

Battle Scars CIO Leave Policy

Annual leave, maternity leave, paternity leave, shared paternal leave, unpaid paternal leave, adoption leave, time off for dependants, carer's leave & bereavement leave

Policy information	
Organisation	Battle Scars
Scope of policy	Applies to all staff
Policy operational date (original)	04/01/21
Policy prepared by	Jenny Groves – CEO
Reviewed:	25/03/24
Amended	No
Date approved by Board	06/04/24
Policy review date	By 31/01/25 Every 2 years
Distributing	This policy will be available on the Battle Scars website and staff shared drive. It will be a requirement for all trustees and staff to read the policy after appointment or after its review. A summary of all relevant policies will be included in the volunteer handbook with clear signposting to the full text. Volunteers will be kept up to date with any changes that might affect their role.
Introduction	
Purpose of policy	The purpose of this policy is to inform employees of leave entitlements.
Annual leave	
Entitlement	Full-time staff are entitled to 28 days' annual leave plus 8 public holidays. The line manager will inform the employee of annual leave entitlement for the current leave year. Employees working less than full time or for a proportion of the year will be entitled to pro-rata annual leave and pro-rata bank holidays.
Requesting annual leave	Holidays must be agreed with the line manager as early as possible. Battle Scars will, where possible, try to accommodate individual preferences for holiday dates but the needs of the organisation may have to take precedence, particularly where short or inadequate notice is given.
Holiday year	<ul style="list-style-type: none"> • The holiday year runs from 1st April to 31st March. • Leave for employees joining after the start of the leave year accrues at the rate of one twelfth of the annual entitlement for each complete calendar month of service. • Leave for employees who terminate their employment during the leave year is calculated on the same basis. If, however, the annual leave entitlement has been exceeded, a deduction calculated on the same basis will be deducted from the final salary payment.

Holiday pay in lieu of accrued leave	Holiday pay in lieu of accrued leave will be paid only on termination of employment and will normally be subject to a maximum of 10 working days.
Holiday entitlement for irregular hour workers and part-year workers	For irregular hour workers and part year workers their holidays will be calculated as 12.07% of actual hours worked in a pay period.
Maternity leave & pay	
Length of maternity leave	Pregnant employees will be entitled to take 26 weeks' Ordinary Maternity Leave and 26 weeks Additional Maternity Leave, irrespective of their length of service or the number of hours worked each week.
Maternity leave eligibility	<p>Pregnant employees qualify for Statutory Maternity Leave if:</p> <ul style="list-style-type: none"> they're an employee not a 'worker' (https://www.gov.uk/employment-status/worker) they give their employer the correct notice. <p>It does not matter how long they've been with their employer, how many hours they work or how much they get paid.</p>
Specifics	<ul style="list-style-type: none"> Not return to work during the two weeks immediately following the birth of the child is allowed. Choosing when maternity leave starts is possible, however, the earliest it can start is during the 11th week before the expected week of your child's birth. In certain circumstances, maternity leave may start automatically earlier than the date chosen as the start date for maternity leave. This applies where there is absence from work wholly or partly because of pregnancy at any time during the four weeks before the expected week of childbirth. This also applies in cases of early birth.
Pay	<ul style="list-style-type: none"> A minimum of at least 26 weeks' service by the end of the 15th week before the child is expected to be born is required to be entitled to Statutory Maternity Pay (SMP), provided average weekly earnings are at or above the Lower Earnings Limit for National Insurance. SMP is payable for 39 weeks. For the first six weeks, SMP will be paid at 90% of the average weekly earnings. For the remaining 33 weeks, SMP will be paid at the standard rate, which is prescribed by regulations and is adjusted from time to time, or 90% of your average weekly earnings (whichever is lower). Battle Scars will inform you of the applicable rate. SMP will be paid subject to deductions for tax and National Insurance contributions in the normal way.
Early birth or loss of baby	<p>The pregnant employee can still get Statutory Maternity Leave and SMP if the baby:</p> <ul style="list-style-type: none"> is born early is stillborn after the start of the 24th week of pregnancy dies after being born
Notifying Battle Scars	<ul style="list-style-type: none"> In order to be eligible for maternity leave and SMP, the employee's line manager must be notified in writing by or during the 15th week before the expected week of the child's birth. The line manager must be informed of the following: <ul style="list-style-type: none"> the pregnancy the week in which the child is due

	<ul style="list-style-type: none"> ○ the date the employee intends to start their maternity leave ○ the date from which the employee will be claiming SMP ● A MAT B1 certificate should be enclosed with the written notification signed by the registered doctor or registered midwife to confirm the expected week of childbirth. ● The date maternity leave starts may be changed providing at least 28 days' notice are given in writing of either the new start date or the original start date (whichever is earliest). ● Within 28 days of receiving notice, Battle Scars shall notify in writing of the date when the maternity leave will end.
Prior to departure	<p>Prior to your departure on maternity leave, there will be a meeting between the line manager and the employee to discuss rights and entitlements during maternity leave, the possibility of flexible working upon return to work and the level of contact with the organisation wished for during maternity leave. This is an opportunity to raise any queries or concerns.</p>
Benefits during maternity leave	<ul style="list-style-type: none"> ● During Ordinary Maternity Leave, contractual benefits will continue and normal terms and conditions will continue to apply, except for those terms relating to wages and salary. Holiday will continue to accrue. ● During Additional Maternity Leave, the rights and obligations under the contract of employment are reduced, but notice must still be given in accordance with the contract of employment if you want to leave. In addition, the employee on maternity leave will continue to be bound by the obligations of confidentiality and loyalty. Only statutory holiday will accrue.
Health & Safety	<p>If any pregnant employees, or employees who have recently become mothers or who are breastfeeding are employed in positions which have been identified as posing a risk to their health and safety or that of their baby they will be notified immediately and arrangements will be made to eliminate the risks. For any health and safety concerns about own health at any time the Line Manager should be consulted immediately.</p>
Returning to work	<ul style="list-style-type: none"> ● No separate notification of the return date is required. It will be assumed that return to work will be on the date the organisation has notified is the end of the maternity leave period. However, if a return to work before the end of the full maternity leave entitlement is wanted, the line manager must be given at least 8 weeks' notice in writing of the intended return date. ● If the employee returns to work immediately after a period of Ordinary Maternity Leave, the employee will return to work in the same job before starting maternity leave. ● If the employee returns to work from a period of Additional Maternity Leave, the employee will return to work in the same job. If this is not reasonably practicable, a similar job on equally favourable terms and conditions will be offered. ● If the employee decides not to return to work after maternity leave, written confirmation is required and the notice required by the contract of employment must be given.

	<ul style="list-style-type: none"> On return from maternity leave, the line manager will arrange a meeting to discuss any changes which have taken place during the absence. This will be an opportunity to discuss any issues relating to breastfeeding. This is an opportunity to raise any queries or concerns.
Pregnant employees and redundancy	Priority for suitable alternative employment in a redundancy situation will be given to pregnant employees and those who have returned from maternity, adoption or shared parental leave.
Paternity leave & pay	
Length	Statutory Paternity Leave is a maximum of two weeks' leave, following the birth of a child, taken in order to support the mother or care for the new child. It can be taken as a single week, two consecutive weeks or as two separate weeks. It cannot be taken as odd days-but must be taken as blocks of one week.
Specifics	<ul style="list-style-type: none"> An employee can take their statutory paternity leave at any time in the first 52 weeks after the birth. This is if their baby is due on or after 7 April 2024. They cannot start statutory paternity leave before the birth. To qualify an employee must have worked for the organisation for at least 26 weeks by the end of the 15th week before the expected birth week. To take statutory paternity leave, the employee must give 28 days' notice. The employee must tell their employer: <ul style="list-style-type: none"> they're having a baby they're planning to take paternity leave the expected week of childbirth The employee must give this information to their employer before the end of the 'qualifying week'. An employee must also tell their employer in writing that they are one or both of the following: <ul style="list-style-type: none"> the child's father married to, the civil partner or partner of the mother or birth parent – this includes same-sex partners Any dates specified for leave to be taken can be changed as long as an employer is given at least 28 days' notice.
Pay	Statutory Paternity Pay is paid at a fixed rate per week (determined in legislation) or 90% of average earnings if that is less. It is paid less tax and National Insurance contributions in the normal way.
Terms & conditions	During Statutory Paternity Leave, all normal contractual terms and conditions apply as if present, apart from basic wages and salary.
Returning to work	Following Statutory Paternity leave, the right to return to exactly the same job, on the same terms and conditions will apply.
Adoption leave	
Entitlement	<ul style="list-style-type: none"> Parallel arrangements to maternal leave are available for the adoption of a child. Paternity leave and pay are also available for the adoption of a child.

Redundancy situation	Parents on adoption leave have the right to be prioritised for redeployment offers in a redundancy situation, for 18 months after the child's date of placement or date of entry into Great Britain.
Shared parental leave	
Principle	This leave entitlement is designed to give parents / adopters more flexibility in how to share the care of their child in the first year following birth or adoption. If a couple is eligible they can share up to 50 weeks leave, the two partners can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.
Criteria	<p>To be eligible you must meet the following criteria:</p> <ul style="list-style-type: none"> • Either one of the partners must be entitled to maternity / adoption leave, or statutory maternity / adoption pay (or maternity allowance from the Government) and must share the main responsibility for caring for the child with the partner. • At least 8 weeks' notice must be given before shared paternal leave starts. • In addition, both partners will also be required to follow a two-step process to establish eligibility as follows: <ul style="list-style-type: none"> ○ Step 1 - Continuity test: if seeking to take shared parental leave, one parent / adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and they should still be employed in the first week that shared parental leave is to be taken. The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row) ○ Step 2 - Individual eligibility for pay: To qualify for shared parental pay the parent / main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth / adoption.
Redundancy situation	For any partner taking six continuous weeks of shared paternal leave or more, extended redundancy protection applies.
Parental leave for same sex couples following birth or adoption of a child	
Entitlement	Same sex couples have the same paternal leave rights as different sex couples. Let your manager know as soon as is practical in order to discuss your options and choices.
Unpaid parental leave	
Eligibility	As well as Shared Parental Leave, any eligible employee who has or expects to have responsibility for a child is entitled to take Unpaid Parental Leave to care for that child. This includes the child's registered father or anyone else who has or expects to have formal parental responsibility for the child. To be eligible to

	take Parental Leave, an employee must have been employed by the Charity for at least one year.
Entitlement	Parental Leave consists of 18 weeks' unpaid leave for each child born or adopted, taken at any time up to the child's eighteenth birthday. Up to four weeks' Parental Leave can be taken in respect of each child, each year, in blocks of one week or more. Employees cannot take the leave in blocks of less than one week, unless the child is disabled. You must give your line manager at least 21 days' notice of your intention to take Parental Leave.
Time off for dependants	
Eligibility	Employees are legally entitled to take a reasonable amount of time off to deal with certain prescribed emergencies involving certain dependants. This leave is called Time Off for Dependants. Time Off for Dependants can be taken, for example, if a dependant falls ill or is injured, if care arrangements break down, or to arrange or attend a dependant's funeral. A dependant is your child (including adopted child), husband, wife or parent. It also includes someone who lives in your household, and someone who reasonably relies on you, such as an elderly relative. Any time taken off must be necessary and reasonable in the particular circumstances.
Pay	Battle Scars staff can take up to 10 days per year as time off for dependants. If longer is required then employees will have to use accrued time off in lieu, annual leave or consider unpaid leave.
Carer's leave	
Specifics	<ul style="list-style-type: none"> • An employee can request one week's unpaid leave over 12 rolling months. • An employer is able to postpone when the carer can have the leave but cannot decline a request. Postponing a request is dependent on: <ul style="list-style-type: none"> ○ The employer reasonably considering that the operation of the business would be unduly disrupted if it allowed the leave during the requested period. ○ The employer allowing the employee to take a period of carer's leave of the same duration, within a month of the period initially requested. ○ The employer giving the employee a written notice within seven days of the initial request, setting out the reason for the postponement and the agreed dates on which the leave can be taken. • During the period of the carer's leave the employee would be entitled to benefit from all of their terms and condition of employment apart from their right to remuneration.
Bereavement ("compassionate") leave	
Introduction	Unfortunately, most people will experience the loss of somebody close to them at some point during their career and, as such, may request time off work for compassionate bereavement leave. Bereavement leave (also known as compassionate leave) is the period of time an employee is granted off work by their employer following the death of a family member or loved one. This allows

	<p>the employee time for grieving and managing bereavement matters, such as arranging or attending a funeral. This means that an employee may need to be absent, generally at short notice, for an indefinite period of time. Currently, there is no legal obligation for UK employers to provide compassionate leave as standard, paid or otherwise with the exception of a working parent or adult with parental responsibility (including adopters, foster parents and guardians) losing a child under the age of 18, or suffering a stillbirth from 24 weeks of pregnancy (see section below).</p>
<p>Provision</p>	<ul style="list-style-type: none"> • When a Battle Scars employee loses an immediate adult family member, the organisation provides up to 2 weeks' leave. For staff who have been employed for a continuous period of at least 26 weeks before the death, the organisation provides up to five days of paid leave. The two weeks' leave can be taken either in one block of two weeks, or as two separate blocks of one week each. It must be taken within 10 weeks of the date of the death. Further time taken will be unpaid. • When a Battle Scars employee with parental responsibilities (see above) loses a child under the age of 18, or suffers a stillbirth from 24 weeks of pregnancy they are entitled to 2 weeks' leave irrespective of how long they have been employed by Battle Scars. Parents and primary carers must have been employed for a continuous period of at least 26 weeks before the child's death to be eligible for paid parental bereavement leave. All employees have a 'day one' right to unpaid bereavement leave. Workers who have not been employed for a continuous period of at least 26 weeks are entitled to two weeks' unpaid leave. The two weeks' leave can be taken either in one block of two weeks, or as two separate blocks of one week each. It must be taken within 56 weeks of the date of the child's death. This is to allow for time to be taken off for difficult events such as birthdays or anniversaries. Notice requirements for taking the leave will be flexible, so it can be taken at short notice. Further time taken will be unpaid. • Female employees who suffer a stillbirth from 24 weeks of pregnancy will still be entitled to up to 52 weeks of maternity leave and/or pay, as will a mother who loses a child after it is born. If an employee loses more than one child, they will be entitled to take a separate period of leave for each child. • Bereavement leave pay rate will be according to legislation. • Battle scars will be flexible, supportive and sensitive to our employee's needs during this difficult time and make reasonable adjustments if required.
<p>Policy review</p>	
<p>Responsibility</p>	<p>It is the responsibility of the CEO to review this policy unless the task has been delegated to an appropriate volunteer or employee before the policy review date.</p>
<p>Procedure</p>	<p>All volunteers and employees can have input in this policy's review via their supervision.</p>

Timing	The review must be completed within a month of the review date.
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