



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Family friendly policy

Information sheet

Information box

For further advice contact: Human Resources

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Version control

Document version	Author	Date of issue	Changes made
1.0	Beth Rees	September 2013	Original
1.1	Beth Rees	February 2015	Introduction of Shared Parental Leave
2.0	Beth Rees	November 2016	Review of Policy
3.0	Beth Rees	July 2018	Review of Policy

Policy Agreement

This policy and its associated procedures are agreed by Estyn's management and Trade Unions.

Equality Impact Assessment

A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.

An equality impact assessment has been carried out and this policy is not deemed to adversely impact on any people on the grounds of age, disability, gender reassignment, pregnancy and maternity, paternity, race, language, religion or belief, sex, sexual orientation and the Welsh Language.

Contents

Purpose and scope	1	
Career breaks	2	
Ante-natal and pre-adoption appointments	2	
To whom does this policy apply?	3	
False declarations	3	
Related policies	3	
Summary of entitlements	4	
Maternity overview	14	
Return to work overview	15	
Adoption leave overview	16	
Ordinary paternity leave overview	Shared Parental leave	17

Purpose and scope

- 1 Estyn is committed to being a good modern employer and to offering employees family friendly employment policies that support business needs. This policy sets out the statutory and enhanced benefits and support that Estyn will provide to employees who are parents and having a baby.
- 2 The policy also sets out the responsibilities of employees and gives details of the arrangements for:
 - maternity leave and pay
 - adoption leave and pay
 - paternity leave and pay
 - shared parental leave
 - parental leave
 - time off for dependants
- 3 We value your contributions and want to assist you to combine your work and family responsibilities effectively. Every effort is made to enable individuals who take maternity, adoption, paternity, shared parental or parental leave to return to work should they wish to do so. We also recognise that arrangements for cover during the period of maternity, adoption, paternity leave, or shared parental leave as well as arrangements for communication during such period of leave, are important for facilitating a smooth transition.
- 4 You will be treated fairly and will not be unfairly disadvantaged.
- 5 All employed mothers/primary adopters (including intended parents in surrogacy arrangements) are entitled to 52 weeks of statutory maternity/adoption leave regardless of their length of service.
- 6 Shared Parental Leave enables eligible parents to choose how to share time off work after their child is born or placed for adoption. The mother or primary adopter can share some of the leave with their partner and can decide to be off work at the same time as their partner and/or take it in turns to have periods of leave to look after the child. The mother or primary adopter may choose to end their maternity or adoption leave early and opt for Shared Parental Leave instead of Maternity Leave or Adoption Leave if both parents meet the eligibility requirements.
- 7 This policy complies with relevant legislation, and in some areas offers more generous provisions than required by law. This policy will be reviewed from time to time to ensure that it continues to comply with amended legislation and best practice.
- 8 Entitlement to leave and pay will depend on your length of service and employment history, see [summary of entitlements](#) and [overviews](#).
- 9 You should arrange to meet with the HR team and your line manager as soon as possible when you or your partner are pregnant, adopting or thinking about taking parental leave to discuss this policy. During the meeting, the HR team will ensure that you and your manager:
 - know your entitlement to leave, including statutory requirements for you to give appropriate notice

- discuss arrangements for time off, and any possible health and safety concerns including the completion of a risk assessment
 - know your entitlements to payment, annual leave and public and privilege holidays during maternity, adoption, paternity, shared parental leave or parental leave
 - know how you can keep in touch (KIT) with work using KIT or Shared Parental Leave in touch (SPLIT) days
 - know what to expect when you return to work or if you decide not to return to work following a period of leave
 - career breaks
- 10 Arrangements will be made for cover of your workload during your period of leave, and you will be kept informed of any important work developments, including work-related social events. We will try to ensure that any leave does not cause any long-term disadvantage to you concerning your training needs and self-development.
- 11 Useful information can also be found on the [Gov.uk](https://www.gov.uk) website.

Career breaks

- 12 You may also apply for an unpaid career break for a period of three months up to a maximum of two years. The process for applying for a career break is outlined in [Estyn's Flexible Working Policy](#) and associated guidance.

Ante-natal and pre-adoption appointments

- 13 Pregnant employees are entitled to reasonable paid leave to attend ante-natal appointments. An appointment for antenatal care is on the advice of a registered medical practitioner, registered midwife or registered nurse. They can include parentcraft or relaxation classes if advised by your medical practitioner. Fathers, or an expectant mother's partner, have a statutory right to take paid time off work to attend up to two ante-natal appointments. This covers the actual time needed to attend the appointments up to a limit of six and half hours per appointment. Employees should advise their line manager of the appointment dates and times as early as possible.
- 14 This statutory right is available to the husband, civil partner, or partner of the pregnant woman, to the father or parent of the expected child, or to intended parents in surrogacy cases who meet specified conditions relating to Parental Orders under the Human Embryology and Fertilisation Act 2008.
- 15 The primary adopter is entitled to take paid time off work to attend up to five pre-adoption appointments. These could be appointments for pre-adoption workshops, contact with the child, attending panel hearings, and meetings with professionals involved with the care of the child. The secondary adopter or partner is entitled to take unpaid time off to attend up to two pre-adoption appointments. This covers the actual time needed to attend the appointments and is limited to six and half hours per appointment.

- 16 If requested, parents will need to provide evidence to their line managers of the antenatal appointment or that the local authority has requested their attendance at adoption meetings.

To whom does this policy apply?

- 17 This policy applies to permanent and fixed term staff in Estyn who meet the eligibility criteria and notification requirements detailed in this policy.
- 18 This policy does not apply to secondees, or those working for Estyn on contract or through an agency.
- 19 This policy applies to all employees regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (including ethnic or national origin, colour or nationality); religion or belief (or lack of belief); and sex and sexual orientation.
- 20 Line Managers need to be sensitive when notified of a birth, adoption or other request for leave, particularly around confidentiality, as disclosure of information may be a breach of Data Protection legislation; for example under gender reassignment circumstances.

False declarations

- 21 If an employee fraudulently or negligently gives incorrect information or makes a false statement or declaration about their circumstances, this will be considered a disciplinary offence. Action will be taken in accordance with Estyn's disciplinary procedures.

Related policies

- [Flexible Working Policy](#)
- [Attendance Management Policy and Procedures](#)
- [Special Leave Policy and Procedures](#)
- [Childcare Vouchers \(live until October 2018 – will be replaced with Help with Childcare\)](#)

Summary of entitlements

Type of Leave	Duration	Eligibility	Pay	Notification
<p>Ordinary and Additional Maternity Leave (OML and AML)</p>	<p>Up to 52 weeks: 26 weeks OML 26 weeks AML</p> <p>You must take a minimum of two weeks maternity leave following the birth.</p>	<p>Maternity leave is available in respect of all births, whether live or still, which take place after 24 weeks of pregnancy (including surrogate mothers).</p> <p>For enhanced maternity pay, you must:</p> <ul style="list-style-type: none"> • have completed at least one year’s continuous service with Estyn by the 15th week before the expected week of childbirth • intend to return to work in Estyn within 52 weeks of the start of OML, or immediately after an approved career break which immediately follows maternity leave; • complete the equivalent of at least three calendar month’s paid service on your return to work • complete and return the Maternity and Adoption Statement <p>For Statutory Maternity Pay (SMP), you must have completed 26 weeks continuous service with Estyn by the 15th week before the expected week of childbirth.</p> <p>If you do not qualify for Estyn’s Maternity Scheme you may be entitled to receive</p>	<p>Estyn’s Maternity Scheme enhances SMP up to your normal rate of full pay for the first 26 weeks of your OML for those who meet the eligibility criteria. After the 26-week period, you may take up to a further 26 weeks AML comprising of 13 weeks paid at the SMP rate and 13 weeks unpaid.</p> <p>The HR team can provide further details about statutory maternity benefits.</p>	<p>Maternity leave can start anytime between 11 weeks before the due date and the date the baby arrives.</p> <p>Maternity Leave will start automatically if the baby is born early, and may start early if you’re off work with an illness wholly or partly because of pregnancy in the 4 weeks before your due date week.</p> <p>You can use the maternity planner to work out the earliest date your maternity leave can start.</p>

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Type of Leave	Duration	Eligibility	Pay	Notification
		<p>SMP or Maternity Allowance. Further details can be found here.</p> <p>After the two week compulsory maternity leave period, a mother may be able to bring her maternity leave to an end early and convert the balance of leave into Shared Parental Leave. If eligible, both parents then have the choice to share the untaken balance of maternity leave as Shared Parental Leave (see below for more information).</p>		

Family friendly policy

Type of Leave	Duration	Eligibility	Pay	Notification
<p>Ordinary and Additional Adoption Leave (OAL and AAL)</p>	<p>Up to 52 weeks: 26 weeks OAL 26 weeks AAL</p> <p>The Primary adopter must take a minimum of two weeks adoption leave (please see notification for potential start dates).</p>	<p>Employees who are newly matched with a child for adoption by an approved UK adoption agency, fostering to adopt, are adopting following surrogacy or are applying for a parental order and will be the primary adopter.</p> <p>Where a couple are adopting jointly, you can choose who will take OAL and AAL and who (regardless of gender) will take Ordinary Paternity Leave (OPL).</p> <p>For enhanced adoption pay, you must:</p> <ul style="list-style-type: none"> • have completed at least one year's continuous service with Estyn leading into the week in which you are notified of the match with a child for adoption (the 'matching week') • intend to return to work in Estyn within 52 weeks of the start of your OAL, or immediately after an approved career break which immediately follows adoption leave • complete the equivalent of at least three calendar month's paid service on your return to work • complete and return the Maternity and Adoption Statement <p>For Statutory Adoption Pay (SAP) benefits, you must have completed 26 weeks continuous service with Estyn leading into</p>	<p>Estyn's Adoption Scheme enhances SAP up to your normal rate of full pay for the first 26 weeks of your AML for those who meet the eligibility criteria. After the 26-week period, you may take up to a further 26 weeks AAL comprising of 13 weeks paid at the SAP rate and 13 weeks unpaid.</p> <p>If you do not qualify for Estyn's Adoption Scheme you may be entitled to receive SAP.</p> <p>The HR team can provide further details about statutory adoption benefits.</p>	<p>You should notify Estyn of your intention of taking adoption leave within 7 days of being matched.</p> <p>Adoption leave can start; up to 14 days before the date the child is expected to start living with you (UK adoption), when the child arrives in the UK or within 28 days of this date (Overseas adoption), the day the child is born or the day before (if you are using a surrogate), when the child comes to live with you (if you are fostering to adopt).</p>

Family friendly policy

Type of Leave	Duration	Eligibility	Pay	Notification
		<p>the week in which you are notified of the match with a child for adoption (the 'matching week') for UK adoptions or receive a certificate saying you are eligible to adopt for overseas adoptions.</p> <p>A primary adopter is required to take two weeks statutory adoption leave after the start date of the statutory adoption leave period before they can bring their adoption leave to an early end and convert the balance into Shared Parental Leave. If eligible, both primary and secondary adopter will then have the choice to share the untaken balance of adoption leave as Shared Parental Leave (see below for more information).</p>		

Family friendly policy

<p>Ordinary Paternity Leave (OPL)</p>	<p>Enhanced up to 3 weeks (pro-rata for those that work part time)</p>	<p>An employee whose wife, civil partner, or partner gives birth to a child or adopts a child and the eligibility criteria are met.</p> <p>The employee must have or expect to have responsibility for the child's upbringing and be either:</p> <ul style="list-style-type: none"> • the biological father of the child; • the child's adopter; or • the mother's/adopter's husband or partner • the intended parent (if you're having a baby through a surrogacy arrangement) <p>To be eligible for paternity leave and pay you must have completed 26 weeks' continuous service by:</p> <ul style="list-style-type: none"> • the week that falls 15 weeks before the week in which the child is expected; or • the end of the week in which you are notified of the match with a child for adoption (the 'matching week'); or • if adopting from overseas, either the date the child arrives in the UK or when you want the pay to start <p>You can still get Paternity Leave or Pay if your baby is:</p>	<p>Estyn enhances Ordinary Statutory Paternity Pay (OSPP) up to your normal rate of pay for those who meet the eligibility criteria.</p>	<p>You must inform your line manager if you are having a baby by the 15th week before the due date or in adoption cases within 7 days of the date you are matched with your child.</p> <p>Paternity leave can be taken anytime in the 56 days following the birth. If you are adopting a child it can be taken in the 56 days following the child's placement or on arrival in the UK if adopting from overseas.</p>
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Family friendly policy

Type of Leave	Duration	Eligibility	Pay	Notification
		<ul style="list-style-type: none"> stillborn from 24 weeks of pregnancy born alive at any point during the pregnancy <p>Complete and return the relevant Ordinary Paternity Leave Statement.</p>		

Type of Leave	Duration	Eligibility	Pay	Notification
<p>Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)</p> <p>Available to both parents, including adopters and their partners, with main caring responsibilities for a child</p>	From 2 weeks up to 50 weeks	<p>SPL is available to both parents, including adopters and their partners with main caring responsibilities for a child. SPL can be taken at any time during the first year following the birth or placement for adoption, so long as the compulsory maternity period, or two weeks adoption leave, has been taken.</p> <p>To qualify for SPL and ShPP, the mother or adopter must be entitled to, and have given notice to reduce or end their maternity or adoption entitlements early and the following tests need to be met:</p> <p>Stage 1 – employment and earnings test</p> <p>Employees must:</p>	<p>If eligible, Estyn will enhance ShPP up to your normal rate of full pay for the first 26 weeks of your SPL, less any weeks of maternity pay, maternity allowance, or adoption pay and leave already claimed/taken. The remaining 26 weeks of SPL will be paid at statutory rate for 13 weeks and 13 weeks unpaid. This mirrors Estyn's Maternity and Adoption Scheme arrangements.</p> <p>Estyn will not pay more than 26 weeks enhanced maternity pay, adoption pay or ShPP in aggregate to an eligible couple within the Civil Service, as this is a joint entitlement.</p>	<p>You must give Estyn eight weeks' notice of your intention to take SPL.</p> <p>You can take SPL in blocks (minimum of a week at a time) and combine it with periods of work.</p>

Family friendly policy

Type of Leave	Duration	Eligibility	Pay	Notification
		<ul style="list-style-type: none"> • have a partner who shares the main responsibility for the care of the child and is either: <ul style="list-style-type: none"> - their husband, wife, civil partner or joint adopter; - the child's other parent; or - their partner; and • declare that they meet the employment and earnings test, which requires them to have worked at least 26 weeks in the 66 weeks leading up to the due date or adoption matching date and have earned at least £30 gross per week in 13 of the 66 weeks. <p>Stage 2 – continuity of employment test</p> <ul style="list-style-type: none"> • For SPL the parent must have worked for the same employer for at least 26 weeks continuously at the end of the 15th week before the due date or adoption matching date. They must also still be working for the same employer when they intend to take the leave. • For ShPP earnings for the eight week period prior to the 15th week before the expected week of childbirth or adoption placement date must be over the lower earnings limit. 	<p>If you do not qualify for enhanced ShPP you may be entitled to claim Statutory ShPP for up to 39 weeks (less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay already claimed) within one year from birth or placement.</p>	

Family friendly policy

Type of Leave	Duration	Eligibility	Pay	Notification
		<p>The mother/primary adopter and their partner need to jointly consider whether they meet the eligibility criteria. Sometimes only one parent will be eligible. Where both parents satisfy the individual test they will both be able to make use of the pot of SPL.</p> <p>SPL can be taken by the partner at the same time as the mother/primary adopter on maternity/adoption leave or the remaining leave can be shared with both parents being on leave at different times. The combined leave taken by the parents must not exceed their joint entitlement. If circumstances change and the mother/primary adopter and/or their partner no longer have caring responsibility for the child, they must immediately inform their line managers that they are no longer entitled to SPL.</p> <p>In addition to the above eligibility requirements, to be eligible for enhanced shared parental pay, you must:</p> <ul style="list-style-type: none"> • be in paid service at the time your SPL begins and have completed at least one year's continuous service with Estyn by the 15th week before the expected week of childbirth or your adoption matching date 		

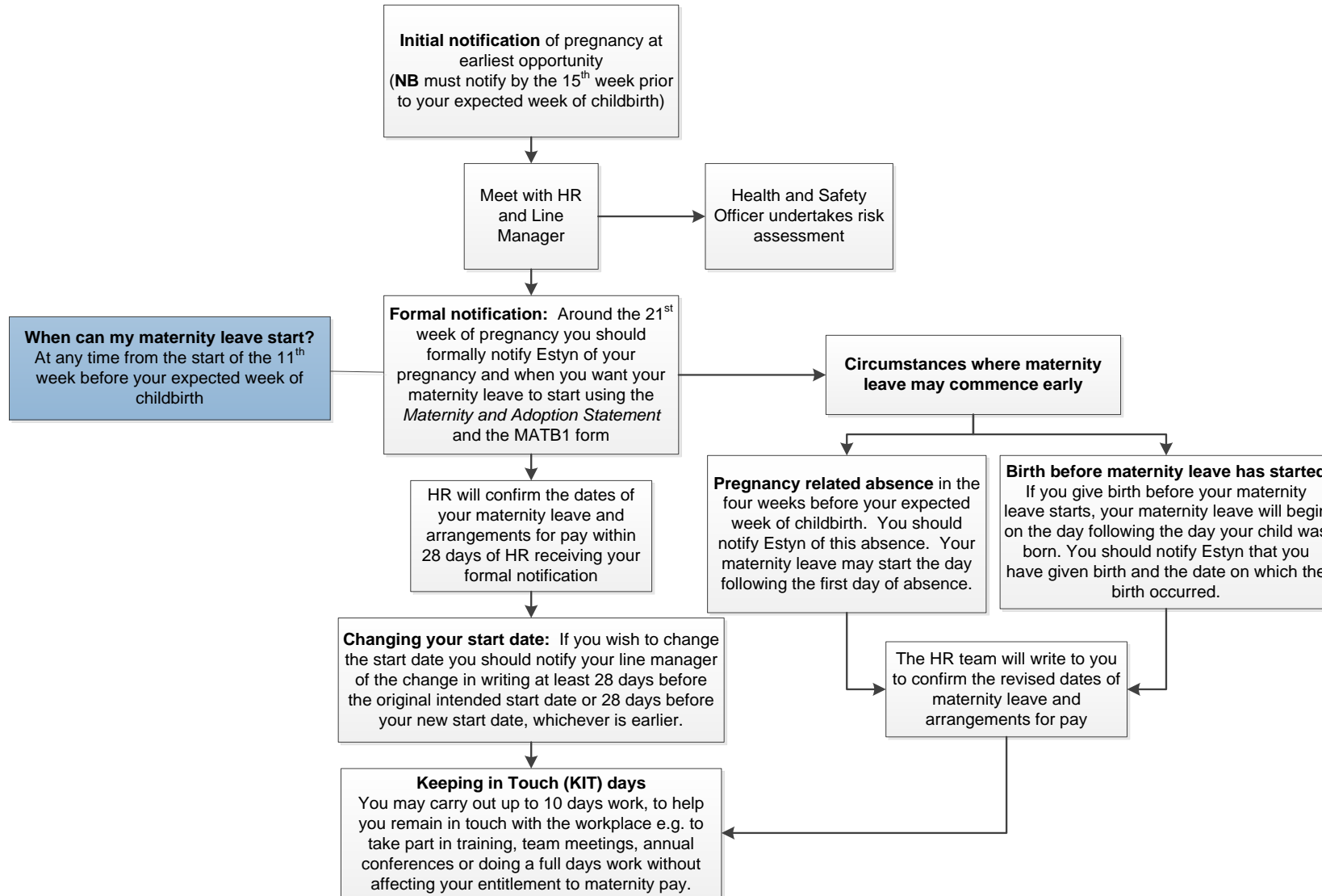
Family friendly policy

Type of Leave	Duration	Eligibility	Pay	Notification
		<ul style="list-style-type: none"> • intend to return to work in Estyn after your final period of SPL or immediately after an approved career break which immediately follows SPL • complete the equivalent of at least three calendar month's paid service on your return to work; and complete and return the Shared Parental Leave and Shared Parental Pay form 		

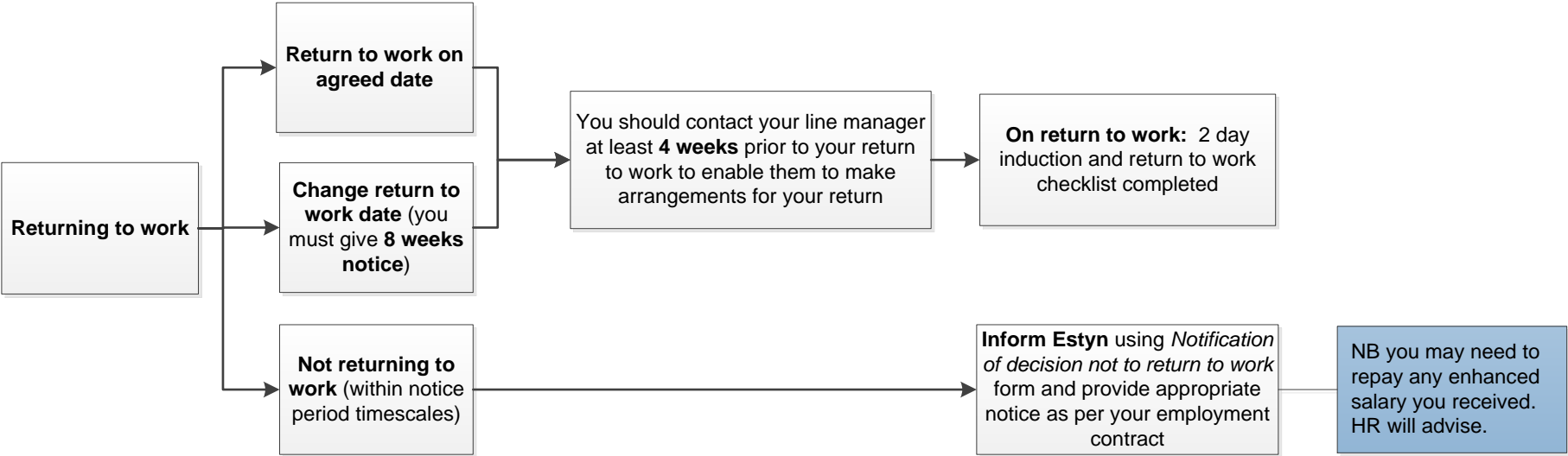
Family friendly policy

Type of Leave	Duration	Eligibility	Pay	Notification
Parental Leave	<p>Maximum of 18 weeks per parent, per child.</p> <p>Limit of 4 weeks per year, per child.</p>	<p>Staff who:</p> <ul style="list-style-type: none"> • have been employed by Estyn continuously for one year or more • are named on the child's birth or adoption certificate • have or expect to have parental responsibility • the child is under 18 	<p>Parental leave is unpaid.</p>	<p>You must give Estyn 21 days notice of your request for parental leave, which should state start and end dates.</p> <p>Unpaid parental leave can be taken straight after the birth/adoption or anytime until the child's 18th birthday, and in most cases should be taken in blocks of at least a week.</p>
Time off for dependents	<p>Reasonable amount of time off to deal with an emergency involving a dependent</p>	<p>Any employee who has someone who depends on them for care.</p> <p>To be eligible the time off must be to deal with an emergency involving a dependent. You cannot have time off in circumstances where you knew about a situation beforehand e.g. to take your child to hospital for an appointment but you may be able to apply for parental leave instead.</p>	<p>Time off for dependents is generally unpaid. For further information on dependents and entitlements please refer to the Special Leave Policy and Procedures.</p>	

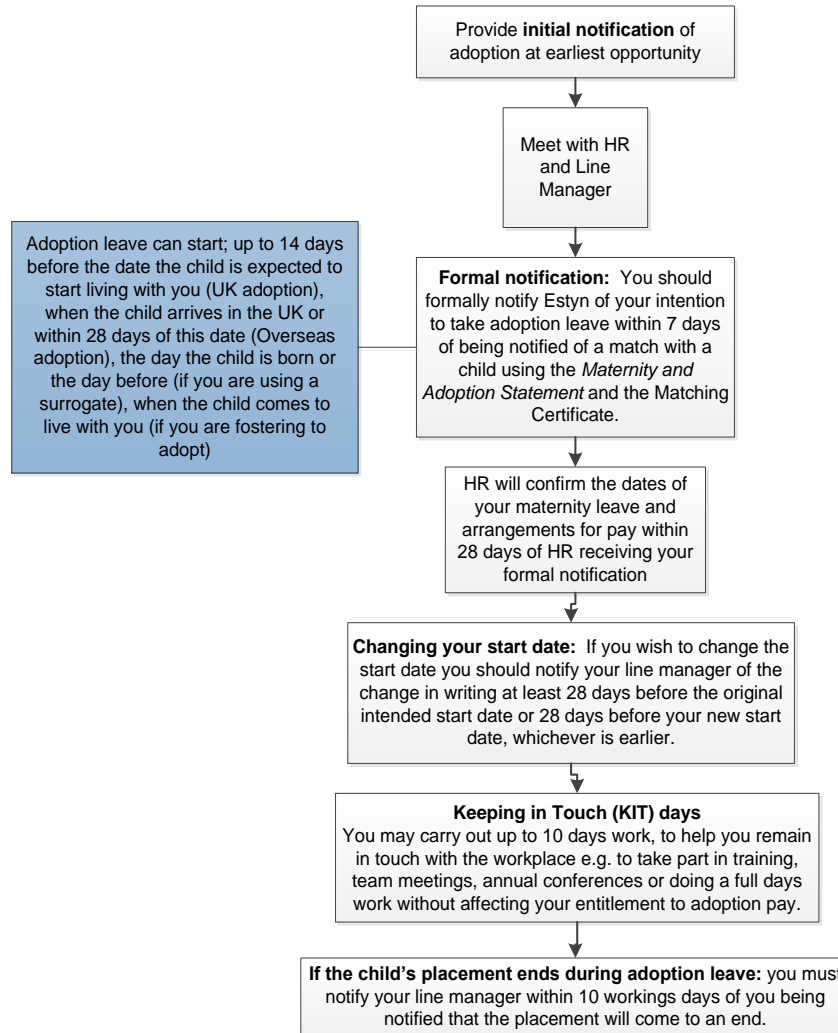
Maternity overview



Return to work overview



Adoption leave overview



Ordinary paternity leave overview

Shared Parental leave overview

Ordinary Paternity Leave Overview

Ordinary paternity leave must start and end within 56 days (8 weeks) of the birth of your child of your placement date

Adoptive parents, leave can start; on a chosen day from the date on which the child is placed with you or earlier date which is later than the date on which the child is expected to be placed with you

Birth parents, leave can start from the date of the child's birth (whether this is earlier or later than expected) or from a chosen date which is not earlier than when the baby is due. Paternity leave cannot start before the baby is born.

You can take Paternity Leave if your child is stillborn after 24 weeks of pregnancy

Formal notification

Adoptive parents, must inform Estyn of their intention to take paternity leave using the Ordinary Paternity Leave Statement UK of Overseas Adoptions no more than seven days after the date on which the adopter is notified of having been matched with the child

Birth parents, must inform Estyn of their intention to take paternity leave using the Ordinary Paternity Leave Statement in or before the 15th week before the expected week of childbirth

Changing your start date: If you wish to change the start date you should notify your line manager of the change in writing at least 28 days before the original intended start date or 28 days before your new start date, whichever is earlier

Shared Parental Leave

Both parents satisfy employment and earnings and continuity of employment test as well as having caring responsibility for the child

Maternity/Adoption leave and pay has ended or given notification to reduce

Formal Notification

Must inform Estyn of their intention to take SPL using the **SPL and ShPP form** (including an indication of the expected pattern of leave), giving at least 8 weeks notice. During the first two weeks an employee may withdraw their formal notification.

Any changes will require a **formal change request or withdrawal of SPL form**

SPL in touch (SPLIT) days, parents can request up to 20 SPLIT days, using the Notification of Keeping in Touch days worked