

Caban Y Faenol CYF

Staffing Policy

The Management Committee is the employer of every member of Caban Y Faenol staff. The aim of the Committee is to be a good, fair and caring employer, and to offer opportunities to further the professional development of the staff.

CODE OF PRACTICE

The Committee will:

- advertise any vacant post in the club, specifying any qualifications or experience required of the person appointed.
- draw up a short list fairly and objectively, and organise interviews before any appointment is made.
- ensure that every post is subject to a probation period.

The Manager will:

- provide an induction meeting for a new member of staff, before or on the worker's first day in his/her post.
- organise a comprehensive induction programme of training within the first week from starting in the post.
- monitor the achievement of staff members every term and hold a formal evaluation of every member of staff annually.
- operate a procedure for managing performance; monitoring and reviewing regularly in a situation where a member of staff is not performing satisfactorily. Set targets and actions for the member of staff to reach and undertake in the long and short term. If the performance is still unsatisfactory the Committee will consider not confirming a post or operating the Disciplinary Procedure. **The Committee, as the employer, will not allow a situation of underachievement by a member of staff to continue without devising a specific action plan to try to resolve the matter.**
- keep ongoing records about every member of staff in accordance with the requirements of the regulations of the Children Act, and in confidence. ensure that the member of staff appointed complies with the requirements of the Care and Social Services Inspectorate Wales, and is in line with the 2004 Children Act and current Employment Laws.
- ensure that every new member of staff presents the following documentation before the appointment is confirmed and before the member of staff starts working
 - full employment history including an explanation for any break in employment
 - a satisfactory criminal check by the DBS
 - two satisfactory references, including one by the last employer
 - an identity document e.g. passport, birth certificate
 - certificates of qualifications.
- ensure that the correct number of the assistant staff have recognised qualifications on the Qualifications and Credit Framework Wales (www.cwales.org.uk).
- ensure that the staff have relevant experience.

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- ensure that the staff have an appropriate and satisfactory level of competence in Welsh.
- present every member of staff with a formal and appropriate Work Contract
- record in writing any variation in the work conditions and keep this in the individual's personal file.
- encourage the staff to undertake professional development training (CPD) in order to improve their skills and knowledge in the workplace
- provide staff with opportunities to attend relevant training courses, subject to financial considerations and availability of supply staffing.
- consider contributing towards the course fees, the wage, travelling costs and subsistence.

Absence

Reporting a Sickness

If a member of staff is absent from work due to sickness, he/she must follow the following procedures:

- contact the Manager **as soon as possible** on the first day of the absence. If an employee is unable to contact the manager he/she must contact a deputy manager. Failure to follow this procedure may be deemed as unauthorised absence and employees may not be paid.
- indicate when he/she is likely to return to work. If unable to return when originally anticipated, he/she must ensure that the Manager is fully informed of the changes and of developments.
- after returning to work, complete a self-certification form for any absences from one day to 5 working days (7 days including a weekend).
- obtain a fitness note from a doctor if absent from work for more than seven days (including weekends). This must be sent to the Manager as soon as possible and, at the latest, by the 10th day of absence. Caban Y Faenol reserve the right to request a fitness note for shorter absences.
- inform the Manager immediately if the employee has come into contact with an infectious disease. In such cases, it may be necessary for individuals to stay away from work on paid leave – only the Manager has the right to decide and authorise this.
- attend a Return to Work Interview with the Manager following absence from work because of sickness. The purpose of this interview is to welcome the individual back to work and to update him/her on any relevant matters which have occurred during the period of absence, and to discuss the reasons for the absence.

Sick Pay

Staff are entitled to 10 days of paid sick leave per year. Should sickness last more than 10 days, if all sick days have been used, then you will receive statutory sick pay. You are able to self-certify for up to 7 days sick leave, any more than this then you must get a sickness notice from your doctor.

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Caban Y Faenol will pay Statutory Sick Pay (SSP) to the workers who are entitled to it, for a period of up to 28 weeks in one period of incapacity for work (PIW), or an associated period of incapacity for work. The 28 weeks do not have to run consecutively or to occur all in the same period, but can occur over several linked periods of sickness. Employees are covered by SSP if they are absent due to sickness for four or more consecutive days, including the weekend.

Statutory Sick Pay payments are taxable.

Long Term Sickness

In the event that sickness lasts for 4 weeks or more, the absence will be classified as long-term. Should this be the case, the Manager will meet with the employee to try and establish the reasons for the absence and how long it is likely to last. Following this, the Committee may decide to refer the worker to an independent Occupational Health Doctor. The Committee can also contact the individual's doctor or specialist consultant. The Manager will seek consent from the member of staff in such an event.

If, on returning to work, attendance does not improve, or if long-term absence continues, there will be a further discussion. At this stage, unless Caban Y Faenol has reasonable grounds to believe that there will be an improvement in the foreseeable future, dismissal on the grounds of incapacity due to ill health will be considered. In such a situation the Manager will seek specialist advice.

The Manager will be present at every meeting concerning long-term ill-health matters.

Unpaid Absence

Unpaid leave can only be granted at the discretion of the Manager and every case will be considered on its own merits.

Medical Appointments

Every member of staff is expected to attend routine medical appointments outside their contracted working hours. The member of staff must seek agreement in advance from the Manager to attend a hospital appointment which might take in excess of 2 hours during working hours.

Essential Planned or Emergency Non Cosmetic Procedures

Should a member of staff be required to have an essential non cosmetic medical procedure/surgery which is either pre-planned or an emergency where they will require time off work to recover then they will receive full pay for the first 2 weeks of absence beginning on the first day of absence. They will then receive 60% of their pay or Statutory sick pay depending on which is greater. After these 4 weeks Caban Y Faenol will pay Statutory Sick Pay (SSP) to the workers who are entitled to it, for a period of up to 28 weeks in one period of incapacity for work (PIW), or an associated period of incapacity for work. The 28 weeks do not have to run consecutively or to occur all in the same period, but can occur over several linked periods of sickness.

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Injury

Caban Y Faenol CYF will ensure that the employment is in accordance with the Employers' Liability (Compulsory Insurance) Act 1969 as amended. Should a worker suffer an injury in the course of his/her work, the Manager should be notified as soon as possible.

Absence due to a Dependent's Illness

In the event of absence due to the illness of a dependent, the member of staff will discuss the situation with Manager. The Manager has the right to decide whether wages will be paid for this period. The right is reserved to seek medical evidence of the dependent's illness, if necessary.

Compassionate Leave

All applications for compassionate leave must be agreed with the Manager.

Jury Service

If a member of staff is called for Jury Service, he/she will be given time off to attend and he/she must claim the expenses, including those for loss of earnings, allowed by the Court. The member of staff must notify the Manager of the amount of reimbursement for loss of earnings that he/she receives from the Court. Caban Y Faenol will continue to pay a salary during the period of Jury Service, and then deduct the amount reimbursed by the Court from the following month's salary.

DISCIPLINARY PROCEDURE

Caban Y Faenol expects every member of staff to achieve and maintain high standards of conduct, behaviour, attendance and work performance at all times.

The Manager and members of the Committee will ensure that these standards are maintained by agreeing upon expected standards and development opportunities with the staff, and offer guidance and support, as appropriate.

If conduct or behaviour falls below acceptable standards, the Manager will resolve the situation by means of fair, reasonable, consistent and non-discriminatory methods.

The Management will:

- ensure that no disciplinary action is taken until all allegations have been fully investigated; once it has been decided that an investigation is required, this will take place without undue delay.
- ensure that witness statements and the records of every inquiry and disciplinary case will be kept confidentially in individual personnel files.
- ensure that staff receive full details of the complaint(s) at every stage in the Procedure and receive all the relevant evidence, including witness statements, where possible, before any disciplinary hearing is held.
- offer the staff an opportunity to answer, explain or defend any allegation before any decisions are reached.

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- ensure that the staff are aware of their right to be accompanied by a Trade Union Official, or work colleague during any disciplinary hearing.
- ensure that workers will not be dismissed for a first offence, except in the case of Gross Misconduct when the penalty will be dismissal without notice or payment in lieu of notice.
- ensure that an explanation will be given for any punishment imposed.
- notify the staff that they have a right to appeal against any punishment imposed.

The following procedure may be implemented at any stage if the alleged misconduct warrants such action.

Procedure

In the event of an unacceptable incident or behaviour a full investigation must be held into the matter.

The Manager will:

- ask each individual involved in the incident for a written statement at once, before memories fade.
- decide upon one or two members of the Committee to hold the investigation, gathering any evidence associated with the incident.
- hold an investigative meeting with the witnesses and the member of staff involved.
- decide upon the actions to be taken having investigated all the facts. These can include:
 - not taking any further steps, if there is insufficient evidence to prove the allegation;
 - deciding to provide training or reviewing Caban Y Faenol's policies/procedures;
 - arranging to deal with the matter under the Disciplinary Procedure.

The Management will consider each case individually, and when it is decided that there is insufficient evidence to follow the Disciplinary Procedure, the situation can be resolved by holding a meeting, offering advice, training and new guidelines to the staff.

In some circumstances the Committee will consider suspension from work with pay for a brief period while the investigation is conducted. The Manager has the right to implement such a suspension, after due consideration. The Committee will send a letter to the individual confirming the allegation against him/her and outlining the conditions of the suspension. The Committee will review the suspension weekly to ensure that it does not continue unnecessarily. Suspension is not considered a disciplinary procedure.

Before a decision is reached or any disciplinary action taken (including a verbal warning), the Committee will hold a disciplinary hearing. The hearing will give the member of staff an opportunity to respond to the allegation, to explain or defend him/herself. A full record of the disciplinary action will be kept on file confidentially.

Following the Disciplinary Hearing, the Disciplinary Panel will consider whether any of the following disciplinary actions need to be taken:

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Verbal Warning

A verbal warning is the least serious formal warning in the disciplinary procedure. The verbal warning will include the following:

- details of the allegation and the evidence which has led to the verbal warning
- confirmation that this is the first step in the Disciplinary Procedure
- the required improvement or change of behaviour, how this will be monitored and the period of time which will be allowed for this
- the right to appeal and also how and to whom to appeal.

A copy of the Verbal Warning will be kept in the Personnel File but it will be disregarded for disciplinary purposes after 3 months.

Written Warning

If the offence is regarded as more serious, or the improvements outlined in the verbal warning stage have not been made, the Manager can issue a formal written warning. The written warning will include the following:

- details of the allegation and the evidence which have led to the written warning
- the improvement or change in behaviour required, how it will be monitored and the time period allowed for this
- the right to appeal, how and to whom to appeal
- a warning that a further disciplinary step will be considered if no satisfactory improvement or change takes place and is maintained.

A copy of the Written Warning will be kept in the Personnel File, but it will be disregarded for disciplinary purposes after 6 months.

Final Written Warning

When the offence is sufficiently serious, or if there is further misconduct during the period of the previous warning, the Manager can issue a final written warning. The final written warning will include the following:

- details of the allegation and the evidence which have led to the final written warning
- the required improvement or change of conduct, how this will be monitored and the time period allowed for this
- the right to appeal, how and to whom to appeal
- a warning that failure to improve or change conduct could lead to dismissal.

A copy of this final written warning will be kept in the Personnel File, but will be disregarded for disciplinary purposes after 12 months.

Dismissal or other Sanction

If the misconduct is deemed to be serious or gross, or if there is further misconduct during the period of the previous period of warning, the Management/Committee can consider dismissal. If this happens, the committee will write to the individual and provide the following information:

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- details of the allegation and the evidence which have led to the dismissal
- the last date of employment
- the right to appeal, how and to whom to appeal

The Manager will be responsible for conveying this decision on behalf of the Committee.

Employment will be terminated with a contractual or statutory notice, except in cases of summary dismissal for gross misconduct.

Gross Misconduct

The following list, whilst not exhaustive, provides some examples which could lead to summary dismissal:

- child abuse
- not acting on suspicions of child abuse
- theft, fraud, deliberate falsification of records
- discourtesy towards a member of the public, objectionable or insulting behaviour, bullying or obscene language
- physical violence
- grievous bullying or harassment
- deliberate damage to property
- leaving the premises without permission during working hours
- gross insubordination
- misuse or abuse of Caban Y Faenol's name or property
- bringing Caban Y Faenol into serious disrepute
- being under the influence of alcohol or illegal drugs
- possessing or supplying of illegal drugs
- gross negligence which causes or could cause unacceptable loss, damage or injury
- serious breach of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- unauthorised entry to Caban Y Faenol's records.

If a member of staff is convicted of a criminal offence outside the workplace, he/she will not automatically be dealt with through this Disciplinary Procedure. Each case will be considered on its own merits. Consideration will be given to the relevance of the offence to the responsibilities of the post, and also to whether it makes the worker unsuitable for his/her specific work or unacceptable to fellow colleagues/clients.

Appeals

Every member of staff has a right to appeal against any action taken under the Disciplinary Procedure. No-one present at any stage of the Disciplinary Procedure will be involved in the appeal process.

If a member of staff wishes to appeal, he/she should do so in writing within five working days of the date of the letter advising him/her of the outcome of the Disciplinary Hearing.

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The appeal will heard by up to 3 members of the Management Committee. If this is not possible an independent external consultant can join the appeal panel. Its decision will be final. At the Appeal, any punishment imposed will be reviewed, but it cannot be increased.

Members of staff have a statutory right to be accompanied at an appeal hearing by a colleague or Trade Union Official.

Grievances

Occasionally, workers may experience problems or concerns about their work, their working environment or their relationships with colleagues. Caban Y Faenol's Complaints Policy provides a means for dealing with these issues fairly and speedily before they develop into major problems.

In the first instance, the Manager will deal with any grievance, to seek a resolution. The Manager will keep a record of informal discussions concerning a complaint.

When the grievance cannot be resolved informally, it will be dealt with as follows:

Procedure

First Stage

The matter should be raised verbally in the first instance, or if preferred presented in writing to the Manager. If the grievance is against the Manager, the matter should be raised in confidence with another member of the Committee. Following receiving such a complaint, an inquiry will be held and a grievance hearing arranged. After due consideration the result of the inquiry will be conveyed to the complainant in writing, if possible within 10 working days of receiving the complaint. The complainant will be informed of his/her right to appeal in the letter which notes the decision.

Second Stage

If the complainant disagrees with the result of Stage 1, he/she can appeal. The appeal should be presented in writing to the person who held the inquiry within 5 working days from receiving the decision of the inquiry. The Appeal Panel will not include any person who was involved in the original inquiry. The Appeal Panel will invite the complainant to meet in order to reconsider the matter. A decision will be conveyed in writing, if possible, within 10 working days of receiving the application for an appeal. This decision will be final.

At any stage in this Procedure members of staff will have a statutory right to be accompanied by a colleague or a Trade Union Official at any meeting.

MATERNITY, PATERNITY, PARENTAL AND ADOPTION RIGHTS

Maternity

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This policy outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth, and sets out the arrangements for ante-natal care, pregnancy-related sickness, health and safety, and maternity leave. It does not apply to agency workers or the self-employed.

Responsibility for implementing the policy

The Manager has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Manager.

The Manager has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Notification

Members of staff must inform the Manager as soon as possible when they are pregnant. This is important as there may be health and safety considerations.

Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, members of staff must inform the Committee in writing:

- that they are pregnant;
- the Expected Week of Childbirth (EWC); and
- the date on which they would like to start their maternity leave

A certificate from a doctor or midwife (usually on a MAT B1 form) must be provided confirming the EWC.

Time off for ante-natal care

Members of staff who are pregnant may take reasonable paid time off during working hours for ante-natal care. As much notice as possible should be given of the appointment.

The Committee may ask members of staff to provide the following, unless it is the first appointment:

- a certificate from the doctor, midwife or health visitor stating that the member of staff is pregnant; and
- an appointment card.

Sickness

Periods of pregnancy-related sickness absence shall be paid in accordance with the Sick Pay policy in the same manner as any other sickness absence.

Periods of pregnancy-related sickness absence from the start of the pregnancy until the end of the maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

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If a member of staff is absent for a pregnancy-related reason during the four weeks before EWC, the maternity leave will usually start automatically.

Health and Safety

Caban Y Faenol has a general duty to take care of the health and safety of all employees. Caban Y Faenol is also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

The Manager will provide members of staff with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If the Manager/Committee considers that, as a new or expectant mother, an employee would be exposed to health hazards in carrying out their normal work, necessary steps will be taken (for as long as they are necessary) to avoid those risks. This may involve:

- changing working conditions or hours of work;
- offering suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- suspension from duties, on full pay unless the member of staff has unreasonably refused suitable alternative work.

Entitlement to maternity leave

All employees are entitled to up to 52 weeks' maternity leave which is divided into ordinary maternity leave of 26 weeks (OML); and additional maternity leave of a further 26 weeks immediately following OML (AML).

Starting maternity leave

The earliest date a pregnant member of staff can start maternity leave is 11 weeks before the EWC unless the child is born prematurely before that date. The member of staff must notify the Manager of the Intended Start Date. The Manager will then write to the member of staff within 28 days to inform them of the expected return date if the full entitlement to maternity leave is taken (Expected Return Date).

The Intended Start Date can be postponed, this will need to be confirmed in writing to the Manager at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.

The Intended Start Date can be brought forward by informing the Manager at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

Maternity leave shall start on the earlier of:

- the Intended Start Date (if notified in accordance with this policy); or

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- the day after any day on which the member of staff is absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or
- the day after the birth date.

If a member of staff is absent for a pregnancy-related reason during the four weeks before the EWC, they must inform the Manager as soon as possible in writing.

If a member of staff gives birth before the maternity leave was due to start, they must inform the Manager confirming the date of the birth in writing as soon as possible.

The law prohibits mothers from working during the two weeks following childbirth.

Shortly before maternity leave starts, arrangements for covering the work and the opportunities for keeping in contact (should the member of staff wish to do so) will be discussed. Unless otherwise requested the member of staff will remain on circulation lists for internal news, job vacancies, training and work-related social events.

Statutory maternity pay

Statutory maternity pay (**SMP**) is payable for up to 39 weeks. SMP will stop being payable if a member of staff returns to work (except when they are simply keeping in touch).

Members of staff are entitled to SMP if:

- they have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed during that week;
- the average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government;
- a doctor or midwife's certificate (MAT B1 form) has been provided stating the EWC;
- at least 28 days' notice (or, if that is not possible, as much notice as possible) has been given of the intention to take maternity leave; and
- they are still pregnant 11 weeks before the start of the EWC or have already given birth.

SMP is calculated as follows:

- First six weeks: SMP is paid at the Earnings-Related Rate of 90% of your average weekly earnings calculated over the Relevant Period;
- Remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.

SMP accrues from the day on which a member of staff commence their OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

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Members of staff shall still be eligible for SMP if they leave employment for any reason after the start of the Qualifying Week (for example, if they resign or are made redundant). In such cases, if the maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:

- the week following the week in which employment ends; or
- the eleventh week before the EWC.

If a member of staff becomes eligible for a pay rise before the end of the maternity leave, they will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that the SMP will be recalculated and increased retrospectively, or that they may qualify for SMP if they did not previously qualify. A lump sum will be paid to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

Terms and conditions during OML and AML

All the terms and conditions of employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- benefits in kind (if any) such as life insurance, health insurance, gym membership etc shall continue;
- annual leave entitlement under the contract shall continue to accrue; and
- pension benefits (if any) shall continue.

Annual leave

During OML and AML, annual leave will accrue at the rate provided under the contract.

Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during the maternity leave, members of staff should ensure that they have taken the full year's entitlement before starting the maternity leave.

Caban Y Faenol holiday year runs from 1 April to 31 March.

Pensions

During OML and any further period of paid maternity leave employer contributions that is usually made into a money-purchase pension scheme shall continue, based on what the earnings would have been if they had not been on maternity leave provided that they continue to make contributions based on the maternity pay they are receiving. If they wish to increase the contributions to make up any shortfall from those based on the normal salary the member of staff should contact the Treasurer to inform them of this.

The period of OML and any further period of paid maternity leave counts towards the final-salary pension scheme as pensionable service, provided they make the necessary minimum contributions based on the maternity pay they are receiving.

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During unpaid AML Caban Y Faenol shall not make any payments into a money purchase scheme and the time shall not count as pensionable service under the final salary scheme. The member of staff does not have to make any contributions but they can if they wish to do so, or they may make up for missed contributions at a later date.

Redundancies during maternity leave

In the event that the post is affected by a redundancy situation occurring during maternity leave, the Committee shall write to the member of staff to inform them of any proposals and invite the member of staff to a meeting before any final decision is reached as to continued employment.

Keeping in touch

The Committee/Leader may make reasonable contact with the member of staff from time to time during the maternity leave. The member of staff may work (including attending training) for up to ten days during maternity leave without bringing the maternity leave or SMP to an end. The arrangements, including pay, would be set by agreement with the Committee. The member of staff is not obliged to undertake any such work during maternity leave. In any case, the member of staff must not work in the two weeks following birth.

Shortly before the member of staff is due to return to work, the Committee/Leader may invite her to have a discussion (whether in person or by telephone) about the arrangements for return. This may cover:

- updating on any changes that have occurred during the absence;
- any training needs she may have; and
- any changes to working arrangements (for example if a request has been made to work part-time).

Expected return date

Once the member of staff has notified the Committee in writing of the Intended Start Date, a letter shall be sent within 28 days to inform her of the Expected Return Date. If the start date has been changed (either because the member of staff provided notice to change it, or because maternity leave started early due to illness or premature childbirth) the Committee shall write to the member of staff within 28 days of the start of maternity leave with a revised Expected Return Date.

The member of staff will be expected to return on the Expected Return Date unless the Management/Committee is informed otherwise.

Returning early

If a member of staff wishes to return to work earlier than the Expected Return Date, she must give the Committee eight weeks' prior notice. It is helpful if this notice is provided in writing.

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If not enough notice is given, the Management/Committee may postpone the return date until eight weeks after the notice is provided, or to the Expected Return Date if sooner.

Returning late

If a member of staff wishes to return later than the Expected Return Date, they should either:

- request unpaid parental leave in accordance with the Parental Leave Policy giving the Committee as much notice as possible but not less than 21 days; or
- request paid annual leave in accordance with the contract, which will be at the Committee's discretion.

If a member of staff is unable to return to work due to sickness or injury, this will be treated as sickness absence and the Sickness Absence Policy will apply. In any other case, late return will be treated as unauthorised absence.

Deciding not to return

If a member of staff decides not to return to work, or is unsure, it is helpful if they discuss this with the Manager as early as possible. If a member of staff decides not to return they should give notice of resignation in accordance with the contract. The amount of maternity leave left to run when the notice is given must be at least equal to the contractual notice period, otherwise the Management Committee may require the member of staff to return to work for the remainder of the notice period. Once the member of staff has given notice that they will not be returning to work, they cannot change their mind without agreement from the Committee. This does not affect the member of staff's right to receive SMP.

Rights when a member of staff returns

A member of staff is normally entitled to return to work in the same position as she held before commencing leave. The terms of employment shall be the same as they would have been had she not been absent.

However, if the member of staff has taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for the Committee to allow her to return into the same position, the Manager may give the member of staff another suitable and appropriate job on terms and conditions that are not less favourable.

Returning to work part-time

The Manager will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but members of staff do have a statutory right to request flexible working and the Manager will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

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PATERNITY

This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it. The policy does not apply to agency workers or the self-employed.

No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.

Responsibility for implementing the policy

The Management Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee shall delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Manager.

The Manager has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Entitlement to paternity leave

Certain employees can take paternity leave in relation to the birth or adoption of a child. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave.

Members of staff are entitled to ordinary paternity leave (OPL) if they meet all the following conditions:

- they have been continuously employed by the Caban Y Faenol for at least 26 weeks ending with:
 - in birth cases, the week immediately before the 14th week before the EWC;
 - in adoption cases, the week in which the member of staff or their Partner are notified by an adoption agency that they have been matched with a child; and
- the member of staff:
 - is the biological father of the child;
 - has been matched with a child by an adoption agency;
 - is the spouse, civil partner or Partner of the child's mother; or
 - is the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency; and
- the member of staff:
 - expect to has main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
 - is the child's biological father and expect to have some responsibility for the child's upbringing; and
- the intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

The member of staff is entitled to additional paternity leave (APL) if, in addition to the conditions above,

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- the member of staff remains employed by Caban Y Faenol until the week before the first week of the APL;
- the child's mother or co-adopter, as the case may be, has been entitled to statutory leave:
- in birth cases, the child's mother has been entitled to maternity leave, statutory maternity pay or maternity allowance in respect of her pregnancy; or
- in adoption cases, the child's adopter has been entitled to one or both of adoption leave or statutory adoption pay in respect of the child's adoption; and
- the child's mother or co-adopter, as the case may be, had returned to work.

Timing and length of paternity leave

OPL must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

OPL can be taken from the date of the child's birth or adoption placement, but must end:

- In birth cases, within 56 days of the child's birth, or if the child was born before the first day of the Expected week of Childbirth, within 56 days of the first day of the Expected Week of Childbirth; or
- In adoption cases, within 56 days of the child's placement.

APL must be taken as multiples of complete weeks and as one period. The minimum amount of APL that can be taken is two weeks and the maximum is 26 weeks. APL must be taken in the period beginning 20 weeks after the child's date of birth, or adoption placement, and ending 12 months after that date of birth or adoption.

Notification (birth)

If a member of staff wishes to take OPL in relation to a child's birth, they must give the Committee notice in writing of intention to do so and confirm:

- The Expected Week of Childbirth;
- whether the member of staff intends to take one week's leave or two consecutive weeks' leave;
- when the member of staff would like to start the leave. The member of staff can state that the leave will start on:
 - the day of the child's birth;
 - a day which is a specified number of days after the child's birth; or
 - a specific date later than the first date of the Expected Week of Childbirth.

Notice must also be given before the 14th week prior to the Expected Week of Childbirth (or, if this is not possible, as soon as possible).

The Committee may require a signed declaration from the member of staff that the OPL is being taken for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.

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If members of staff wish to take APL in relation to a child's birth, then member of staff must provide the Committee with the following at least eight weeks before the date on which the leave is to start:

- A written "leave notice" stating:
 - the Expected Week of Childbirth;
 - the child's date of birth; and
 - the dates on which the member of staff wishes the APL to start and finish.
- A signed "employee declaration" confirming that:
 - the member of staff is either the child's father or the spouse, partner or civil partner of the child's mother;
 - apart from the child's mother, the member of staff expects to have the main responsibility for the upbringing of the child; and
 - the member of staff wishes to take APL in order to care for the child.
- A written "mother declaration" from the child's mother stating:
 - her name, address and National Insurance number;
 - the date she intends to return to work;
 - the member of staff's relationship with the child;
 - that, to her knowledge, the member of staff is the only person exercising an entitlement to APL in respect of the child; and
 - that she consents to the Committee processing the information she has provided.

The Committee will write to the member of staff to confirm the start and finish dates of the APL within 28 days of receiving the leave notice, the employee declaration and the child's mother's declaration.

The Committee may require the member of staff to provide a copy of the child's birth certificate and the name and address of the mother's employer or, if she is self-employed, her business address.

Notification (adoption)

If a member of staff wishes to take OPL in relation to the adoption of a child, the member of staff must give the Committee notice in writing of the intention to do so and confirm:

- the date on which the member of staff and/or the spouse, civil partner or Partner were notified of having been matched with the child, together with the Expected Placement Date;
- whether the member of staff intend to take one week's leave or two consecutive weeks' leave; and
- when the member of staff would like to start the leave. The member of staff can state that the leave will start on:
 - the day on which the child is placed with the member of staff or the adopter;
 - a day which is a specified number of days after the child's placement; or
 - a specific date later than the Expected Placement Date.

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The member of staff must give notice no more than seven days after the member of staff and/or spouse, civil partner or Partner were notified of having been matched with the child (or, if this is not possible, as soon as possible).

The Committee may require a signed declaration from the member of staff that OPL is being taken for a purpose for which it is intended; namely, to care for the child or to support the spouse, civil partner or Partner in caring for the child.

If a member of staff wishes to take APL following a child's adoption, the member of staff must provide the Committee with the following at least eight weeks before the date on which the leave commences:

- A written "leave notice" stating:
 - the date on which the member of staff was notified of a match with the child;
 - the date on which the child was placed with the member of staff; and
 - the dates on which the member of staff would like the APL to start and finish.
- A signed "employee declaration" confirming that:
 - the member of staff has been matched for adoption with the child;
 - the member of staff is the spouse, Partner or civil partner of the child's co-adopter;and
 - the member of staff wishes to take APL in order to care for the child.
- A written "adopter declaration" from the child's adopter stating:
 - the name, address and National Insurance number;
 - the date the adopted intends to return to work;
 - that the member of staff is the spouse, Partner or civil partner of the member of staff; and
 - that the adopted consent for the Committee to process the information provided.

The Committee will write to the member of staff to confirm the start and finish dates of the APL within 28 days of receiving the leave notice, the employee declaration and the adopter's declaration.

The Committee may require the member of staff to provide the following:

- the name and address of the adopter's employer or, if they are self-employed, the business address;
- documentary evidence issued by the adoption agency that matched the member of staff with the child which confirms:
 - the name and address of the adoption agency;
 - the date on which the member of staff was notified of a match with the child;and
 - the date on which the agency expected to place the child with the member of staff.
 - changing the dates of OPL or APL.

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Where the member of staff is to take OPL in respect of a child's birth, the member of staff can give the Committee written notice to vary the start date of the leave from that which was originally specified in the notice.

This notice should be given:

- where the member of staff wishes to vary the leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth.
- where the member of staff wishes to vary the leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth.
- where the member of staff wishes to vary the leave to start on a specific date (or a different date from that was originally specified), at least 28 days before that date.
- where the member of staff is to take OPL in respect of a child's adoption, the member of staff can give the Committee written notice to vary the start date of the leave from that which was originally specified in the notice. This notice should be given:
 - where the member of staff wishes to vary the leave to start on the day that the child is placed with the member of staff or the adopter, at least 28 days before the Expected Placement Date;
- - where the member of staff wishes to vary the leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the Expected Placement Date; or
 - where the member of staff wishes to vary the leave to start on a specific date (or a different date from that was originally specified), at least 28 days before that date.

If a member of staff is unable to give the Committee 28 days' written notice of the wish to vary the start of the leave as set out above, the member of staff should give the Committee written notice of the change as soon as possible.

Where a member of staff wants to take APL, following either the birth or adoption of a child, the member of staff is entitled to give the Committee written notice to cancel or vary the start and/or finish dates that were previously notified.

This needs to be done:

- at least six weeks before the date that was originally confirmed as the date on which APL was to start; or
- if the member of staff wants to start the APL earlier than that original start date, at least six weeks before the date on which the member of staff now wishes the APL to start.

If the member of staff is unable to give six weeks' notice written notice should be given to the Committee as soon as possible. However, in these circumstances, if the Committee is unable to accommodate the request, the Committee may require the

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member of staff to take a period of APL of up to six weeks starting on either the original or revised start date.

Statutory Paternity Pay

In this paragraph, Relevant Period means:

- in birth cases, the eight-week period ending immediately before the 14th week before the Expected Week of Childbirth.
- in adoption cases, the eight-week period ending immediately before the week in which the member of staff or the spouse, civil partner or Partner were notified of being matched with the child.

If the member of staff takes OPL in accordance with this policy, the member of staff will be entitled to ordinary statutory paternity pay (OSPP) if, during the Relevant Period, the average weekly earnings are not less than the lower earnings limit set by the government.

If the member of staff takes APL in accordance with this policy, the member of staff may be entitled to additional statutory paternity pay (ASPP). Whether and, if so, for how long the member of staff may be entitled to ASPP will depend on:

- the average weekly earnings being not less than the lower earnings limit set by the government during the Relevant Period; and
- the child's mother or the co-adopter, as the case may be, having returned to work without having taken at least two weeks maternity allowance, maternity pay or adoption pay period.

The member of staff's entitlement to ASPP will equate to the number of weeks of unexpired maternity allowance, maternity pay or adoption pay that remained when the child's mother or co-adopter returned to work.

OSPP and ASPP are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of the average weekly earnings calculated over the Relevant Period if this is lower.

Terms and conditions during OPL and APL

All the terms and conditions of employment remain in force during OPL and APL, except for the terms relating to pay. In particular:

- Benefits in kind [such as life insurance, health insurance, gym membership and use of a company vehicle if applicable] shall continue;
- Annual leave entitlement under the contract shall continue to accrue; and
- Pension benefits shall continue.

Annual leave

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During OPL and APL, annual leave will accrue at the rate provided under the contract.

Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during the absence on paternity leave, the member of staff should ensure that the member of staff has taken the full year's entitlement before the paternity leave starts.

Caban Y Faenol's holiday year runs from 1 April to 31 March.

Pensions

During OPL and APL Caban Y Faenol shall continue to make any employer contributions that is usually made into a money-purchase pension scheme, based on what the earnings would have been if the member of staff had not been on paternity leave provided that the member of staff continue to make contributions based on the paternity pay the member of staff is receiving.

If the member of staff wishes to increase contributions to make up any shortfall from those based on the normal salary the Treasurer should be informed of this.

The periods of both OPL and APL count towards the final-salary pension scheme as pensionable service, provided the member of staff makes the necessary minimum contributions based on the paternity pay the member of staff is receiving.

Redundancies during APL

In the event that the post is affected by a redundancy situation occurring during paternity leave, the Committee shall write to inform the member of staff of any proposals and shall invite the member of staff to a meeting before any final decision is reached as to continued employment.

Keeping in touch during APL

The Committee may make reasonable contact with the member of staff from time to time during your APL. The member of staff may work (including attending training) for up to ten days during APL without bringing the paternity leave or ASPP to an end. The arrangements, including pay, would be set by agreement with the Committee. Members of staff are not obliged to undertake any such work during paternity leave.

Shortly before the member of staff is due to return to work, the Committee may invite the member of staff to have a discussion (whether in person or by telephone) about the arrangements for return. This may cover:

- updating on any changes that have occurred during the absence;
- any training needs; and
- any changes to working arrangements (for example, that may have been requested and come into effect on their return).

Returning to work

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Members of staff are normally entitled to return to work following either OPL or APL to the same position they held before commencing leave. The terms of employment will be the same as they would have been had the member of staff not been absent. However, if the member of staff has combined the OPL or APL with a period of:

- additional paternity leave;
- additional adoption leave; or
- parental leave of more than four weeks,
- and it is not reasonably practicable for them to return to the same job, the Committee will offer a suitable and appropriate alternative position.

If the member of staff wishes to return early from APL, at least six weeks' prior notice must be given to the Committee. If the member of staff wishes to postpone the return from APL, the member of staff should either:

- Request unpaid parental leave in accordance with the Parental Leave Policy, giving the Committee as much notice as possible but not less than 21 days; or
- Request paid annual leave in accordance with the contract, which will be at the Committee's discretion.

If the member of staff is unable to return to work from APL as expected due to sickness or injury, this will be treated as sickness absence and the Sickness Absence Policy will apply.

In all other case, a late return will be treated as unauthorised absence.

The Committee will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis. The Committee will try to accommodate the wishes of the member of staff unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

If the member of staff does not intend to return to work or unsure, it is helpful if the member of staff discuss this with the Committee as early as possible. If the member of staff decides not to return resignation should be submitted in accordance with the contract. Once this has been done the member of staff cannot change their mind without the Committee's agreement. This does not affect the member of staff's right to receive SPP.

PARENTAL LEAVE

Policy statement

The law recognises and Caban Y Faenol respects that there will be occasions when working parents wish to take time off work to care for or spend time with their child or children.

This policy reflects the statutory right of employees with at least one year's continuous service to take up to 13 weeks' unpaid parental leave in respect of each child, and up to

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18 weeks' unpaid parental leave in respect of a child who is entitled to disability living allowance.

No-one will be disadvantaged for taking or seeking to take parental leave in accordance with this policy.

This policy does not apply to agency workers, consultants or self-employed contractors.

Responsibility for implementing the policy

The Caban Y Faenol Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Manager.

The Manager has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Entitlement to parental leave

Employees who fulfil the criteria set out below are entitled to take up to 13 weeks' parental leave in relation to each child for whom they are responsible. This entitlement is increased to 18 weeks where the child is entitled to a disability living allowance.

Any parental leave that employees take in relation to a child while working for another employer counts towards their 13 (or 18) week entitlement. If a member of staff has taken parental leave in relation to a child during previous or concurrent employment, they should provide details to the Committee.

To take a period of parental leave in relation to a child, the member of staff must:

- have at least one year's continuous employment;
- have or expect to have responsibility for the child; and
- be taking the leave to spend time with or otherwise care for the child.

A member of staff has responsibility for a child if the member of staff:

- is the child's biological mother or father (whether or not they are living with the child);
- is the child's adoptive parent; or
- otherwise have legal parental responsibility for the child. For example, if they are the child's guardian.

Timing of parental leave

Parental leave can only be taken:

- before the child's fifth birthday; or
- in the case of a child entitled to a disability living allowance, before the child's 18th birthday; or
- in the case of an adopted child, before the fifth anniversary of the date of placement or, if sooner, the child's 18th birthday.

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Unless the leave is to be taken in respect of a child entitled to a disability living allowance, members of staff:

- can only take parental leave in blocks of a week's leave or a multiple of a week's leave; and
- are only entitled to take four weeks' parental leave each year in relation to each child. A year for this purpose begins on the date when a member of staff became entitled to take parental leave in relation to the child in question.

Notification requirements

Members of staff must give the Committee notice of their intention to take parental leave. It would be helpful if this is provided in writing. The notice requirements are as follows:

- If a member of staff wishes to take parental leave commencing immediately on the birth of a child, notice of this intention must be provided at least 21 days before the start of the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave required; or
- If a member of staff wishes to take parental leave commencing immediately on the adoption of a child, notice of this intention should be given at least 21 days before the start of the expected week of placement (EWP). If this is not possible, as much notice as possible must be provided. The notice must specify the EWP and the duration of the period of leave required.

In all other circumstances, members of staff must give notice of their intention to take parental leave at least 21 days before they intend the leave to start. The notice must specify the dates on which the period of leave is to begin and end.

If a member of staff wishes to take a period of parental leave immediately after a period of ordinary paternity leave, it would be helpful if notice of that intention is given at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, the member of staff should give as much notice as possible. If at least seven days is not given before the period of ordinary paternity leave starts, the Committee might not allow the member of staff to take the period of parental leave requested. However, the Committee shall consider each case on its merits.

Evidential requirements

Before a period of parental leave is taken under this policy, the members of staff must provide the Committee with evidence of:

- their responsibility or expected responsibility for the child;
- the child's date of birth or date of adoption placement; and
- if applicable, the child's entitlement to a disability living allowance.

The Committee's right to postpone parental leave

Where a member of staff gives notice of their intention to take parental leave on the birth or adoption of a child, the Committee shall not postpone that leave.

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The Committee shall not postpone parental leave if, in the case of an adopted or disabled child, the postponement would result in the leave being taken after the child's 18th birthday.

However, in any other circumstances the Committee may postpone a proposed period of parental leave for up to six months where the leave as planned would unduly disrupt the business. The Committee might do so, for example, where:

- parental leave is requested during a peak period;
- a number of employees wish to take parental leave at the same time;
- the work is of importance to a time-critical project; or
- cover for the work cannot be found before the date on which the parental leave is due to start.

If the Committee decide to postpone the parental leave, they shall:

- consult with the member of staff about the date to which the leave might be postponed; and
- no more than seven days after the member of staff gave notice of their intention to take the leave, give them written notice stating the reason for the postponement and the new beginning and end dates of the leave which the Committee will allow them to take.

The member of staff will not lose their parental leave entitlement if, because the postponement of such leave, the leave remains untaken on the child's fifth birthday (or on the fifth anniversary of the child's adoption placement, if applicable).

Terms and conditions during parental leave

Parental leave under this policy is unpaid. The contractual provisions relating to pay and benefits are suspended during parental leave.

However, during parental leave the member of staff is entitled to benefit from any contractual terms they have in relation to being given notice, redundancy compensation and disciplinary and grievance procedures.

During parental leave the member of staff will remain bound by their obligation of good faith towards the setting, as well as any contractual terms relating to the giving of notice, the disclosure of confidential information, the acceptance of gifts and benefits, and freedom to participate in another business (for example, by working for a third party).

Pensions

If the member of staff is a member of a defined benefit (final salary) pension scheme, a period of parental leave under this policy will count towards the pensionable service.

If the member of staff is a member of a defined contribution (money purchase) pension scheme, the Committee shall not make contributions during a period of unpaid parental leave.

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Returning to work

The member of staff is normally entitled to return to work following parental leave to the same position they held before commencing leave. The terms of employment will be the same as they would have been had the member of staff not been absent.

However, it might not be possible for the Committee to allow the member of staff to return to the same job where the period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave. In such circumstances, the Committee will offer the member of staff a suitable and appropriate alternative position.

The Committee will deal with any requests by employees to change their working patterns (such as working part-time) after parental leave on a case-by-case basis. The Committee will try to accommodate the member of staff's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if flexible working requests are made as early as possible.

Abuse of this policy

Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue.

ADOPTION POLICY

Policy statement

This policy outlines the statutory rights and responsibilities of employees who adopt, and sets out the arrangements for adoption leave. It only applies to employees and does not apply to agency workers or the self-employed.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

Responsibility for implementing the policy

The Caban Y Faenol Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the cylch Leader.

The Manager has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Entitlement to adoption leave

Adoption leave is only available if a member of staff is adopting through a UK adoption agency. It is not available if there is no agency involved, for example, if a member of staff is formally adopting a stepchild or other relative.

Members of staff are entitled to adoption leave if they meet all the following conditions:

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- an adoption agency has given written notice that it has matched the member of staff with a child for adoption and informs them of the Expected Placement Date;
- the member of staff have notified the agency that he/she agrees to the child being placed on the Expected Placement Date;
- the member of staff has been continuously employed by the cylch for at least 26 weeks ending with the Qualifying Week; and
- the spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave).

Notification of intention to take leave

The member of staff must give the Committee notice in writing of:

- the Expected Placement Date; and
- the intended start date for adoption leave (Intended Start Date)

This notice should be given not more than seven days after the agency notified the member of staff in writing that he/she has been matched with a child.

At least 28 days before the Intended Start Date (or, if this is not possible, as soon as possible), the member of staff must also provide the Committee with:

- A Matching Certificate from the adoption agency confirming:
 - the agency's name and address;
 - the name and date of birth of the child;
 - the date the member of staff was notified of the match; and
 - the Expected Placement Date.
- Written confirmation that the member of staff intends to take statutory adoption pay and not statutory paternity pay.

Overseas adoptions

If a member of staff is adopting a child from overseas, the following will apply:

- the member of staff must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).
- the member of staff must give the Committee notice in writing of:
 - the intention to take adoption leave;
 - the date the member of staff received Official Notification; and
 - the date the child is expected to arrive in Great Britain.

This notice should be given as early as possible but in any case within 28 days of receiving Official Notification (or, if the member of staff have less than 26 weeks' employment with the cylch at the date of Official Notification, within 30 weeks of starting employment).

The member of staff must also give the Committee at least 28 days' notice in writing of their Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

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The member of staff must also notify the Committee of the date the child arrives in Great Britain within 28 days of that date. The Committee may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

Starting adoption leave

OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

The member of staff must notify the Committee of the Intended Start Date. The Committee will then write to the member of staff within 28 days to inform of the expected return to work date if the member of staff takes the full entitlement to adoption leave (Expected Return Date).

The member of staff can postpone the Intended Start Date by informing the Committee in writing at least 28 days before the original date or, if that is not possible, as soon as possible.

The member of staff can bring forward the Intended Start Date by informing the Committee in writing at least 28 days before the new start date or, if that is not possible, as soon as possible.

Shortly before the adoption leave starts the Committee will discuss with the member of staff the arrangements for covering the work and the opportunities to remain in contact, should the member of staff wish to do so, during the leave. Unless otherwise requested, the member of staff will remain on circulation lists for internal news, job vacancies, training and work-related social events.

Statutory Adoption Pay

Statutory adoption pay (**SAP**) is payable for up to 39 weeks. It stops being payable if the member of staff return to work sooner or if the placement is disrupted. The member of staff is entitled to SAP if:

- the member of staff has been continuously employed for at least 26 weeks at the end of the Qualifying Week and still employed by the cylch during that week;
- the average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government; and
- the member of staff has given the Committee the relevant notifications as specified in this policy.

SAP is paid at a prescribed rate which is set by the Government for the relevant tax year, or at 90% of the average weekly earnings calculated over the Relevant Period if this is lower.

SAP accrues with each complete week of absence but payments shall be made on the next normal payroll date. Income Tax, National Insurance and pension contributions shall be deducted as appropriate.

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If the member of staff leaves the employment for any reason (for example, if the member of staff resigns or is made redundant) the member of staff shall still be eligible for SAP if he/she has already been notified by an agency of a match with a child. In such cases, SAP shall start whichever is the later of

- 14 days before the Expected Placement Date; or
- the day after the employment ends.

If the member of staff becomes eligible for a pay rise before the end of the adoption leave, the member of staff will be treated for SAP purposes as if the pay rise had applied throughout the relevant period. This means that the SAP will be recalculated and increased retrospectively, or that the member of staff may qualify for SAP if he/she did not previously qualify. The Committee shall pay the member of staff a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

Terms and conditions during OAL and AAL

All the terms and conditions of employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:

- benefits in kind (if any) such as life insurance, health insurance, gym membership and use of a company vehicle shall continue;
- annual leave entitlement under the contract shall continue to accrue; and
- pension benefits (if any) shall continue.

Annual leave

During OAL and AAL, annual leave will accrued at the rate provided under the contract. Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during the adoption leave, members of staff should ensure that they have taken the full year's entitlement before starting their adoption leave. The holiday year runs from 1 January to 31 December.

Pension

During OAL and any further period of paid adoption leave the Committee shall continue to make any employer contributions that would usually be made into a money-purchase pension scheme, based on the earnings that would have been if the member of staff had not been on adoption leave [provided that the member of staff continue to make contributions based on the adoption pay he/she receives]. If the member of staff wish to increase the contributions to make up any shortfall from those based on the normal salary the member of staff should contact the Treasurer.

During unpaid AAL the Committee shall not make any payments into a money purchase scheme and the time shall not count as pensionable service under the final salary scheme. The member of staff does not have to make any contributions but they may do so if they wish, or missed contributions can be made up at a later date.

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Redundancies during adoption leave

In the event that the member of staff's post is affected by a redundancy situation occurring during their adoption leave, the Committee shall write to inform the member of staff of any proposals and shall invite them to a meeting before any final decision is reached as to the member of staff's continued employment. Employees on maternity and adoption leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

Disrupted adoption

Adoption leave is disrupted if it has started but:

- the member of staff is notified that the placement will not take place;
- the child is returned to the adoption agency after placement; or
- the child dies after placement.

In case of disruption the entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless the entitlement to leave and/or pay would have ended earlier in the normal course of events.

Keeping in touch

The Committee/Manager may make reasonable contact with the member of staff from time to time during the adoption leave.

The member of staff may work (including attending training) on up to ten days during adoption leave without bringing the adoption leave to an end. This is not compulsory and arrangements, including any additional pay, would be discussed and agreed with the Committee.

Shortly before the member of staff is due to return to work, the Committee may invite the member of staff to have a discussion (whether in person or by telephone) about the arrangements for the return. This may cover:

- updating the member of staff on any changes that have occurred during the absence;
- any training needs; and
- any changes to working arrangements (for example, if a request to work part time has been made).

Expected Return Date

Once the member of staff has notified the Committee in writing of their Intended Start Date, the Committee shall send a letter within 28 days to inform the member of staff of their Expected Return Date. If the start date changes the Committee shall write to the member of staff within 28 days of the start of adoption leave with a revised Expected Return Date.

The Committee will expect the member of staff back at work on the Expected Return Date unless the member of staff informs the Committee otherwise. It will help the

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Committee if, during the adoption leave, the member of staff is able to confirm that he/she will be returning to work as expected.

Returning early

If the member of staff wishes to return to work earlier than the Expected Return Date, they must give the Committee at least eight weeks' notice. It is helpful if this notice is given in writing.

If the member of staff does not give enough notice, the Committee may postpone the return date until four weeks (or eight weeks as appropriate) after the notice is given, or to the Expected Return Date if sooner.

Returning late

If the member of staff wishes to return later than the Expected Return Date, the member of staff should either:

- request unpaid parental leave, giving the Committee as much notice as possible but not less than 21 days; or
- request paid annual leave in accordance with their contract, which will be at the discretion of the Committee.

If the member of staff is unable to return to work due to sickness or injury, this will be treated as sickness absence and the usual sickness policy will apply. In any other case, late return will be treated as unauthorised absence.

Deciding not to return

If the member of staff does not intend to return to work, or are unsure, it is helpful if this is discussed with the Committee as early as possible. If the member of staff decides not to return resignation notice should be given in accordance with the contract. The amount of adoption leave left to run when notice is given must be at least equal to the contractual notice period, otherwise the Committee may require the member of staff to return to work for the remainder of the notice period. Once notice has been given that the member of staff will not be returning to work, they cannot change their mind without the Committee's agreement. This does not affect their right to receive SAP.

The employee's rights when they return

The member of staff is normally entitled to return to work in the same position as they held before commencing leave. The terms of employment shall be the same as they would have been had they not been absent. However, if any period of AAL has been taken for more than four weeks' parental leave, and it is not reasonably practicable for the Committee to allow the member of staff to return into the same position, the Committee may give the member of staff another suitable and appropriate job on terms and conditions that are not less favourable.

Returning to work part-time

The Committee will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis.

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There is no absolute right to insist on working part time, but members of staff do have a statutory right to request flexible working and the Committee will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

FLEXIBLE WORKING

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

Employees with at least 26 weeks' continuous service who have caring responsibilities for certain children and adults have a statutory right to request flexible working. That right is recognised by the formal right to request procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in this policy.

Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in this policy to the Committee, who will consider the request according to the business and operational requirements.

Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.

Any employees interested in flexible working are advised to request an informal meeting with the Committee manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request.

Responsibility for implementing the policy

The Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Manager.

The Manager has a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote the aims and objectives with regard to flexible working

All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives.

Forms of flexible working

Flexible working can incorporate a number of changes to working arrangements:

- reduction or variation of working hours;

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- reduction of the number of days worked each week;
- working from a different location;
- starting a job share;
- working a set number of hours a year rather than a week (annualised hours);
- working from home (whether for all or part of the week);
- working only during term-time (part-year working);
- working compressed hours; and/or
- working flexi-time.

Eligibility for the formal right to request procedure

Requests under the formal procedure can only be made by employees who meet the criteria set out below.

To be eligible to make a request under the formal procedure, the person must:

- be an employee
- have worked for Caban Y Faenol continuously for 26 weeks at the date the request is made;
- have caring responsibilities; and
- not have made a formal request to work flexibly during the last 12 months (each 12-month period runs from the date when the most recent application was made).

Employees who want to work flexibly to care for a child must:

- be making the request in respect of a child who is under 17 or, if the child is disabled, under 18
- be responsible for bringing up the child and be making the request to enable them to care for the child; and be either:
- the mother, father, adopter, guardian or foster parent of the child; or
- married to, or the partner of, the child's mother, father, adopter, guardian or foster parent. In this context "partner" means a person who is not a relative but, whether of different sex or
- the same sex, who lives with the child and the mother, father, adopter, guardian or foster parent in an enduring family relationship.

Employees who want to work flexibly to care for an adult who is in need of care must be (or expect to be)

- the person who cares for that adult, and be
- married to, or the partner or civil partner of, the adult
- a relative of the adult
- neither of the above, but living at the same address as the adult.

Making a formal flexible working request

The member of staff will need to submit a written application if the flexible working request is to be considered under the formal procedure.

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The written and dated application should be submitted to the Committee and, in order to meet the requirements of the formal procedure and to help the Committee consider the request, it should:

- state the reason for the request, whether to care for a child or adult
- give details of the demands of the caring responsibilities
- provide as much information as possible about the current and desired working pattern, including working days, hours and start and finish times, and give the date from which the member of staff would like the desired working pattern to start
- address the effect the changes to the working pattern will have on the work completed, that of colleagues and on service delivery. If the member of staff has any suggestions about dealing with any potentially negative effects, these should be included in the written application
- information should be provided to confirm that the member of staff meets the eligibility criteria set out in this policy
- state whether a previous formal request for flexible working has been submitted and, if so, when
- ideally be submitted at least two months before the member of staff wishes the changes requested to take effect.

The Committee might be able to agree to the proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Committee will write to the member of staff, confirming the decision and explaining the permanent changes that will be made to the contract of employment.

If the proposal cannot be accommodated, discussion between the Committee and the member of staff may result in an alternative working pattern that can be of assistance.

Formal procedure: meeting

Where necessary, the Committee will arrange to meet with the member of staff within 28 days of the application being submitted. The member of staff may bring a colleague (who may be a trade union representative) to the meeting as a companion if they wish. The companion will be entitled to speak during the meeting and confer privately with the member of staff, but may not answer questions on their behalf.

In most cases, the meeting will be held at the usual place of work. However, the Committee will ensure that the meeting is held at a time and place that is convenient to the member of staff.

The meeting will be used to consider the working arrangements the member of staff has requested. The member of staff will be able to explain how the arrangements will accommodate the caring responsibilities. The Committee will also discuss what impact the proposed working arrangements will have on the work and that of colleagues. If the arrangements the member of staff has requested cannot be accommodated, discussion at the meeting will also provide an opportunity to explore possible alternative working arrangements.

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The Committee may suggest starting new working arrangements under an initial trial period to ensure that they meet the needs of the member of staff and those of their colleagues.

Formal procedure: decision

Following the meeting, the Committee will notify the member of staff of the decision in writing within 14 days.

If the request is accepted, or where the Committee proposes an alternative to the arrangements requested, the Committee will write to the member of staff with details of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The member of staff will be asked to sign and return a copy of the letter. This will be placed on the personnel file to confirm the variation to the terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that will be also discussed.

The member of staff should be aware that changes to the terms of employment will be permanent and that another formal request cannot be made until 12 months after the date of the original application.

If the Committee needs more time to make a decision, they will ask for the member of staff's agreement to delay the decision for up to a further 14 days.

There will be circumstances where, due to business and operational requirements, the Committee are unable to agree to a request. In these circumstances, the Committee will confirm this in writing:

- giving the business reason(s) for turning down the application;
- explaining why the business reasons apply; and
- setting out the appeal procedure.

The eight business reasons for which the Committee may reject the request are:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods that the member of staff proposes to work; and
- planned changes.

Formal procedure: appeal

If the request is rejected, the member of staff has the right to appeal.

The appeal must:

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- be in writing and dated
- set out the grounds on which the appeal is based
- be sent to the Committee within 14 days of the date on which the member of staff received the written rejection of the request.

The Committee will arrange for a meeting to take place within 14 days of receipt of the appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered the request, the member of staff may be accompanied by a colleague.

The member of staff will be informed in writing of the decision within 14 days of the date of the appeal meeting.

If the appeal is upheld, the member of staff will be advised of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The member of staff will be asked to sign and return a copy of the letter. This will be placed on the personnel file to confirm the variation to the terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that the Committee will also discuss.

The member of staff should be aware that changes to the terms of employment will be permanent and they will not be able to make another formal request until 12 months after the date of the original application.

If the appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply. The member of staff will not be able to make another formal request until 12 months after the date of the original application.

Breaches of the formal procedure

There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with the member of staff, the Committee will write to confirm the extension and the date on which it will end.

If the member of staff withdraws a formal request for flexible working, they will not be eligible to make another formal request for 12 months from the date of the original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

- a member of staff fails to attend two meetings under the formal procedure without reasonable cause; or
- the member of staff unreasonably refuses to provide information required to consider the request.

In such circumstances, the Committee will write to confirming that the request has been treated as withdrawn.

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Making an informal flexible working request

Employees who wish to make an informal request for flexible working may make a request to the Committee, who will consider it according to the business and operational requirements.

It will help the Committee to consider the request if:

- the request is made in writing and confirm whether the member of staff wishes the change to the current working pattern to be temporary or permanent
- the member of staff provide as much information as possible about the current and desired working pattern, including working days, hours and start and finish times, and give the date from which they want the desired working pattern to start
- the member of staff thinks about what effect the changes to the working pattern will have on the work that they do and on colleagues, as well as on the service delivery and that of colleagues. If the member of staff has any suggestions about dealing with any potentially negative effects, these should also be included in the written application. The Committee can then consider whether they are workable
- if the member of staff gives details of the demands of the caring responsibilities, if there are any. The Committee will advise of what steps will be taken to consider the request, which may include inviting the member of staff to attend a meeting, before advising of the outcome of the request.

HOLIDAY RIGHTS

The minimum holiday entitlement that an employer must provide to a full-time worker is 28 days a year (or 5.6 weeks).

The 28 days is split between 20 days 'Euro leave', which stems from the European Working Time Directive (and was subsequently codified into the UK's Working Time Regulations). There are an additional eight days of 'UK leave' granted by the Working Time Regulations. These reflect the eight statutory and bank holidays in the UK, although the leave does not necessarily have to be taken on those dates if the employer prefers it to be taken at another time.

Statutory holiday entitlement applies to all workers covered by the Working Time Regulations 1998. These regulations include agency workers, plus irregular hours and part-year workers.

Employers must ensure that workers receive their normal pay when on Euro leave. 'Normal pay' means accounting for commission, overtime, bonuses and other allowances.

The Committee will:

- ensure that workers receive holiday pay of 5.6 weeks a year including bank holidays.
- ensure that members of staff who leave receive the correct holiday pay, up to the last day of employment;

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- **count holidays pro rata for part-time workers,**
- note clearly in the Work Contract what the holiday pay procedure is and if the same sum is not paid regularly over 12 months, to note when exactly the Holiday Pay will be paid.

Further Policies relating to staffing

- Statement of purpose
- Adult Safeguarding
- Bribery & Corruption
- COVID absence
- Equal Opportunities
- Health, Safety & Welfare
- Lone working
- Mobile Phone
- Modern Slavery
- Sickness & Unauthorised absence
- Smoke free
- Special Leave
- Volunteering
- Whistle Blowing