoption pay which you receive.
- 10.4** For the first eight weeks of your SPL, contractual Shared Parental Pay is full pay, and includes any statutory Shared Parental Pay that may be due for that period.
- 10.5** For the next eighteen weeks of SPL, contractual Shared Parental Pay is half pay, plus any statutory Shared Parental Pay that may be due for that period. However the combined total will not exceed full pay. If required, the amount of contractual Shared Parental Pay will be reduced in order to achieve this limit.
- 10.6** Payment of contractual Shared Parental Pay is conditional upon you confirming in writing, before starting SPL, that you intend to return to work for at least [six] months after the end your SPL. If you later decide not to return to work for this minimum period, you must repay any contractual Shared Parental Pay (but not statutory Shared Parental Pay) which you have received. In cases where we consider that to enforce this provision would cause undue hardship or distress, we will have the discretion to waive our rights to recovery.

11 Other terms during shared parental leave

- 11.1** Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 11.2** Annual leave and public holidays will continue to accrue during Shared Parental Leave, whether paid or unpaid, provided for by this agreement. Where the amount of accrued annual leave and public holidays would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.
- 11.3** If you are a member of the pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Your employee contributions will be based on the

amount of any shared parental pay you are receiving, unless you inform [the Human Resources Department **OR** the Pensions Administrator] that you wish to make up any shortfall.

12 Keeping in touch

- 12.1** We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.
- 12.2** You may ask or be asked to work (including attending training) on up to 20 “keeping-in-touch” days (KIT days) during your SPL. This is in addition to any KIT days that you may have taken during maternity or adoption leave. KIT days are not compulsory and must be discussed and agreed with your line manager.
- 12.3** You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

13 Returning to work

- 13.1** If you want to end a period of SPL early, you must give us eight weeks’ prior notice of the return date. It is helpful if you give this notice in writing.
- 13.2** If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three period of leave notices. If you are unable to request more SPL, you may be able to request annual leave or ordinary parental leave. The decision on whether to grant this request will be subject to service need.
- 13.3** You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
- a) if your SPL and any adoption, maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or

b) if you took SPL consecutively with more than four weeks of ordinary parental leave (under our Parental Leave Policy).

13.4 If you want to change your hours or other working arrangements on return from SPL, you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

13.5 If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

14 Dignity at Work

The organisation is committed to providing all reasonable support to employees who become new biological or adoptive parents. Colleagues should be sensitive to this issue and should adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are new biological or adoptive parents. It is a requirement of this policy that all employees of the organisation respect this principle.

15 Questions or Concerns

[Name of organisation] recognises that, from time to time, employees may have questions or concerns relating to their Shared Parental Leave rights. It is the policy of [name of organisation] to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the Shared Parental Leave provisions are complex, if an employee's partner becomes pregnant or an employee is notified of a match to a child for adoption, they should clarify the relevant procedures with [name] to ensure that they are followed correctly.

16 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

17 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

GLOSSARY

The definitions applicable in this policy in relation to the birth of a child are:

Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).

Partner: spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Qualifying Week: the fifteenth week before the expected week of childbirth.

The definitions applicable in this policy in relation to the adoption of a child are:

Partner: your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is placed for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Qualifying Week: the week the adoption agency notifies you that you have been matched with a child for adoption.

Other frequently used Terms included in this Policy are:

| | |
|-----------------|---|
| SPL | Shared Parental Leave |
| SMP | Statutory Maternity Pay |
| MA | Maternity Allowance (The level of allowance provided to those who do not qualify for Statutory Maternity Pay) |
| SAP | Statutory Adoption Pay |
| ShPP | Statutory Shared Parental Pay |
| KIT Days | Keeping in Touch Days |

Annex M: Model Parental Leave Policy

1 Policy Statement

[Name of organisation] recognises that parents have a joint responsibility for the care and upbringing of their children and that work and parenthood can create conflicting pressures. Parents need time with their children and time to create a supportive home in which their children can thrive. Parental leave is therefore aimed at encouraging a culture of flexible working practice to assist staff to balance family and work commitments. Parental leave is expressly for the purpose of allowing parents to spend quality time with their children and assist in balancing this with work commitments, thus improving their participation in the workplace.

2 Values and Principles

Managers and staff must show responsibility for ensuring transparency and equity in the implementation of this policy, balancing their own and service needs with due consideration of the needs of patients, colleagues and team members. Consideration should be given to the reasonableness of the duration and timing of leave especially during peak periods of annual leave and the impact this will have on the needs of patients, colleagues and team members. Flexibility should be demonstrated in circumstances where the normal notice cannot be given such as during adoption or at times of sudden illness.

3 Parental Leave and Pay

The following provisions for parental leave are as set out within Section 35 of the NHS Terms and Conditions of Service Handbook. However, they apply to all individuals employed by [name of organisation], including the Executive Level and Senior Management cohort and Doctors and Dentists. The additional provisions for paid paternity leave are as agreed in partnership in NHSScotland.

3.1 Eligibility and amount of leave

Currently all employees will be eligible to take parental leave if:

- i. They have 12 months' continuous service with one or more NHS employers;
- ii. They have a nominated caring responsibility for a child under age 18;

- iii. They notify their employer in writing three weeks in advance of the intended leave (or if this is not possible, as soon as is reasonably practicable thereafter):
 - a. Of their intention to take parental leave;
 - b. Of the date they wish to commence and return from parental leave;
 - c. Provide evidence of entitlement
 - i. A birth certificate (or MATB1 form in the case of applications for leave around the time of the birth of the child);
 - ii. Papers confirming the adoption of a child (or confirming that a child has been matched for adoption in the case of applications for leave around the time of adoption of the child);
 - iii. Papers confirming the award of disability living allowance in the case of a child with a disability.

The amount of parental leave entitlement is 18 weeks for each child under the age of 18.

The 18-week entitlement is per each child, not per employment. In other words, the balance of the entitlement is not restored to 18 weeks if an individual changes employer. For example, if an employee uses 10 weeks of their entitlement with one employer, and then changes employer, they can only use up to eight weeks with their new employer, assuming that they are eligible.

3.2 Continuous service

In order to calculate whether the employee meets the qualification set out in paragraph 3.1 (i) to have had 12 months of continuous service with one or more NHS employers, reference should be made to the provisions of the NHS Terms and Conditions of Service Handbook sections 15.61 to 15.65.

3.3 Notification

In addition to 3.1 (iii) above, employees should be encouraged to give as much notice as possible to their line manager when requesting parental leave. This allows line managers to ensure that appropriate staffing cover is in place so as to facilitate the authorisation of such leave.

If the requested period of leave exceeds four weeks, at any one period, a minimum of two months' notice is required.

However there will be occasions where notice cannot be given. On these occasions parents should give the notice as soon as reasonably practicable.

Evidence of entitlement to parental leave need only be given once in respect of each child.

3.4 Confirming parental leave and pay

The line manager and the employee must discuss the terms on which the employee will exercise their right to parental leave (e.g. is it to be taken as a single block, as annual allowance or under any other individual arrangement). It is good practice for this then to be confirmed in writing by the employee's manager.

In exceptional circumstances, due to the needs of the service, the employee may be asked to postpone their parental leave, until a later date. Postponement would only take place after discussion with the employee and where a valid and objective operational reason has been provided.

The leave will not be postponed for more than six months from the date on which the employee wanted to start parental leave. The manager and the employee should try to agree a suitable time, but if they cannot, the manager becomes responsible for guaranteeing that the employee can take the leave at a time, no more than six months ahead, which best fits the needs of the service and the employee. If this means that the leave is postponed beyond the 18th birthday of the relevant child, the parent still has a right to take it.

The employee may at this stage opt to withdraw the request for parental leave and re-submit a request at a later date.

The manager should confirm the postponement arrangements, in writing, no later than seven days after the employee's notice to take leave is given. The manager should clearly state the reason for the postponement. In addition to this, the new dates when the employee may take parental leave should be given, ensuring that the length and terms of this leave is equivalent to the employee's original request.

3.5 Paid parental leave

3.5.1 Entitlement to four weeks' paid parental leave

Employees who meet the eligibility requirements are entitled to four weeks of paid parental leave in respect of each of their children. The paid leave must be taken before the relevant child's 14th birthday (or 18th birthday in the case of adoptive parents or parents of a child with a disability).

3.5.2 Calculation of pay during paid parental leave

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the qualifications set out within section 15.23 of the NHS Terms and Conditions of Service Handbook.

3.6 Entitlement to unpaid parental leave

Any parental leave which is taken after the 14th birthday (but before the 18th birthday) of the relevant child will be unpaid.

3.7 Commencement and duration of leave

Subject to the notice requirements detailed above, an employee may take parental leave at any point up to the child's 18th birthday.

This parental leave may be taken as either:

- i) a single block of 18 weeks;
- ii) an annual allowance; or,
- iii) under any other individual arrangements agreed between an employee and their line manager in line with service needs (e.g. single working days, blocks of one week, reduced working hours).

Parental leave can be added to periods of maternity support, shared parental leave (from April 2015), adoption or maternity leave.

A full record of parental leave taken will be maintained by the organisation and transferred to any future employer.

3.8 Changing the parental leave start date

Employees may also postpone or cancel leave that has been booked by giving reasonable notice.

3.9 Contractual rights

During parental leave the employee retains all of his/her contractual rights, except remuneration (during any period of unpaid leave) and should return to the same job on expiry of their parental leave.

3.10 Increments

Parental leave shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. The expectation is that an employee on parental leave would progress through a KSF gateway on the

due date, if concerns had not been raised about the ability to meet their KSF outline prior to parental leave.

3.11 Accrual of annual leave and public holidays

Annual leave and public holidays will continue to accrue during parental leave provided for by this agreement.

3.12 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations. It is recommended that staff check with HR and SPPA how their leave will impact upon their own pension contributions; the organisations contributions and their entitlement under the pension scheme

3.13 Line Management Contact

It is good practice for employers to maintain contact (within agreed protocols) with employees while they are on parental leave in a period of leave for more than two weeks.

4 Right to Return

At the end of parental leave an employee is guaranteed the right to return to the same job as they were doing before they commenced parental leave, provided that the leave was for a period of four weeks or less.

If the leave is greater than four weeks, the employee is entitled to return to the same job, or if that is not reasonably practicable, a similar job which is suitable and appropriate and has the same terms and conditions as the employees previous job.

When parental leave follows maternity leave, the general rule is that the employee is entitled to return to the same job which the employee had been employed in before the leave.

5 Abuse of Parental Leave

Parental leave is to look after a child, which includes making arrangements for the good of the child. If the employee uses the leave for some other purpose (e.g. paid employment within the NHS or elsewhere, or leave unrelated to the care of children), then this may be viewed as misconduct and the organisation will deal with this situation in accordance with the Management of Employee Conduct Policy.

6 Dignity at Work

The organisation is committed to providing all reasonable support to employees who wish to take parental leave. Colleagues should be sensitive to this issue and should adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are or become parents. It is a requirement of this policy that all employees of the organisation respect this principle.

7 Questions or Concerns

[Name of organisation] recognises that, from time to time, employees may have questions or concerns relating to their parental leave rights. It is the policy of [name of organisation] to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the parental leave provisions are complex, if an employee is seeking parental leave, they should clarify the relevant procedures with [name] to ensure that they are followed correctly.

8 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

9 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

Annex N: Model Breastfeeding Policy

1 Introduction

This organisation aims to support and encourage mothers who wish to breastfeed after they return to work. We will:

- Actively support the promotion of breastfeeding amongst our staff and patients;
- Provide information about breastfeeding for pregnant workers;
- Allow, wherever possible, flexibility in working hours, including agreed regular breaks for employees who wish to breastfeed or express milk; and
- Wherever possible and as necessary make available rest areas and dedicated storage space for the use of breastfeeding employees.

2 Preparing to Return to Work

The employee should arrange to meet their immediate line manager at least four weeks before the planned date of return to discuss working arrangements which will allow the individual to continue to breastfeed.

3 Risk Assessment

The rules surrounding risk assessment of pregnant employees or employees who have recently given birth equally apply in the case of employees who are breastfeeding with actions, as detailed in the Maternity Policy, being undertaken where such a risk assessment finds that her normal duties would prevent her from successfully breastfeeding her child.

4 Time Off

Where practicable, time off during working hours or flexibility in working hours should be provided to allow the employee to breastfeed and/or to express milk.

While the organisation cannot guarantee that it will be able to agree to every request for time off/flexibility in working hours, it will give favourable consideration to requests and endeavour, within reason, to accommodate employees' wishes bearing in the mind the needs of the service.

5 Facilities

As recommended by the Health and Safety Executive, facilities available to breastfeeding mothers should include where possible:

Areas for rest/expressing milk

These should be clean and warm with a low comfortable chair and, where necessary, the facility to lie down. The area should have a lock or have an arrangement for ensuring privacy. There should be hand washing facilities nearby. There should be an electric point for an electric pump, if necessary.

Facilities for storing breast milk

There should be a clean area where sterilizing equipment may be stored. A dedicated storage space should be available for storing expressed breast milk at 2–4°C until it is taken home.

6 Resolution of Disagreements

No request for time off or flexibility under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisational representative.

7 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

Annex O: Model Adoption Leave and Fostering Policy

1 Policy Statement

[Name of organisation] aims to deal sensitively and sympathetically with staff who are considering being the main carer in adopting or fostering a child and are looking for time off in the initial stages of this process.

We recognise that the needs of adoptive or foster parents are at least as great as those of natural parents in establishing a relationship with the child and in developing new routines. The organisation also recognises that a single person may adopt/foster a child and that an employee of either sex may adopt/foster a child.

This policy sets out the rights and responsibilities of employees who wish to adopt or foster a child and gives details of the arrangements for adoption leave and pay.

The policy aims to implement best practice in the processing of applications, management of employees who wish to adopt or foster a child and return to work arrangements following adoption leave.

2 Fostering

Fostering can be for varying lengths of time, from very short-term to long-term fostering and the organisation will adopt a flexible approach to this. Staff should therefore discuss their intention to foster with their line manager as soon as possible to determine the level of support they consider appropriate to their circumstances.

For very short-term fostering, it would be more appropriate to consider time off under the Special Leave Policy but there is no guarantee that this will be granted. For longer-term fostering, the manager should consider providing time off under the arrangements for Adoption Leave/Pay (outlined below), Parental Leave or Career Breaks.

3 Adoption Leave and Pay

The following provisions for adoption leave and pay are as set out in Section 35 of the NHS Terms and Conditions of Service Handbook and mirror those set out within Section 15 of the Handbook in respect of maternity leave and pay. However, they apply to all individuals employed by [name of organisation],

including the Executive Level and Senior Management cohort and Doctors and Dentists.

3.1 Eligibility

All employees who adopt a child under the age of 18 through an approved adoption agency (or who adopt a child from overseas and have received 'official notification' in respect of that child), and who will have primary care responsibility for this child, will have a right to take 52 weeks of adoption leave whether or not they return to NHS employment.

An employee will be entitled to paid and unpaid adoption leave under the NHS contractual adoption pay scheme if:

- i) they have 12 months' continuous service with one or more NHS employers ending with the week in which they are notified of being matched with the child for adoption;
- ii) they notify their employer in writing no later than seven calendar days after the date on which notification of the match with the child was provided by the adoption agency (or if this is not possible, as soon as is reasonably practicable thereafter):
 - a. of their intention to take adoption leave;
 - b. of the date the child is expected to be placed with the employee for adoption
 - c. of the date they wish to start their adoption leave - adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier (or in the case of adoption of a child from overseas, on the day on which the child enters Great Britain or on a chosen date no later than 28 days after that);
 - d. that they intend to return to work with the same or another NHS employer for a minimum period of three months after their adoption leave has ended;
 - e. and provide evidence of entitlement to adoption leave and pay by producing a 'matching certificate' from the adoption agency (or in the case of overseas adoption, a copy of the 'official notification' and, within 28 days of the child's entry into Great Britain, inform the organisation of the date of entry and provide evidence of this date in the form of a plane ticket or copies of entry clearance documents).

3.2 Continuous service

In order to calculate whether the employee meets the qualification set out in paragraph 3.1 (i) to have had 12 months of continuous service with one or more NHS employers, reference should be made to the provisions of the NHS Terms and Conditions of Service Handbook sections 15.61 to 15.65.

3.3 Notification

In addition to 3.1 (ii) above, employees should be encouraged to notify their line manager as soon as possible after they are notified of being matched with the child for adoption. The rules regarding notification apply irrespective of the employee's entitlement to paid leave under this policy.

3.4 Confirming adoption leave and pay

An employee should be written to upon receipt of their application form (Annex 1), detailing what they must do (if anything) and their entitlements to pay and leave together with dates (where these can be confirmed).

Following discussion with the employee, the employer should confirm in writing:

- i) the employee's paid and unpaid leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under this agreement);
- ii) unless an earlier return date has been given by the employee, their expected return date, based on their 52 weeks paid and unpaid leave entitlement under this agreement;
- iii) the length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal adoption leave period; and
- iv) the need for the employee to give at least 28 days of notice if they wish to return to work before the expected return date.

3.5 Paid adoption leave

3.5.1 Amount of pay

Where an employee intends to return to work the amount of contractual adoption pay receivable is as follows:

- i) for the first eight weeks of absence the employee will receive full pay, less any Statutory Adoption Pay (including any dependents' allowances) receivable;

- ii) for the next 18 weeks the employee will receive half of full pay, plus any Statutory Adoption Pay or Maternity Allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay; and
- iii) for the next 13 weeks, the employee will receive any Statutory Adoption Pay or Maternity Allowance that they are entitled to under the statutory scheme.

By prior agreement with the employer, occupational adoption pay may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread equally over the adoption leave period.

3.5.1 Calculation of adoption pay

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Adoption Pay entitlements, subject to the qualifications set out within section 15.23 of the NHS Terms and Conditions of Service Handbook.

3.6 Unpaid contractual leave

Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total of leave to 52 weeks. However, this may be extended by local agreement in exceptional circumstances.

3.7 Commencement and duration of leave

An employee may begin their adoption leave on the day the child is placed for adoption, or up to 14 days earlier (or in the case of adoption of a child from overseas, on the day on which the child enters Great Britain or on a chosen date no later than 28 days after that).

3.7.1 Changing the adoption leave start date

If the employee subsequently wants to change the date from which they wish their leave to start, they should notify their employer at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

3.8 Contractual rights

During adoption leave (both paid and unpaid) an employee retains all of their contractual rights, except remuneration.

3.8.1 Increments

Adoption leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. The expectation

is that an employee on adoption leave would progress through a KSF gateway on the due date, if concerns had not been raised about the ability to meet their KSF outline prior to adoption leave.

3.8.2 Accrual of annual leave and public holidays

Annual leave and public holidays will continue to accrue during adoption leave, whether paid or unpaid, provided for by this agreement.

Where the amount of accrued annual leave and public holidays would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) adoption leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

3.8.3 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

3.9 Line Management Contact

Line managers should keep in contact with the employee throughout the period following receipt of notification of matching and during adoption leave, providing information and support where required and a link to the workplace.

3.9.1 Pre-Adoption Leave Discussion

Before going on leave, the line manager and the employee should meet to discuss the practicalities of the employee's approaching adoption leave. The employee should already have been informed by this stage of their adoption leave and pay entitlement.

The meeting will provide the opportunity:

- To discuss the final arrangements for the employee's adoption leave;
- To discuss with the employee how their work will be covered during the adoption leave, including who will take over their tasks, how the handover will be managed and any other practicalities that arise;
- To discuss and agree any arrangements for keeping in touch during the employee's adoption leave, including:

- i) The employee's right to keeping-in-touch days and whether or not they might be interested in exercising this right;
 - ii) how the line manager will keep in touch with the employee while they are on adoption leave, what information they might expect to receive and by what means;
 - iii) keeping the employer in touch with any developments that may affect their intended date of return;
- To discuss how the employee's annual leave entitlement will be managed while they are on adoption leave;
 - For the employee to raise any other issues that they would like to discuss.

3.9.2 Keeping in touch days

To facilitate the process of keeping in touch, it is important that the employer and employee have early discussion to plan and make arrangements for Keeping in Touch days (KIT days) before the employee's adoption leave takes place.

To enable employees to take up the opportunity to work KIT days, employers should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities.

KIT days are intended to facilitate a smooth return to work for employees returning from adoption leave.

An employee may work for up to a maximum of 10 KIT days without bringing their adoption leave to an end. Any days of work will not extend the adoption leave period.

The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace.

Any such work must be by agreement and neither the employer nor the employee can insist upon it.

The employee will be paid at their basic daily rate for the hours worked, less appropriate adoption leave payment for KIT days worked.

Working for part of any day will count as one KIT day.

3.10 Pre-Adoption Leave

Reasonable time off should be given to attend official meetings in the adoption process, such as court sessions and interviews.

Staff who wish to take advantage of this leave should advise their line manager in writing as soon as they are notified by the Adoption Agency that a child is to be placed with them for adoption and that time off may be required and proof of appointment will be required to support requests for leave.

In normal circumstances a maximum of five days (one working week) will be available for this purpose.

3.11 Miscellaneous provisions

3.11.1 Fixed-term contracts or training contracts

Employees subject to fixed-term or training contracts which expire between 11 weeks before and six weeks after the date of adoption and who satisfy the conditions in paragraphs 3.1 (i), and 3.1 (ii) (a), (b) and (d), shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid contractual and statutory adoption pay, and the remaining 13 weeks of unpaid adoption leave.

Absence on adoption leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

If there is no right of return to be exercised because the contract would have ended if adoption leave had not occurred, the repayment provisions set out in paragraph 2.10 above will not apply.

Employees on fixed-term contracts who do not meet the 12 months' continuous service condition set out in paragraph 3.1 (i) above, may still be entitled to Statutory Adoption Pay.

An employee on a fixed-term contract, satisfying the conditions for paid entitlement to leave, and whose contract expires between 11 weeks before and six weeks after the date of adoption, will have their contracts extended to enable them to receive 26 weeks' paid leave. If the right to return to work cannot be exercised because of the termination of the contract, pay cannot be reclaimed.

3.11.2 Rotational training contracts

Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, they shall have the right to return to

work in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if adoption leave had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

3.11.3 Employees not returning to NHS employment

An employee who satisfies the conditions in paragraph 3.1, except that they do not intend to work with the same or another NHS employer for a minimum period of three months after their adoption leave is ended, will be entitled to pay equivalent to Statutory Adoption Pay, which is paid at 90 per cent of their average weekly earnings for the first six weeks of their adoption leave and to a flat rate sum for the following 33 weeks.

3.11.4 Employees with less than 12 months' continuous service

If an employee does not satisfy the conditions in paragraph 3.1 for occupational adoption pay, but has 26 weeks' continuous service with their employer leading into the week in which they are notified of being matched with a child for adoption, they may be entitled to Statutory Adoption Pay, depending on their earnings level.

If the employee's earnings are too low for them to qualify for Statutory Adoption Pay, they may be entitled to other welfare benefits. In such circumstances, the employee should seek further information from their local Job Centre Plus or social security office.

3.11.5 Information about statutory maternity/adoption and paternity leave and pay

There are occasions when employees are entitled to other statutory benefits/allowances and Information about all statutory maternity/adoption and paternity rights can be found using the following links:

<https://www.gov.uk/search?q=maternity+leave>

<https://www.gov.uk/search?q=statutory+maternity+payml.html>

Information about health and safety for new and expectant mothers at work can be found using the following link:

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

4 Return to Work Arrangements

- 4.1** An employee who intends to return to work at the end of their full adoption leave will not be required to give any further notification to the employer, although if they wish to return early, they must give at least 28 days' notice.
- 4.2** An employee has the right to return to their job under their original contract and on no less favourable terms and conditions.
- 4.3** The line manager will arrange to meet with the employee on their return to work (ideally at the start of their first day back at work, but as soon as is reasonably practicable) who will be responsible for dealing with any housekeeping matters and ensuring that they settle in smoothly. In order to assist further in this regard, their manager will also:
- Arrange a catch-up meeting to update the employee on developments in their absence not previously notified to them;
 - Discuss the arrangements for handing work back to them;
 - Arrange for them to meet with other work colleagues to enable them to re-familiarise themselves with the workload and the relevant systems of work;
 - Discuss any training needs and ensure that these are addressed as soon as possible after their return;
 - Introduce them to any new members of staff;
 - Advise on parental leave entitlement;
 - Confirm the right to request flexible working arrangements;
 - Discuss any other operational matters.
- 4.4** Work should be handed back to the employee on a gradual basis with the aim that they will be completely up to speed and handling a workload appropriate to their contracted working hours within an agreed period following their return from adoption leave.
- 4.5 Returning on flexible working arrangements**
- If, at the end of adoption leave, the employee wishes to return to work on different hours, the NHS employer has a duty to consider this and to seek to facilitate this, wherever possible. The employee will return to work on different hours, in the same job. If this is not possible, the employer must provide written, objectively justifiable reasons for this and the employee shall, wherever possible, be given the option to

return to a role at the same pay band and undertaking work of a similar nature and status, to that which they held and undertook prior to their adoption leave absence. It may not be possible for an employee to have their flexible working request accommodated either in their existing role or through the provision of an alternative role.

If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect the employee's right to return to their job under their original contract, at the end of the agreed period.

4.6 Sickness following the end of adoption leave

In the event of illness following the date the employee was due to return to work, normal sick leave provisions will apply as necessary.

4.7 Failure to return to work

If an employee who has notified their employer of their intention to return to work for the same or a different NHS employer, in accordance with the above paragraph 3.1 (ii) (c) above, fails to do so within 15 months of the beginning of their adoption leave, they will be liable to refund the whole of their adoption pay, less any Statutory Adoption Pay, received. In cases where the employer considers that to enforce this provision would cause undue hardship or distress, the employer will have the discretion to waive their rights to recovery.

5 Dignity at Work

The organisation is committed to providing all reasonable support to employees who adopt or foster. Colleagues should be sensitive to this issue and should adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who adopt or foster. It is a requirement of this policy that all employees of the organisation respect this principle.

6 Questions or Concerns

[Name of organisation] recognises that, from time to time, employees may have questions or concerns relating to their adoption or fostering rights. It is the policy of [name of organisation] to encourage open discussion with employees

to ensure that questions and problems can be resolved as quickly as possible. As the adoption and fostering provisions are complex, if an employee is or is seeking to adopt/foster a child, they should clarify the relevant procedures with [name] to ensure that they are followed correctly.

7 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

8 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

Notification of adoption/fostering absence and/or application for adoption/foster leave pay (Annex 1)

Section A (to be completed by all applicants)

| | |
|---|--|
| Full name | |
| Home address | |
| Staff pay number | |
| Place of work | |
| Job title/Grade start | |
| Date and length of service | |
| Type of contract (e.g. permanent/ fixed-term etc.) | |
| Expected date of adoption/fostering | |

Section B (to be completed by staff that intend or may intend to return to work)

I am aware that my application for Adoption/Foster Leave will be considered in accordance with the conditions of service which have been explained to me. I enclose a copy of the Certificate of Adoption/Fostering, and declare that I shall return to work for an NHS employer for at least a period of three months:

(Please tick appropriate box)

No later than 26 weeks from the start of my period of adoption/fostering

No later than 52 weeks from the start of my period of adoption/fostering

I am uncertain at this time as to whether I will return to work

I understand that if I do not return to work for a period of at least three months following my adoption leave, I am to repay any payments made to me as set out in the Terms and Conditions of Service.

Signed Date

**Section C
(to be completed by staff who do not intend to return to work)**

I intend to resign and my last working day will be

I have read and understood the Terms and Conditions set out and enclose a copy of my Certificate of Adoption.

Signed Date

**Section D
(to be completed by Head of Department)**

I am aware of the applicant’s intention following a period of adoption/foster leave:

(Please tick appropriate box)

To return to work no later than 26 weeks from the start of the adoption/foster leave

To return to work no later than 52 weeks from the start of the adoption/foster leave

I am aware the applicant does not intend to return to work

The applicant is not sure whether they will return to work

I acknowledge receipt of the application form and confirm that the information contained in it is accurate.

Signed Date

Designation

**Section E
(to be completed by the Human Resources department)**

(Please tick appropriate box)

The applicant intends to return to work/may return to work following the adoption/foster leave and is entitled to leave as detailed in the enclosed copy letter

The applicant intends to resign following the adoption and is entitled to pay as detailed in the enclosed copy letter

Signed Date

Designation

Annex P: Childcare Guidance

1 Introduction

It is important that NHSScotland organisations have readily available advice for employees on childcare. It may be that in some circumstances assistance can be provided for employees with childcare responsibilities.

Childcare support can be provided in a variety of ways which may or may not have a financial implication for the organisation. Any support initiative which incurred costs to the organisation would have to be carefully researched to ensure that the benefits of the scheme justified the financial outlay.

2 Childcare Support Options

Detailed below are options that could be considered by organisations. It is important that employees are involved in the consideration of options and their views on the value of implementing any options are obtained. Options include:

2.1 Employer/Provider Partnerships

Partnerships between employers and childcare providers can have a number of advantages in setting up and running a childcare support project. Advantages can include:

- Capital costs for a new initiative can be shared at the outset – for example, a hospital could provide the site for a nursery while the childcare provider pays for construction or conversion;
- The employer can buy into an existing childcare resource, making a capital contribution in return for places for employees' children;
- There is more flexibility, especially for employers with dispersed sites, they can select places in a variety of locations so employees have the option of childcare near home or near work;
- The onus on a single employer to fill all the places in a new provision is reduced;
- The project benefits from the existing expertise of providers in setting up and managing childcare services.

2.2 Out of School and Holiday Play Schemes

Out of school schemes provide facilities for school children in periods before and after the normal school day. Partnerships with schools and other providers usually prove the most successful and effective, as children of staff may attend a number of different schools.

Various organisations provide on-site holiday play schemes for children of staff, although again partnership with other providers may provide more options for staff. All schemes need to be registered with the Local Council, and the facilities officially inspected.

2.3 Childcare Vouchers

Childcare vouchers can be purchased by an employer for the use of their employees to pay towards childcare costs. Vouchers are taxed as a benefit by the HM Revenue & Customs. Further information can be accessed at <https://www.gov.uk/help-with-childcare-costs/childcare-from-your-employer>

2.4 On-site Nursery

A workplace nursery is an option where large numbers of staff are employed on one site and live in the vicinity. Employers can set up their own nurseries or work in partnership with providers. As a pattern of provision it can be combined with off-site facilities for staff nearer to home.

Specific standards exist for nurseries, with space requirements for each age group set under the terms of the Children Act 1989. An outdoor play space will be needed. Quality inspection for nurseries is required. The local authority early years education or social services department will provide further information on registration requirements.

2.5 Child-minding Network

A child-minding network can be set up by appointing a coordinator to help staff find a local child-minder. Child-minders, who have to be registered with the local authority, take children into their own homes to care for them (in contrast to nannies who work in the child's home). The National Child-minding Association (Scottish Childminding Association in Scotland) can advise on starting up a local network.

2.6 Childcare Information Service

Every local authority provides free information about childcare services in the area. Information about Scottish local childcare can be accessed through visiting the Scottish Family Information Service website - <https://www.scottishfamilies.gov.uk/>

2.7 Working Tax Credit

Employers should produce and make available to staff information in relation to Working Tax Credit.

Usually, parents would qualify for tax credits to help with childcare if:

- they qualify for Working Tax Credit;
- they're responsible for the child;
- the childcare they pay for is registered or approved;
- they work the right number of hours for childcare tax credits (usually the requirement would be that each parent would have to work at least 16 hours a week each, but only one parent would have to work these hours if the other was in receipt of certain benefits, in hospital or prison).

Eligible parents can get these tax credits until the Saturday after 1 September following their child's 15th birthday (16th if they're disabled).

Further information on the childcare element of working tax credit can be accessed at www.gov.uk/help-with-childcare-costs/tax-credits

3 Conclusion

It is for individual employers to ascertain which support options will work for them and progress this locally. This guidance is included to provide background information that may be of use.

Appendix 2

PIN Policy Review Group

| | | |
|----------|-------------------|---|
| Members: | Bruce Anderson | Head of Partnership NHS Fife |
| | Edwina Cameron | Staff Governance Associate, Scottish Government |
| | Alison L Johnston | Staff Governance Associate, Scottish Government |
| | Ian Milne | HR Business Partner, NHS 24 |
| | Jackie Mitchell | National Officer, Royal College of Midwives |
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| | Susan B Russell | Staff Governance Associate, Scottish Government |



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