

# Family Friendly Policy

*We will provide this policy on request at no cost,  
in large print, in Braille, on tape or in another non  
written format.*

# Family Friendly Policy

## POLICY PURPOSE AND APPLICABILITY

This policy provides advice and guidance to managers and secondees to Wheatley Solutions on the various rights and entitlements to Family Friendly Leave and Pay.

This policy applies in respect of all Wheatley Solutions secondees. It does not apply to agency workers or the self-employed.

Wheatley Solutions appreciates that the workforce within the UK is changing and is becoming increasingly diverse with a high percentage of parents and individuals with caring responsibilities, and other individuals who, at some stage in their career / life, may require to take time off for a number of reasons.

Initially, it was only mothers who had family rights, in the form of maternity leave and maternity pay. More recently, family rights have been introduced that apply to fathers and same-sex partners as well as mothers. All secondees who have a child or adopt a child may be entitled to parental leave. Further, secondees who have or adopt/foster a child may be entitled to paternity leave and pay or adoption leave and pay.

Wheatley Solutions understands that it can sometimes be difficult to combine their seconded duties and family responsibilities. In recognition of this, the Group is committed to ensuring a fair secondment-life balance for all secondees, in order to enable them to care for their children aged 16 or under, or 18 if disabled, and to care for certain adults (by requests for flexible secondment arrangements).

Wheatley Solutions recognises that having a Family Friendly Policy will help ensure compliance with the provisions of current legislation and covers:

- Section A Maternity Leave and Pay Pages 3-11
- Section B Parental Leave Pages 11-13
- Section C Paternity Leave and Pay Pages 13-16
- Section D Adoption Leave and Pay Pages 16-20
- Section E Fostering Pages 20-22
- Section F Time Off for Dependants Pages 22-24
- Section G Carers Leave Pages 24-25
- Section H Surrogacy Pages 25-27
- Section I Fertility Treatment Leave Pages 27-29
- Section J Requesting Flexible Hours and Childcare Support Pages 29-31

For additional policies relating to families and time off please see the [Wheatley Solutions Time Off and Special Leave Policy](#) and [Wheatley Solutions - Policy on Hours of Secondment, Overtime, Related Allowances and Flexible Secondment Arrangements](#).

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# Family Friendly Policy

## SECTION A - MATERNITY LEAVE AND PAY

This section of the policy outlines the main statutory provisions for maternity as well as Wheatley Solutions occupational maternity provision. Further guidance can be obtained from Employee Relations and Wheatley Solutions Intranet.

### 1. Definitions

The definitions in this paragraph apply throughout all sections of this policy:-

“Expected Week of Childbirth” (EWC): the week, starting on a Sunday, in which a doctor or midwife expects the secondee to give birth.

“Parent”: one of two people who will share the main responsibility for the child’s upbringing (and who may be either mother, father, or the mother’s partner if not the father or, in adoption cases, the person who the adoption agency has placed a child with and/or their partner).

“Partner”: the secondee’s spouse, civil partner or someone living with them in an enduring family relationship, but not their sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

“Qualifying Week” is the fifteenth week before the Expected Week of Childbirth.

“Relevant Period”: means the eight weeks ending with the Qualifying Week.

### 2. Entitlement to Maternity Leave

All secondees are entitled to up to 52 weeks’ maternity leave which is divided into 26 weeks of ordinary maternity leave (OML) and 26 weeks’ of additional maternity leave (AML).

Secondees may not carry out their seconded duties for Wheatley Solutions immediately after childbirth. This period of compulsory maternity leave lasts for 2 weeks from the date of childbirth (or until some later date if there is health and safety or other statutory requirements which prohibit the secondee from attending their place of secondment).

### 3. Entitlement to Maternity Pay

#### 3.1 Secondees with less than 26 weeks’ service

If a secondee has less than 26 weeks’ continuous service within any of the organisations within the Wheatley Group by the 15<sup>th</sup> week of Expected Week of Childbirth, they will be entitled to Maternity Allowance only (subject to certain conditions). This is paid weekly by Jobcentre Plus to those who do not qualify for statutory maternity pay. Maternity allowance is paid for 39 weeks;

See link: <http://www.gov.uk/maternity-allowance>

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If a secondee is eligible to claim Maternity Allowance please contact the Payroll Department and request for a SMP1 form to be completed.

The current rate of SMP can be found at: <http://www.hmrc.gov.uk/paye/rates-thresholds.htm#3>

### 3.2. Secondees with more than 26 weeks' service

Subject paragraph 3.3 below, if a secondee has more than 26 weeks' continuous service with any of the organisations within the Wheatley Group at the end of the Qualifying Week and remains employed by any of the organisations within the Wheatley Group during that week, they will be entitled to occupational maternity pay as follows:-

- 6 weeks' pay at nine tenths of average weekly earnings (90%) inclusive of any statutory maternity pay ("SMP") entitlement;
- 33 weeks' pay at five tenths pay (50%) plus any SMP entitlement;

The total occupational maternity pay and statutory maternity pay payable in any period shall not exceed normal pay.

### 3.3. Maternity Pay Conditions

The secondee must continue to be pregnant at the 24<sup>th</sup> week of pregnancy, and have stopped all seconded duties for Wheatley Solutions wholly or partly because of pregnancy or childbirth.

Week 1 of the maternity pay period is the week after the secondee leaves their place of secondment or the start of maternity leave. SMP is payable whether or not a secondee intends to return to their secondment or substantive employer.

To claim maternity pay, a secondee must notify Wheatley Solutions by the 15<sup>th</sup> week before the Expected Week of Childbirth of the fact that they are pregnant, the date on which they want maternity leave to start ("Intended Start Date"), and the Expected Week of Childbirth. If the secondee is unable to give this notice, they should give as much notice as is reasonably practicable. The secondee must also provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming their Expected Week of Childbirth.

The payment of maternity pay will cease when a secondee returns to their seconded duties.

Maternity pay will be paid into the secondees' bank account on the same date that the salary would have been payable, and will be subject to deductions for tax, National Insurance and pension contributions in the usual way. Union dues will be deducted, as appropriate, throughout the period of maternity leave at the reduced rate.

If a secondee has received the 33 weeks' pay at five tenths (50%) of occupational maternity pay, and does not physically return to their secondment and remain at their place of secondment for at least 3 months after the end of maternity leave, they will be required to refund Wheatley Group the amount of occupational maternity pay paid for the 33 week period. This will be at the discretion of Employee Relations.

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If the secondee advises at the commencement of her maternity leave that they will not be returning following her maternity leave, they will not receive the 33 weeks at five tenths (50%) maternity pay. If the secondee is unsure about whether or not they will return, they may defer their decision and Payroll will withhold payment until a decision is made.

### 3.4. Qualification and Calculation of SMP

Secondees who qualify are entitled to up to 39 weeks' SMP. In order to qualify, secondees must:-

- have average weekly earnings in the Relevant Period at or above the lower earnings limit set by the Government;
- have 26 weeks' continuous service with any of the organisations within the Wheatley Group at the end of the Qualifying Week and be still employed by any of the organisations within the Wheatley Group during that week;
- have provided us with a doctor's or midwife's certificate (MAT B1 form) stating their Expected Week of Childbirth;
- have given at least 28 days' notice (or, if that is not possible, as much notice as possible) of their intention to take maternity leave; and
- Still be pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

SMP is calculated as follows:-

- first 6 weeks: SMP is paid at the rate of 90% of the secondee's 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 referred to above if this is lower.

SMP is payable only in respect of complete weeks. There is no daily rate.

Average weekly earnings are calculated for the different pay periods, as follows:-

Add together the payments made on the last pay day before the end of the qualifying week (15 weeks before the expected week of confinement) and the payment made on the previous pay day. Then divide by 8 to produce the weekly average.

In the unfortunate event that a child is stillborn after 24 weeks of pregnancy, or is born alive but dies after birth the mother will retain her rights to maternity leave and to maternity pay if she qualifies for it. If the mother does qualify, her maternity leave / pay will start on the day after the child was born.

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### 3.5. When does the entitlement to SMP end?

Payment of SMP will be stopped when:-

- a secondee has received SMP for the period of entitlement;
- a secondee starts work or secondment duties after childbirth, but before the end of their maternity pay period with another employer - SMP will end on the Saturday of the week before the week in which they start work or secondment duties;
- a secondee dies - SMP will end on the Saturday of the week in which the death occurred;
- A secondee is taken into legal custody - SMP will end with the last complete week within the maternity pay period before the secondee is taken into custody.

### 3.6. Exclusion Form

If a secondee is excluded from entitlement to SMP, we will complete a Form SMP1 and forward it, together with the MATB1 form (if already provided); to the secondee within 7 days of the decision being made that she is not entitled to SMP. This will enable them to contact the Department of Works & Pensions in order to claim maternity allowance.

## 4. Notice Requirements

To qualify for maternity leave a secondee must give notice of their EWC and their chosen maternity leave start date by the end of the QW (or as soon as possible afterwards) by completing the form [Wheatley Solutions – Notification of Leave Form](#) and providing a MATB1 form available from their midwife.

To claim SMP, the secondee must give Wheatley Solutions 28 days' notice of the date they want this to start. In practise it is usually easiest for secondees to give this notice at the same time as notifying us of the date they want their maternity leave to start (the request for maternity leave form contains a box for this purpose).

## 5. Health and Safety

Wheatley Solutions has a general duty to take care of the health and safety of all secondees. Once a secondee has informed us of their pregnancy we are required to carry out a risk assessment, to assess their place of secondment to identify any risks to person who are pregnant, have given birth within the last six months or are still breastfeeding.

We will provide the secondee 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 we consider that, as a new or expectant mother, the secondee would be exposed to health hazards in carrying out their normal seconded duties we will take such steps as are necessary (for as long as they are necessary) to avoid those risks. This may involve:-

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- changing a secondee's seconded conditions or hours of seconded duties;
- temporary adjustments to their role;
- offering a secondee suitable alternative duties on terms that are the same or not substantially less favourable; or
- Suspending a secondee from all duties, which will be on full pay unless they have unreasonably refused suitable alternative seconded duties.

### 6. Time off for Antenatal Care

Secondees are entitled to request paid time off during normal seconded hours, to receive antenatal care, regardless of the length of service or hours of secondment. Wherever possible, appointments should be arranged at the start or the end of the seconded day.

Antenatal care includes appointments with a medical practitioner, hospital and dental appointments, relaxation and parent craft classes and clinics.

Secondees should advise their line manager that they will be absent, as far in advance of appointments as possible. Secondees may be asked to produce appointment cards and a medical certificate stating that they are pregnant before permission is granted for time off.

Fathers, the intended parents in a surrogacy arrangement and partners of pregnant woman are entitled to unpaid time off to attend two antenatal appointments.

### 7. Sickness Absence

Periods of pregnancy-related sickness absence shall be paid in the same manner as any other sickness absence. However, if a secondee is absent for a pregnancy-related illness after the start of the fourth week before their Expected Week of Childbirth, their maternity leave will start automatically.

If a secondee is too ill to return to their seconded duties at the end of their maternity leave period, Wheatley Solutions normal arrangements for sickness allowance will apply in accordance with the sickness benefit scheme. Absence related to maternity will not accumulate with non-related absences.

### 8. Starting Maternity Leave

#### 8.1 When can maternity leave start

Secondees can choose to start their maternity leave at any time from the 11<sup>th</sup> week before the Expected Week of Childbirth (EWC).

Secondees must notify us of their Intended Start Date as set out in accordance with paragraphs 3.3 and 3.4 above.

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Maternity leave and pay will start on the chosen day, unless:

- The baby is born before the date which has been chosen as the start of the secondee's maternity. In this case, their maternity leave and pay will start on the day after the birth of their child. Secondees must let us know the date of the birth in writing as soon as possible or they risk losing their rights.
- Secondees are absent from their seconded duties for a pregnancy-related reason in the four weeks before their EWC. In this case, their maternity leave and pay will start on the day after the first day of their pregnancy-related absence. Again, secondees must let us know that they are absent for a pregnancy-related reason as soon as possible or they risk losing their rights, unless we agree to delay it.
- Secondees must take a minimum of two weeks maternity leave immediately after the birth of their child. The law prohibits secondees from attending their secondment during the two weeks following childbirth (known as compulsory maternity leave).

### 8.2 Changing the start of maternity leave

Secondees can bring forward the date they want to start maternity leave by giving Wheatley Solutions written notice at least 28 days before the new start date or, if this is not possible, as much notice as is reasonable.

Secondees can postpone their intended start date by giving us written notice at least 28 days before the original intended start date or, if this is not possible, as much notice as they reasonably can.

### 9. Keeping in touch during maternity leave

We may make reasonable contact with secondees from time to time during their maternity leave, for example to update them on changes within Wheatley Group or to discuss arrangements for their return.

Secondees may carry out their seconded duties or attend training for up to 10 days during maternity leave without affecting their rights or bringing their maternity leave or SMP to an end (known as Keeping in Touch (KIT) days). The arrangements, including pay, would be set in advance for any KIT days, by agreement with the secondee's line manager and / or Employee Relations. Secondees are not obliged to undertake any such seconded duties / training during maternity leave. In any case, they must not carry out any seconded duties or attend training in the two weeks after the birth.

### 10. Return to secondment

#### 10.1 Expected Return Date

Once we know the intended maternity leave start date, we will then write to the secondee within 28 days to inform them of the date we will expect them to return to their seconded duties ("Expected Return Date"). If a secondee changes the day they want to start their maternity leave or their maternity leave is automatically triggered by



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their child's birth or by a pregnancy-related absence in the four weeks before the EWC, the last day of the maternity leave will change. In this case Wheatley Solutions will write to the secondee again with a revised Expected Return Date.

We will expect secondees back at their place of secondment on their Expected Return Date unless they tell us otherwise. It will help us if, during maternity leave, a secondee is able to confirm that they will be returning to their seconded duties as expected.

We will assume that secondees will take the full one year's maternity leave when calculating the end date.

### 10.2 Returning to seconded duties early

If secondees wish to return before the Expected Return Date, they must inform their line manager, in writing, at least 8 weeks before the Expected Return Date. If not enough notice is given, we may postpone their return date until eight weeks after notice was given, or to the Expected Return Date if sooner.

### 10.3 Returning late

Secondees wishing to return later than the Expected Return Date should either:-

- request unpaid parental leave, giving us 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 our discretion.

If secondees are unable to return to their secondment due to sickness or injury, this will be treated as sickness absence and [Wheatley Solutions – Sickness and Absence Management Policy](#) will apply.

In any other case, a late return to secondment will be treated as unauthorised absence and possibly a misconduct issue, in accordance with [Wheatley Solutions – Discipline Policy](#).

### 10.4 Deciding not to return

Secondees who do not wish to return to their seconded duties after their maternity leave must give Wheatley Solutions the notice required, as specified in their secondment agreement. The amount of maternity leave left to run when secondees give notice must be at least equal to their secondment notice period; otherwise we may require them to return to their seconded duties for the remainder of the notice period.

If secondees have received the 33 weeks at five tenths (50%) of occupational maternity pay and do not physically return to their seconded duties in accordance with the time limits set and remain at their place of secondment or with any of the organisations within the Wheatley Group for at least 3 months, they will be required to refund Wheatley Group the amount of maternity pay paid to them for the 33 week period. This will be at the discretion of Employee Relations.

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### 10.5 Secondees' rights upon return

Secondees are normally entitled to return to their secondment in the same position as they held before commencing their maternity leave. If this is not possible then they will be redeployed to a suitable role of an equivalent grade. Their terms shall be the same as they would have been had the secondee not been absent.

Where secondees have taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for us to allow them to return into the same position, we may give them another suitable and appropriate secondment role on terms that are not less favourable.

### 10.6 Returning to secondment in a part-time role / flexible seconded hours

We will deal with any requests by secondees to change their seconded hours (such as part-time / role-share, condensed hours) after maternity leave on a case-by-case basis. There is no absolute right to insist on a part-time role, but secondees do have a statutory right to request flexible hours of secondment and we will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in [Wheatley Solutions - Policy on Hours of Secondment, Overtime, Related Allowances and Flexible Secondment Arrangements](#).

## 11. Benefits during Maternity Leave

All contractual benefits will be maintained (except for basic remuneration) throughout the ordinary and additional maternity leave period. Non-contractual benefits may be withdrawn but only where consistent with Wheatley Solutions procedures.

### 11.1 Holiday entitlement during maternity leave

During OML and AML, annual leave will continue to accrue at the rate provided under the secondment agreement.

If the holiday year is due to finish during the maternity leave or shortly after it ends, secondees should plan to use their outstanding holiday entitlement before starting their maternity leave. Alternatively, secondees might consider ending their maternity leave early and transferring onto paid holiday in order to use up their entitlement

Under [Wheatley Solutions – Time Off and Special Leave Policy](#), holiday entitlement not taken by 31 January will normally be forfeited; pay in lieu of any outstanding leave entitlement is not usually granted. Normally, Wheatley Solutions expects secondees to plan their maternity leave to enable them to take their full holiday entitlement in the relevant holiday year. However, if there are exceptional circumstances where this is not possible, please speak to Employee Relations.

If a secondee intends to take annual leave, prior to returning from maternity leave, they must confirm in writing the date they wish maternity leave to end, the subsequent period to be taken as annual leave and the physical date of return to seconded duties. This must be done at least 8 weeks before the maternity leave period ends. When a public holiday occurs during ordinary or additional maternity leave, the secondee upon return to their secondment shall be entitled to a day off in lieu.

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### 11.2 Pension membership/contributions

Seconded employees will receive a contributions form from their pension scheme during their maternity meeting with Wheatley Solutions, detailing the options available during maternity leave. It is the responsibility of the seconded employee to ensure that during any period of maternity leave their pension contributions are correct.

All pension queries should be addressed directly to the seconded employees' pension scheme.

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## SECTION B – PARENTAL LEAVE

This section of the policy is intended to summarise statutory rights to parental leave.

### 1. What is parental leave?

Wheatley Solutions recognises that seconded parents sometimes need to take time off to care for their child(ren) or make any necessary arrangements in the best interest of their child(ren).

Parental leave gives qualifying seconded employees the right from 8 March 2013 to take 18 weeks' unpaid parental leave in respect of each child (*due to the Revised Parental Leave Regulations 2013*).

### 2. Qualifying for parental leave

Wheatley Solutions seconded employees will qualify for parental leave if:

- They have at least one year's continuous service with any of the organisations within the Wheatley Group (at the date of commencement of leave), unless the child is entitled to Disability Living Allowance (DLA), in which case no minimum length of service is required;
- They have, or expect to have, parental responsibility for a child; and
- They are taking leave to spend time with or otherwise care for that child.
- They have the parental responsibility for a child if they are the biological or adoptive parent or if they are the legal guardian of the child. If a seconded employee is unsure as to whether or not they have parental responsibility for a child they should contact Employee Relations who will discuss this in confidence with them.

Any parental leave taken in relation to a child while working for another employer or organisation within the Wheatley Group counts towards a seconded employee's overall 18 week entitlement. If a seconded employee has taken parental leave in relation to a child during previous or concurrent employment they are accountable to provide these details to Employee Relations.

Both parents are entitled to parental leave if they are employed by any of the organisations within the Wheatley Group.

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### 3. Timing of parental leave

From 5 April 2015 parents of children under 18 will be entitled to request parental leave

Unless secondees are taking leave in respect of a child entitled to a DLA, armed forces independence allowance or personal independence payment they can:

- Only take parental leave in blocks of one week's leave or a multiple of a week's leave;
- Only take up to four weeks' parental leave each year in relation to each child. A year for this purpose begins when the secondee first becomes entitled to take parental leave in relation to the child in question.

### 4. Notice requirements

Secondees must give at least 21 days' notice if they wish to take parental leave and need to inform Wheatley Solutions of the start and end dates of the proposed period of leave. If secondees would like to take parental leave immediately after a period of paternity leave, it would help us if they could give us notice of this before the start of their paternity leave.

If secondees wish to take parental leave commencing immediately on the birth of a child, they must give at least 21 days' notice before the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave required.

If secondees wish to take parental leave commencing immediately on the adoption of a child, they must give at least 21 days' notice before the expected week of placement (EWP), and if this is not possible, as much notice as possible. The notice must specify the EWP and the duration of the period of leave required.

Secondees should complete and return the [WS – Notification of Leave Form](#) available on the intranet.

Where proper notice is not given, time off may be treated as unauthorised absence and possibly a misconduct issue, in accordance with [Wheatley Solutions – Discipline Policy](#).

### 5. Evidential requirements

If requested, secondees must provide evidence of their responsibility or expected responsibility for the child, the child's date of birth or date of placement and (where relevant) the child's entitlement to the DLA.

Secondees will also be required to provide details of parental leave taken in any previous employment or any of the organisations within the Wheatley Group.

### 6. Postponing parental leave

If we consider that the operation of the business service delivery would be unduly disrupted by taking parental leave, we are entitled to postpone parental leave for up to six months. We will discuss this with the secondee and will give them written notice of the new start and end dates of the postponed parental leave, together with the reasons for the postponement, within seven days of them giving notice of their intention to take leave.

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We will not, however, postpone a secondee's leave where they have given proper notification to take parental leave on the birth or adoption of a child. Nor will we postpone the leave, in the case of an adopted or disabled child, if the postponement would result in the leave being taken after the child's 18<sup>th</sup> birthday.

Parental leave entitlement will not be lost if, because of our postponement of such leave, it remains untaken on the child's 18<sup>th</sup> birthday (or on the eighteenth anniversary of the child's adoption placement).

### 7. Returning to seconded duties

Secondees will normally be entitled to return to the same seconded position following parental leave. If, however, the period of parental leave is longer than 4 weeks or has been combined with additional maternity or adoption leave, and it is not reasonably possible for the secondee to return to the same role, they will be offered a suitable and appropriate alternative seconded position.

### 8. Pay and benefits during parental leave

Where a secondee has been absent under Parental Leave, the period of absence shall not affect the length of their holiday entitlement in the year(s) in which the leave falls. Public holidays will be forfeited.

Part-time secondees' entitlement to Parental Leave is the same as that of full-time secondees, applied on a pro-rata basis.

The entitlement to Parental Leave applies to five-day secondment patterns. For alternative secondment patterns equivalent and, where appropriate, pro-rated leave entitlements will be calculated.

Where a secondee 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 under [Wheatley Solutions - Disciplinary Policy](#).

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## SECTION C – PATERNITY LEAVE AND PAY

This policy is intended to summarise statutory rights to paternity leave.

### 1. What is paternity leave?

Paternity leave is available to qualifying secondees on the birth or adoption of a child. Paternity Leave gives qualifying secondees the right to take either one week or two consecutive weeks leave at or around the time of the birth/placement.

**Note:** . In adoption or surrogacy cases secondees may be entitled to take Adoption Leave instead. However, Adoption Leave may only be taken by one parent. Paternity leave is available to the other parent.

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### 2. Qualifying for Paternity leave

Secondees will qualify for Paternity leave if:

- they fall under one of the following categories ((a)-(d)):
  - a) they are the biological father and will have some responsibility for the child's upbringing; or
  - b) they are the partner (that is spouse, civil partner or cohabiting partner) of the biological mother, and will have the main responsibility (with the biological mother) for the child's upbringing or
  - c) the child is born to a surrogate mother where the secondee is, or their partner is, one of the child's biological parents, and they expect to obtain a parental order giving them and their partner legal responsibility for the child;
  - d) a child is placed with the secondee for adoption by an adoption agency;
- they have or expect to have responsibility, or main responsibility, for the upbringing of the child;
- they are taking the paternity leave to care for the child or to support the child's mother or adopter in caring for the child; and
- they have 26 weeks' continuous service within any of the organisations within the Wheatley Group by the end of the qualifying week (QW). The QW as defined in detail in Section A and D of this policy but, broadly speaking, it is 15 weeks before the baby is due or notification of being matched with a child for adoption.

#### 2.1 Notice requirements

In the case of a birth, notice of intention to take Paternity leave must be given by the end of the QW by completing [WS – Notification of Leave Form](#).

In the case of adoption, notice of intention to take Paternity leave must be given no more than seven days after the child is matched by completing [WS – Notification of Leave Form](#).

#### 2.2 Pay

Paternity Leave is paid at full pay including statutory paternity pay.

Secondees will be paid on their normal pay day, subject to deductions for tax and National Insurance contributions.

Details of statutory paternity pay can be found at:

<http://www.hmrc.gov.uk/payee/rates-thresholds.htm#3>

#### 2.3 Length and timing of Paternity Leave

Secondees can take either one week or two consecutive weeks' Paternity Leave. Secondees are not entitled to take two separate one-week periods of leave or a period of leave which is less than one week in duration.

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Paternity leave cannot be taken before the child is born or placed for adoption and must be taken within 56 days of the child's birth or placement. If the child is born prematurely, Paternity leave can be taken up to 56 days after the first day of the expected week of childbirth (EWC).

Within these limits there are three options available for choosing when to start Paternity leave:

- The actual day the child is born or placed (whether this is earlier or later than expected). If secondees are at their place of secondment on this day, their Paternity leave and pay will start the following day.
- A specified number of days after the child is born or placed (for example, two weeks after the child is born or placed for adoption) whether this is earlier or later than expected.
- A fixed date of the secondee's choice, which must be later than the first day of the EWC or the expected placement date (EPD).

Where secondees choose to start their Paternity leave on a fixed and predetermined date and the child is not born or placed for adoption by the date, secondees must change the date they want to start their leave and give us written notification as soon as reasonably possible.

Written confirmation of the actual date of the child's birth/placement must be given as soon afterwards as reasonably possible.

### 2.4 Changing the dates of Paternity Leave

The start date of Paternity Leave specified in the original notice submitted by the secondee can be varied by giving us written notice to vary. This must be given to us as follows:

- where leave is to start on the day of the child's birth or placement, at least 28 days before the first day of the EWC or EPD as appropriate;
- where leave is to start a specified number of days after the child's birth or placement, at least 28 days (minus the specified number of days) before the first day of the EWC or EPD; or
- where leave is to be varied to start on a specific date, or a different date to that originally specified, at least 28 days before that date.

If 28 days' written notice to vary cannot be given as set out above, written notice of the change should be given as soon as possible.

## 3. Benefits

During Paternity leave secondees' benefits will be maintained (but see below for pension benefits), although they are not entitled to wages or salary.

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### 3.1 Rights under the pension scheme

Seconded employees will receive a contributions form from their pension scheme during their paternity meeting with Wheatley Solutions, detailing the options available during paternity leave. It is the responsibility of the seconded employee to ensure that during any period of paternity leave their pension contributions are correct.

All pension queries should be addressed directly to the seconded employees' pension scheme.

### 4. Seconded position on return

Seconded employees are normally entitled to return to the same seconded position following either Paternity Leave. However, if Paternity leave has been combined with a period of Shared Parental Leave of more than four weeks, and it is not reasonably possible for the seconded employee to return to the same seconded position; they will be offered a suitable and appropriate alternative seconded position.

For seconded employees wishing to apply for different secondment arrangements on their return to secondment, they should refer to [Wheatley Solutions - Policy on Hours of Secondment, Overtime, Related Allowances and Flexible Secondment Arrangements](#). Seconded employees should ensure that they make their application in good time if they want the changes to start on their return from paternity leave.

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## SECTION D – ADOPTION LEAVE AND PAY

This section is intended to summarise statutory rights to adoption leave.

### 1. What is adoption leave

Seconded employees who are adopting a child under the age of 18 may be entitled to adoption leave. The right to adoption leave is set out in the Employment Rights Act 1996 and the Paternity and Adoption leave Regulation 2002 (as amended).

Where a couple is adopting, they must decide which partner should take adoption leave. The other partner may then be entitled to paternity leave ([see section B](#)).

### 2. Qualifying for adoption leave

Seconded employees can qualify for up to 52 weeks' adoption leave which is divided into:

- 26 weeks' Ordinary adoption leave (OAL)
- 26 weeks' Additional adoption leave (AAL)

Seconded employees are eligible if they meet the following criteria:

- they are adopting a child through a UK adoption agency, or they are a local authority foster parent who has been approved as a prospective adopter (in cases where a couple adopts, only one of them can elect to take adoption leave, even if they have different employers, so one of them must elect to be the adopter for this purpose);



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- the adoption agency or local authority has given the secondee written notice that it has matched them with a child for adoption, or that it will be placing a child with them under a fostering for adoption arrangement, and tells the secondee the date the child is expected to be placed in their care (“Expected Placement Date”); and they have notified the agency that they agree to the child being placed with them on the Expected Placement Date.

If a foster-child or stepchild is being adopted this will usually not qualify for adoption leave because there is no matching by an adoption agency.

### 3. Qualifying for adoption pay

Secondees will qualify for statutory adoption pay (SAP) for 39 weeks if they meet the conditions to qualify for adoption leave and their normal weekly earnings in the eight weeks before the end of the QW are not less than the lower earnings limit for the payment of National Insurance contributions.

The lower earnings limit is reviewed annually. We will inform secondees if their normal weekly earnings are below the lower earnings limit.

. If secondees are not entitled to SAP, we will provide them with a form explaining why this is the case. This form can be used to apply for income support.

### 4. Notice requirements

Secondees should let us know if they are trying to adopt a child so that we can plan for their leave.

Once secondees are notified of being matched with a child they have seven days in which to notify us of their intention to take adoption leave and the date they intend it to start (see below).

Notice should be given by completing the form [WS – Notification of Leave Form](#) which can be downloaded from Wheatley Solutions Intranet and a “matching certificate” from the adoption agency should be provided.

To claim SAP secondees must give us a minimum of 28 days’ notice of the date when they would like this to start. In practice it is usually easiest if this notice is given at the same time as notifying us of the date when the adoption leave is to start. There is a section on the form for this purpose.

### 5. Adoption pay

If a secondee qualifies for Adoption leave they will be entitled to Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP) as follows:-

- **Statutory Adoption Pay** – 90% of their average weekly earnings for the first 6 weeks
- £151.97 or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks;

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SAP is paid at a flat rate prescribed by the government each year, or 90% of normal weekly earnings, whichever is the lower. The current rate of SAP can be found at: <http://www.hmrc.gov.uk/paye/rates-thresholds.htm#3>.

- **Occupational Adoption Pay** – 33 weeks at half (50%) normal pay plus any SMP entitlement

Seconded employees will be paid SAP and OAP on their normal pay day, subject to deductions for tax and National Insurance contributions.

The total Statutory Adoption Pay and Occupational Adoption Pay in any period shall not exceed normal pay.

### 6. Pre – adoption leave

Seconded employees can request paid time off from seconded duties in order to attend meetings or appointments in relation to the adoption process and this will not be unreasonably refused. Line managers must be advised as soon as an application for adoption has been lodged with the Adoption Agency. Proof of the requirement to attend court sessions, interviews or other meetings linked with the adoption process may be required.

Where possible meetings should be arranged out with core secondment hours and line managers should be advised as soon as an appointment has been made. A maximum of five additional secondment days will be available for this purpose. This will be calculated on a pro rata basis for part-time / role-share seconded employees. Partners of the primary adopter can also request unpaid time off to attend two appointments linked to the adoption process.

### 7. Starting adoption leave and pay

Seconded employees can choose to start their adoption leave and SAP on:

- the day the child is actually placed with them (whether this turns out to be earlier or later than expected)
- a fixed and predetermined date of their choice within the 14-day period before the expected placement date (EPD)

Where seconded employees choose to start their leave on the day the child is placed with them and they are at their secondment that day, their adoption leave and SAP will start the following day.

### 8. Changing the start date

Seconded employees are entitled to change the date they would like their adoption leave to start on as long as they give notice of the new date in writing. If the reason for the change of date is because they want to start their leave on the day the child is placed with them, they must give at least 28 days' notice of the EPD. If they are choosing a predetermined date, notice must be given at least 28 days before that date.

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In either case, if it is not reasonably possible to give 28 days' notice, secondees must give as much notice as they reasonably can.

### 9. Disrupted placement

Where secondees are notified after they have started their adoption leave that the placement will not go ahead, or the placement is disrupted during their leave, they must notify us as soon as reasonably possible. Entitlement to adoption leave and SAP / OAP will continue for a further eight weeks. In such circumstances, we will approach returning to secondment on a case-by-case basis.

### 10. Return to secondment

Once we know the intended start date of a secondee's adoption leave, we will write to them within 28 days to tell them when their leave will end. If the start date of their adoption leave changes, the last day of their adoption leave will also change. In this case we will write again to advise of the new end date.

We will assume that the full one year's adoption leave entitlement will be taken when calculating the end date. Secondees can return to their seconded duties sooner than this if they wish, but we must be given at least eight weeks' notice in writing.

### 11. Keeping in touch during adoption leave

We may be in touch occasionally during adoption leave, for example to update secondees on a situation with their secondment or to discuss arrangements for their return. Secondees should discuss with their line manager the level of contact they would like.

Secondees can conduct their seconded duties or attend training for up to ten days (known as Keeping in Touch (KIT) days) during their adoption leave without affecting their rights to SAP / OAP or interrupting their adoption leave. We will aim to agree with secondees in advance an appropriate rate of pay for any such days.

### 12. Seconded position on return

If secondees return to secondment within 26 weeks of starting adoption leave they are entitled to return to the same seconded position. If secondees return to secondment after 26 weeks and it is not reasonably possible for them to return to the same seconded position, they will be offered an alternative seconded position on not less favourable terms.

Those interested in applying for flexibly seconded hours on return to secondment should refer to [Wheatley Solutions - Policy on Hours of Secondment, Overtime, Related Allowances and Flexible Secondment Arrangements](#). Applications should be made in good time if secondees want the changes to start when they return from adoption leave.

### 13. Resignation

Secondees who wish to resign must give the proper amount of notice which is due under their contract of employment, with their employing organisation. Full entitlement to SAP will be retained unless secondees start working for a new employer after the QW. However, if secondees have received Occupational Adoption Pay of 33 weeks at

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half (50%) of their normal pay and do not physically return to secondment in accordance with the time limits set and remain at their place of secondment for a least 3 months, they will be required to refund Wheatley Group the amount of occupational adoption pay for the 33 week period.

### 14. Benefits during leave

Benefits during adoption leave will be maintained (but see below for pension benefits), although secondees will not be entitled to their full normal wages or salary.

### 15.1 Holiday entitlement during adoption leave

During OAL and AAL, annual leave will continue to accrue at the rate provided under the secondment agreement.

If the holiday year is due to finish during the adoption leave or shortly after it ends secondees should plan to use their outstanding holiday entitlement before starting their adoption leave. Alternatively, secondees might consider ending their adoption leave early and transferring onto paid holiday in order to use up their entitlement.

Under [Wheatley Solutions - Time off and Special Leave Policy](#), holiday entitlement not taken by 31 January will normally be forfeited; pay in lieu of any outstanding leave entitlement is not usually granted. Normally, Wheatley Solutions expects secondees to plan their adoption leave to enable them to take their full holiday entitlement in the relevant holiday year. However, if there are exceptional circumstances where this is not possible, please speak to Employee Relations.

If a secondee intends to take annual leave, prior to their return from adoption leave, they must confirm in writing the date they wish their adoption leave to end, the subsequent period to be taken as annual leave and the physical date of return to seconded duties. This must be done at least 8 weeks before the adoption leave period ends. When a public holiday occurs during ordinary or additional adoption leave, the secondee upon return to their secondment shall be entitled to a day off in lieu.

### 15.2 Rights under the pension scheme

Secondees will receive a contributions form from their pension scheme during their adoption meeting with Wheatley Solutions, detailing the options available during adoption leave. It is the responsibility of the secondee to ensure that during any period of adoption leave that their pension contributions are correct.

All pension queries should be addressed directly to the secondees' pension scheme.

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## SECTION E – FOSTERING

There is no statutory right to paid time off for a secondee who wishes to foster a child, (except for foster parents who are approved for adoption under a local authority fostering for adoption scheme as outlined above). However, Wheatley Solutions believes that it is important to support secondees who are considering being the main carer by fostering a baby / child (under the age of 18) and are looking for time off to support them in the initial stages of this process.

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This section of the policy is, therefore, to enable a secondee who wishes to foster a baby / child to take a period of leave to help the baby / child settle into the family and adjust to new circumstances.

### 1. Qualifying for foster leave

Secondees' of Wheatley Solutions who have 12 months continuous or more service with any of the organisations within the Wheatley Group are eligible to apply for foster leave.

This policy applies to both single persons and those secondees who are in a marriage, civil partnership or cohabiting couple.

### 2. Entitlement to foster leave

Wheatley Solutions has a flexible approach to fostering, which can vary in length of time, from very short term to long term fostering. If secondees are considering fostering a baby / child they should discuss their intention to foster with their line manager as soon as possible to ascertain the support they will need.

For very short term fostering a secondee may be entitled to paid time off as follows:

- ½ day per week for three weeks (this may be extended by up to a maximum of a further three ½ days)

The overall leave must not exceed six ½ days in a six week period.

Where secondees regularly foster children, managers should contact Employee Relations for advice.

For longer term fostering Wheatley Solutions can consider providing foster leave and pay in accordance with the arrangements as detailed in [Section D - Adoption Leave / Pay](#).

Managers should contact Employee Relations to determine whether time off should be granted under short term fostering or adoption leave.

### 3. Applying for foster leave

Wheatley Solutions expects a secondee to let them know if they are trying to foster a baby /child so that they can plan for their leave.

Once notified by the appropriate authorities that they have been matched with a baby / child, secondees have seven days or as soon as practicable to give notice that it is their intention to apply for foster leave.

Notice should be given by completing the form [WS – Notification of Leave Form](#) which can be downloaded from Wheatley Solutions Intranet and a copy of written confirmation from the appropriate authorities must also be provided.

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### 4. Pay for foster leave

Secondees will be paid their full normal salary, on their normal pay day, subject to deductions for tax and National Insurance contributions.

### 5. Additional Foster Leave (AFL)

If a secondee fosters a child who is of pre-school or primary school age, they may be granted unpaid leave (up to a maximum of four weeks) from the commencement of the child's placement at nursery or school in respect of each child fostered that meets this requirement.

A secondee who wishes to request unpaid AFL must give at least 28 days' notice of the AFL for pre-school or primary school age by completing the form [WS – Notification of Leave Form](#) which can be downloaded from Wheatley Solutions Intranet.

Additional Foster Leave may also be granted for review meetings but this will be unpaid.

### 6. Benefits during foster leave

Benefits during foster leave will be maintained (but see [Section D - 15.2 for pension benefits](#)), although secondees may not be entitled to their full normal wages or salary.

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## SECTION F– EMERGENCY TIME OFF TO HELP DEPENDANTS

This section is intended to summarise statutory rights to time off during secondment hours to deal with emergencies involving dependants. This right is given by the Employment Rights Act 1996.

### 1. What is emergency time off to help dependants?

All secondees, regardless of their length of service or sex, have the right not to be unreasonably refused a reasonable amount of unpaid time off during secondment hours to deal with emergencies involving their dependants.

### 2. Qualifying for emergency time off from seconded duties

Emergency unpaid time off from seconded duties can be requested in the following circumstances:

- to help when a dependant is ill, gives birth or is injured or assaulted
- to make longer-term care arrangements for an ill or injured dependant
- to deal with unexpected changes to a dependant's care arrangements
- as a result of the death of a dependant; and
- to deal with an incident involving a child which occurs unexpectedly during school time

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A 'dependant' is generally a spouse or partner, child or parent, or anyone else who reasonably relies on the secondee to provide assistance, make arrangements or take action of the kind referred to above. With some exceptions, a person who lives in the same household is also a dependant. Depending on the reason for taking time off, a dependant can also be someone who reasonably relies on the secondee for assistance during illness or to make arrangements for the provision of their care.. Where secondees are unsure whether someone is their dependant, they should contact Employee Relations who will discuss this in confidence with them.

### 3. Requesting emergency time off for a dependant

If secondees need emergency time off to help a dependant, they must advise their line manager as soon as possible, informing them of the circumstances and the likely duration.

Secondees are entitled to take a reasonable amount of time off to deal with the emergency. What is reasonable will depend on the circumstances. In most cases a day or less should be sufficient. Secondees are not entitled to take time off from their seconded duties to provide on-going care for a dependant (such as a child with an underlying health condition), nor are they entitled to take unlimited amounts of time off from their secondment to care for a dependant who suffers from a recurring illness. Once it is known that a dependant suffers from an underlying medical condition which is likely to cause them to suffer regular relapses, it is no longer something unforeseen or unexpected. Secondees should speak to their line manager if they would like to discuss a short or long-term change to their secondment patterns.

### 4. Pay for emergency time off for a dependant

Wheatley Solutions recognises that secondees may need to make special arrangements; for example, sickness of a dependant and therefore Wheatley Solutions will usually authorise leave with normal pay, for one day. This may be extended on a paid or unpaid basis according to the circumstances agreed by the line manager.

In ordinary circumstances, Wheatley Solutions expects emergency time off for dependants that exceeds one day to be authorised with holiday entitlement, flexi-time or as unpaid leave.

The amount of leave will be based on what is reasonable and necessary with the information that the line manager has available to them at that particular time. This is not expected to normally exceed two or three days.

### 5. Contact during emergency time off for a dependant

Secondees should keep their line manager updated daily as to the likely duration of their absence, unless we agree otherwise. If secondees would like to take more time off than originally advised, they must contact their line manager as soon as possible.

### 6. Returning to secondment duties after emergency time off for a dependant

Upon return to their seconded duties, secondees may be required to complete and submit the form [WS – Time Off for a Dependant](#) detailing the reason for their time off. Evidence of the reason for their absence may also be requested.

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### 7. Refusing a request for emergency time off for a dependant

We will not unreasonably refuse a request for emergency time off to help dependants. If a secondee thinks their request has been unreasonably refused, they should discuss this with their line manager or trade union representative, in the first instance.

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## SECTION G – CARER'S LEAVE

Wheatley Solutions recognise that some secondees may have caring responsibilities for seriously sick elderly or disabled relatives, partners, family or dependants. We realise that these responsibilities may place extra demands on secondees and could affect their performance at work; therefore we want to do what we can to support them in balancing their work and caring commitments.

### 1. What we mean by a carer

Carers are those responsible for caring for and supporting a disabled, elderly or sick partner, relative or near relative or someone who lives with them who is unable to care for themselves because they are ill, frail or have a disability. By near relative we mean, parents, a parent in law, an adult child, an adopted adult child, siblings (including in laws), uncles, aunts, grandparents or step-relatives.

### 2. Pay for time off for a carer

Wheatley Solutions recognise that secondees may need to take time off to support those they care for. For example: hospital appointments, attending benefit meetings or mandatory meetings such as banks or solicitors. Under these circumstances, Wheatley Solutions as of June 2023 will give up to 6 days paid leave on a pro rata basis (up to a maximum of 42 hours) in any calendar year to allow secondees to carry out their caring responsibilities.

### 3. Applying for Leave

Secondees have the right to apply for time off and this should be discussed with their line manager who will consider all requests sympathetically and will be agreed in line with service delivery commitments and at their discretion. Secondees should complete the form WS Notification of Leave form which can be downloaded from Wheatley Solutions intranet.

### 4. Supporting information

Secondees may need to produce documentation of the arrangements which require them to take carers leave such as medical appointments, or letters confirming legal hearings or mandatory meetings.

In the event of an emergency please refer to section F of this document which relates to emergency time off for a dependent.



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### 5. Other support for carers

Wheatley Solutions understand that caring responsibilities can be long term and change over time and have additional support that secondees can access:

- Employee Assistance Provider – PAM Assist 0800 882 4102
- W.E are Wheatley Group – Carers Network
- People Like Me Section – Carers Page on W.E. Connect
- Flexible Working
- Purchased Leave – up to 5 days
- Trade Unions

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## SECTION H – SURROGACY

This section of the policy defines the term surrogacy and legal entitlement to statutory leave and pay.

### 1. What is surrogacy?

Surrogacy is the practise whereby one woman (the surrogate mother) carries a child for another person (the commissioning couple) as a result of an agreement prior to conception that the child should be handed over to the commissioning couple after birth by means of a parental order.

### 2. The birth mother

What the birth mother plans to do with her baby after it has no impact on her right to maternity leave or statutory maternity pay. Pregnant secondees have the right, irrespective of length of service, age, marital status or any other factor, to take up to 52 weeks' maternity leave and return to their secondment afterwards.

If a secondee meets the eligibility requirement in [Section A – Maternity Leave and Pay](#), and is giving birth on behalf of surrogate parents (the commissioning couple), then they will be entitled to both maternity leave and pay as outlined in this policy.

### 3. The surrogate parent(s)

Wheatley Solutions recognises the need to grant time off for secondees to adapt, build a relationship with their child and develop new routines. Therefore, Wheatley Solutions offers an Occupational Surrogacy Leave and Pay Scheme for eligible secondees.

The surrogate parent(s) may also be entitled to unpaid parental leave (see [Section B – Parental Leave](#)).

However, if the surrogate parent(s) plan to adopt the child through an approved adoption agency then secondees may be entitled to adoption leave. In order to qualify they must provide:

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- A copy of the MATB1 prior to the birth of the baby, and
- A copy of the “Parental Order” as soon as possible after the baby’s birth and no later than six months after commencement of adoption leave.

The secondee must also meet the eligibility requirement and comply with the details outlined in [Section D – Adoption leave and pay](#).

### 4. Qualifying for Occupational Surrogacy Leave (OSL)

If a secondee has more than 26 weeks’ continuous service with any of the organisations within the Wheatley Group and has secured a Parental Order granting legal responsibility for a child (following a legal surrogacy arrangement), will be entitled to equivalent rights as those secondees who qualify for Adoption Leave and Pay as detailed in Section D in this policy, which is:-

Secondees will qualify for up to 52 weeks’ surrogacy leave which is divided into:

- 26 weeks’ Ordinary Surrogacy Leave (OSL)
- 26 weeks’ Additional Surrogacy Leave (ASL)

Secondees are eligible if:

- They have provided Wheatley Solutions with a copy of the MATB1 form, prior to the birth of the baby  
They have provided a copy of the Parental Order within 6 months of the baby’s birth  
They must have a minimum of 26 weeks’ continuous service with any of the organisations within the Wheatley Group to benefit from the entitlements under this section.
- Where both individuals who secure a Parental Order granting legal responsibility for a child are employed by any of the Wheatley Group organisations, only one individual shall benefit from this entitlement.

### 5. Occupational Surrogacy Pay

Secondees will qualify for occupational surrogacy pay (OSP) for 39 weeks if you meet the conditions to qualify for surrogacy leave.

- 39 weeks at half normal pay (50%)
- 13 weeks unpaid

If the secondee has received the Occupational Surrogacy Pay of 39 weeks at half (50%) of normal pay, and does not physically return to their secondment in accordance with the time limits set and remain at their secondment for at least 3 months, they will be required to refund Wheatley Group the amount of Occupational Surrogacy Pay for the 39 week period.

**Note:** as this is an Occupational benefit, there is no legal entitlement to statutory pay during any period of surrogacy leave.

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### 6. When does surrogacy leave commence?

Eligible secondees can choose to start their surrogacy leave on the date of the baby's birth or on a pre-determined date from 14 days before the baby's due date. Secondees should inform their line manager and Employee Relations of their intention to take surrogacy/adoption leave (whichever is applicable) under a surrogacy arrangement at least 28 days before they intend to commence their leave, unless this is not reasonably practicable. The secondee will also need to complete the [WS – Notification of Leave Form](#), which can be downloaded from the intranet, confirming the following:

- When the baby who is the subject of the surrogate agreement, is due to be born, and
- When they want their surrogacy leave to start.

### 7. Failure to provide a “Parental Order”

Wheatley Solutions retains the right to reclaim any payment made for surrogacy leave, if the secondee fails to provide a copy of the “Parental Order” within six months of leave and pay commencing.

**Note:** All other details are as specified under [Section D – Adoption Leave and Pay](#) such as benefits during leave.

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## SECTION I – FERTILITY TREATMENT LEAVE

### 1. What is fertility treatment?

Infertility (unable to produce a child) is a medical condition. Establishing the cause of infertility may take many months. While there is no legal requirement for Wheatley Solutions to allow secondees time off for fertility treatment, Wheatley Solutions adopts a sympathetic and open approach.

Wheatley Solutions recognises that secondees who are undergoing infertility treatment may be required to be absent from their seconded duties whilst undertaking a course of fertility treatment.

This section of the policy sets out the eligibility, qualifying criteria and application for approval of paid / unpaid leave for the purposes of fertility treatment.

### 2. Qualifying criteria

A secondee of Wheatley Solutions who has 12 months continuous or more service within any of the Wheatley Group organisations, is eligible to apply for fertility treatment leave. This is regardless of whether they are single, in a marriage, civil partnership or cohabiting couple.

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Treatment may fall into the following categories:

- Frozen Embryo replacement (FER)
- Gamete Intra-fallopian Tube Transfer (GIFT)
- Intra – Cytoplasmic Sperm Injection (ICSI)
- In-Vitro Fertilisation (IVF)
- Zygote Intra-fallopian Tube Transfer (ZIFT)

### 3. Time off fertility treatment

For those who decide to undergo fertility treatment, the process involved is often time-consuming, expensive, traumatic and stressful. Many find this situation increasingly difficult to confide in their line managers and colleagues. While line managers will be expected to treat the matter with sensitivity and with the appropriate level of confidentiality, this policy aims to support secondees throughout their treatment.

Secondees who choose to follow a course of fertility treatment will have the right to request either of the following entitlement:

- Females undergoing treatment: up to five secondment days paid leave (pro-rata for part-time / role-sharer / condensed hours) within a 12 month period to attend necessary treatment during the fertility treatment cycle.
- Partners undergoing treatment: up to two secondment days paid leave (pro-rata for part-time / role-share / condensed hours) within a 12 month period to cover necessary treatment and to provide support during a fertility treatment cycle.

This entitlement also includes paid time off for when the treatment has been unsuccessful.

Secondees are expected, wherever possible to arrange appointments outside of their secondment hours, however where this is not possible, a secondee may be granted paid leave as specified above. The fertility treatment paid leave can be taken to suit the needs of the secondee. For example, 5 days in one block, separate days or half days.

Where a partner is not receiving treatment but would like to attend appointments with their spouse or partner they would be expected to take annual leave / flexi-time / TOIL or unpaid leave. Appointments should be agreed in advance by the line manager.

It is usual for secondees undergoing fertility treatment to agree a scheduled plan with the fertility clinic and this should be discussed with their line manager. It is important to note that the schedule is defined by the clinic and not the patient, as treatments have to occur at specific times.

### 4. Applying for fertility treatment leave

Secondees should advise their line manager as soon as possible that they are undergoing treatment and wish to apply for fertility treatment leave.

Secondees must complete [Wheatley Solutions – Notification of Leave Form](#), available on the intranet and submit to their line manager at least 4 weeks prior to the commencement of treatment. Applications will be treated in the strictest confidence.

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On receipt of the application form, the line manager will arrange a meeting with the secondee within 14 secondment days to determine their needs, as well as discuss the anticipated number of days away from their seconded duties and any flexible secondment pattern arrangements that may be required once the treatment has started.

**Note:** While there is no limit to the number of fertility treatments an individual may wish to request in a calendar year, the entitlement to paid leave shall not exceed 5 secondment days (or equivalent) within a 12 month period for female secondees or 2 secondment days (or equivalent) within a 12 month period for partners also receiving treatment.

### 5. Requesting time off in excess of entitlement / unused entitlement

Wheatley Solutions will demonstrate a pragmatic approach to secondees whose fertility treatment exceeds the five or two days for paid leave entitlement (pro-rata for part-time / role-sharer / condensed hours). In cases where a secondee requires any additional time off, then alternative leave arrangements will be considered by their line manager and in advance to include annual leave / flexi-time / TOIL or unpaid leave.

Wheatley Solutions secondees should note that any unused entitlement to paid leave for fertility treatment during a calendar year may not be carried forward and is forfeited.

### 6. Postponement of fertility treatment leave

There may occasions when line managers may require an individual to postpone taking their leave for fertility treatment until a later date, for example, because of operational reasons. In the event that an application for time off is postponed to a later date, this should only be as a result of a legitimate business reason or grounds. Should this happen, the line manager will confirm to the secondee a date which will be convenient for fertility treatment leave to be taken.

### 7. Counselling and Support

Wheatley Solutions appreciate that fertility treatment may be a difficult time for secondees and that they may like to speak to someone in confidence. Wheatley Solutions offers an assistance programme - details of this service can be found on the Wheatley Group Intranet.

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## SECTION J – REQUESTING A FLEXIBLE SECONDMENT ARRANGEMENT AND CHILDCARE SUPPORT

### 1. Requests for flexible secondment arrangements

Wheatley Solutions acknowledges that it can sometimes be difficult to combine secondment duties with personal responsibilities and in recognition of this, Wheatley Solutions offers flexible secondment arrangements and all secondees are eligible to apply. For further details on how to apply please refer to [Wheatley Solutions – Hours of Secondment, Overtime, Related Allowances and Flexible Secondment Arrangements Policy](#). This policy is available to download from the Wheatley Solutions Intranet.

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### 2. W.E Benefit – Term-time only arrangements

Wheatley Group has recently launched the W.E Benefit Scheme, which introduces term-time only arrangement to all individual's employed within any of the organisations part of the Wheatley Group.

This scheme is one of a number of flexible secondments arrangements / benefits that Wheatley Group is adopting, together with other provisions, committed to the principle of the right balance between an individuals' secondment and life commitments.

It is accepted that individuals perform best when they can balance their secondment responsibilities with the rest of their lives. The purpose of the scheme is focussed on improving healthy lives and making more flexible opportunities available to secondees, to suit their domestic commitments.

The scheme is open to all employees. In order to make a request, please refer to the [W.E Benefit - Term-time only contract procedure guidelines](#) available to download on Wheatley Group's Intranet.

### 3. Childcare Vouchers

Wheatley Group offers childcare vouchers. This is a benefit available to all eligible parents who are seconded to WS. For employees within any of the organisations within the Wheatley Group they're non-taxable and exempt from National Insurance; for employers they bring NI savings too. Childcare vouchers are the recognised payment method for registered carers.

All eligible WS parents with children up to 16 years old can benefit. Childcare vouchers benefit all tax-payers and offer savings of up to \*£1866 (2013) a family, a year. Childcare vouchers are not just for under 5 year olds - they can be used to pay for all types of registered childcare, including day nurseries, nannies, au pairs, crèches, child-minders, out of school clubs, holiday schemes, activity clubs and qualifying childcare offered by schools.

\*Figures quoted relate to the maximum family savings, if both WS parents are Basic rate tax-payers and use childcare vouchers. If both WS parents are Higher or Additional rate tax-payers they may save up to £1,246 a year. The savings the employee makes will depend on their circumstances.

To register email the Employee Wellbeing Team on #Wheatley Employee Wellbeing.

### 4. Additional Childcare Support

The launch of W.E Benefit introduces additional childcare support. To qualify secondees must be registered with the childcare voucher provider and are also in receipt of childcare vouchers.

Secondees must be in receipt of childcare vouchers for a continuous period of 12 months to receive the additional £400 of vouchers from the Wheatley Group.

Secondees will receive the additional £400 of vouchers twice a year, in March and September, into their childcare voucher account.

## Family Friendly Policy

These vouchers can be used for registered childcare.

Please note: This additional £400 of vouchers will be subject to tax.

For further information on how secondees can benefit from the additional childcare support please refer to the [Group's Intranet – W.E Benefit Additional Childcare Support](#) or alternatively contact the Employee Wellbeing Team at #Wheatley Employee Wellbeing.

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