



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

Family Friendly Policy

This policy is also available in Welsh.

Information sheet

For further advice contact: Human Resources

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Policy Agreement

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

Equality Impact Assessment

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

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

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Policy principles

Having children is life changing, and at Estyn we want to make working for employees with, or starting a family, as easy as possible.

We want to create a supportive environment for employees with family responsibilities, we value your contributions and want to assist you to combine your work and family responsibilities effectively before, during your leave and when returning to work.

This policy sets out the support that our employees will receive when they become parents or take on parental responsibility of a child and covers the following.

- Maternity
- Adoption
- Shared Parental / Parental
- Paternity
- Time off for Dependants

Scope of the policy

This policy applies to permanent and fixed term staff in Estyn who meet the eligibility criteria and notification requirements detailed in this policy.

This policy does not apply to secondees, or those working for Estyn on contract or through an agency.

Definitions / acronyms

Several acronyms are used in the policy. The definitions are below:

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|-------------|------------------------------------|
| • OML | Ordinary Maternity Leave |
| • AML | Additional Maternity Leave |
| • EWC | Expected Week of Childbirth |
| • SMP | Statutory Maternity Pay |
| • MATB1 | Maternity Certificate |
| • KIT Day | Keeping in Touch Day |
| • SPLIT Day | Shared Parental Leave in Touch Day |
| • SPL | Shared Parental Leave |
| • EWP | Expected Week of Placement |
| • SAP | Statutory Adoption Pay |
| • OPL | Ordinary Paternity Leave |
| • OAL | Ordinary Adoption Leave |
| • AAL | Additional Adoption Leave |

Maternity leave

Maternity leave is available in respect of all births, which take place after 24 weeks of pregnancy (including surrogate mothers).

The maximum maternity leave is 52 weeks – this is regardless of your working hours or length of service. This is made up of;

- 26 weeks' ordinary maternity leave (OML)
- 26 weeks' additional maternity leave (AML) starting immediately after OML.

You can take less than 52 weeks' maternity leave if you wish, but you must take at least **two weeks'** leave following the birth of you baby.

You can start your maternity leave at any time after the start of the 11th week before the expected week of the birth of your child.

There are two incidences in which the maternity leave is triggered automatically:

- if you are absent for a pregnancy-related reason at any time after the start of the 4th week before your child is due, then your maternity leave will start on the first day after your absence
- if your child is born before you intended to start your maternity leave, your maternity leave starts on the day after your child is born.

You can use the maternity planner to work out the earliest date your maternity leave can start.

Maternity Pay entitlement

Length of service at the beginning of the 15h week of EWC	Entitlement
Less than 26 weeks' continuous service	You may be entitled to maternity allowance pay, which is paid by jobcentre plus
26 weeks to 12 months' (52 weeks) continuous service	You will be entitled to Statutory Maternity Pay (see rates here)
12 months' (52 weeks) continuous service	You will be entitled to Enhanced Maternity Pay up to your normal rate of full pay for the first 26 weeks. After the 26-week period, you may take up to a further 26 weeks AML comprising of 13 weeks paid at the SMP rate and 13 weeks unpaid.

To receive enhanced maternity pay you must intend to return to work in Estyn within 52 weeks of the start of OML, or immediately after an approved career break which immediately follows maternity leave and intend on returning to your role for at least three months on you return to work.

Antenatal care

You are entitled to reasonable paid time off to attend antenatal appointments – including medical examinations, relaxation classes and parent-craft class.

You will need to inform your line manager accordingly of any impending appointments.

Notification requirements of pregnancy

The sooner you inform us that you are pregnant the better – this will allow for time to prepare for your departure and arrange cover of your role.

You must inform us of your pregnancy no later than the end of the 15th week before expected week of childbirth (EWC).

We would recommend that you discuss your intentions of maternity leave with your line manager in the first instance, followed by the HR team who will discuss your options/intentions.

We want to ensure that your work environment is safe during your pregnancy, therefore your line manager will complete a Risk Assessment Form with you, this will help us to identify any risks arising and necessary adjustments.

Once you are clear on what leave you intend taking, you will need to complete a maternity and adoption leave intention form, which will be submitted to the HR team.

Your maternity leave intentions will be confirmed in writing to you no later than 28 days from notification.

Your midwife will provide you with your MATB1 around the 20th week of pregnancy, you will be required to provide us with the original copy of this document. This indicates your expected week of childbirth (EWC).

Redundancy protection during maternity leave

You are protected from redundancy, this allows you the right to apply for any suitable alternative vacancies where there is a redundancy situation from the moment you inform Estyn you are pregnant. This right will continue up until the 18th month after the estimated day of childbirth or day adoptive placement occurs. Additionally, if you have taken at least 6 consecutive weeks shared parental leave this will apply.

Adoption leave

An adopter is a person who has been matched with the child for adoption. In the case of two persons being matched jointly, the adopter is whichever of them has elected to be the child's primary adopter for the purpose of taking statutory adoption leave.

The maximum maternity leave is 52 weeks – this is regardless of your working hours or length of service. This is made up of:

- 26 weeks' ordinary adoption leave (OAL)
- 26 weeks' additional adoption leave (AAL)

Adoption leave can start; up to 14 days before the date the child is expected to start living with you (UK adoption), when the child arrives in the UK or within 28 days of this date (Overseas adoption), the day the child is born or the day before (if you are using a surrogate), when the child comes to live with you (if you are fostering to adopt). For surrogacy arrangements leave can start the day the child is born or the day after

Adoption Pay entitlements

Length of service as at the matching week	Entitlement
Less than 26 weeks' continuous service	You are not entitled to Statutory Adoption Pay (SAP). However, you may be able to get support from your local council.
26 weeks to 12 months' (52 weeks) continuous service	You are entitled to receive Statutory Adoption Pay (SAP) which is paid for up to 39 weeks (see rates here)
12 months' (52 weeks) continuous service	<p>You will be entitled to Occupational Adoption Pay (OAP). You will be paid your normal contractual rate of pay for the first 26 weeks.</p> <p>After the 26-week period, you may take up to a further 26 weeks Additional Adoption Leave (AAL) comprising of 13 weeks paid at the SAP rate and 13 weeks unpaid.</p>

To receive Occupational Adoption Pay you must intend to return to work at Estyn within 52 weeks of the start of your Ordinary Adoption Leave and intend on returning to your role for at least three months at the end of your adoption leave.

Adoption Appointments

You are entitled to paid time off to attend adoption appointments in the period between notification of a match and the date of placement.

Please let your line manager know in advance of these appointments.

You will not qualify for Statutory adoption leave if you:

- Arrange a private adoption
- Become a special guardian or carer
- Adopt a stepchild or member of the family

You may wish to discuss support available with your line manager around special leave provisions.

Notification requirements of Adoption

You should notify Estyn of your intention of taking adoption leave within 7 days of being matched.

We would recommend that you discuss your intentions of adoption leave with your line manager in the first instance, followed by the HR team who will discuss your options/intentions.

You will be required to:

- complete a maternity and adoption leave intention form
- provide proof of adoption
- the date on which you were informed that your child would be placed for adoption with you
- the date that your child will come to live with you

On completion of the maternity and adoption leave intention form, your adoption leave intentions will be confirmed in writing to you no later than 28 days from notification.

You must give at least 28' days notice where possible if you wish to change the start date of your adoption leave.

If you are adopting from outside of the UK, your adoption leave and pay cannot start until your child is in the UK.

Employees who are newly matched with a child for adoption by an approved UK adoption agency, fostering to adopt, are adopting following surrogacy or are applying for a parental order and will be the primary adopter.

Where a couple are adopting jointly, you can choose who will take OAL and AAL and who (regardless of gender) will take Ordinary Paternity Leave (OPL).

Shared Parental Leave

Shared parental leave (SPL) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption.

Its purpose is to give parents more flexibility in considering how to best care for their child.

Shared parental leave enables mothers to end their maternity leave early, and to share the untaken balance of leave and pay as Shared parental leave (SPL) and pay. It is important to note that shared parental leave (SPL) differs to parental leave.

Who is eligible for Shared parental leave (SPL)

If you are the mother, father, or adopter of the child, or the partner of the mother or adopter, you share the primary responsibility for the child with the other parent.

You must have at least 26 weeks' service either;

- At the 15th week before expected week of childbirth (EWC)
- At the matching week for primary adopters

You must be in continuous employment with Estyn in the week before any shared parental leave (SPL) is taken.

You must have a partner who meets the employment and earnings test (requiring them in the 66 weeks before the expected week of childbirth (EWC), worked for at least 26 weeks and earned an average weekly salary of at least the maternity allowance threshold in any 13 of those weeks).

Shared parental leave entitlement

You can share up to 50 weeks of leave and up to 37 weeks' pay between you.

How much shared parental leave eligible parents get depends on how much:

- maternity leave the birth parent has taken
- adoption leave the primary adopter has taken

The birth parent or primary adopter can take up to 52 weeks of statutory maternity or adoption leave.

They must take a minimum of 2 weeks' leave after the birth or adoption. After this they can end their leave so the remaining can be shared between the 2 parents.

Shared parental leave can be requested as;

- Continuous, which means a taking a number of weeks in a single unbroken period of leave (for example, six weeks in a row).
- Discontinuous, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work.

We treat shared parental leave (SPL) pay in the same way as our maternity and adoption pay arrangements.

Please see above Maternity/Adoption pay tables for details. You may also find useful information relating to rates **here**.

Notification requirements of shared parental leave

You should inform your line manager or HR as early as possible if you intend to take shared parental leave (SPL), by having an informal discussion.

You should then complete the Shared Parental Leave form at least 8 weeks' before your intended shared parental leave (SPL) commencement date and provide:

- a copy of the child's birth certificate (biological parents)
- details of the adoption agency and evidence of the match with the child as well as date of placement (adoptive parents)

You may cancel or vary an agreed period of shared parental leave up to three times giving the appropriate notice above. Exceptions to this are where the child is born early or where original dates requested are now able to be agreed.

Keeping in touch whilst on leave

Keeping in touch (KIT days) apply if you are on either **maternity, adoption or shared parental leave**.

You are entitled to come in to work/attend training or a workplace course/event for up to 10 days during your leave (ensuring it is after the initial two weeks) or 20 days whereby you are on shared parental leave.

The KIT day must be arranged and agreed with your line manager in advance by completing the keeping in touch form.

You will be paid at normal rate for work on a KIT day. Any work carried out on a day or part of a day shall constitute as a days work for these purposes.

Holiday entitlement whilst on leave

You will continue to accrue holiday during the full period of your leave. You may wish to take leave before your maternity, adoption, shared parental leave starts or after it has ended. In addition to this you also be entitled to any public/privilege day that occurs during your leave (for part time employees' these will be pro-rata).

On returning to work if you have remaining accrued leave (exceeding normal limits) once the leave year has ended you may upon agreement with your line manager carry forward this to the next leave year.

Returning to work following leave

Returning to the work after a period of extended can be daunting, we hope to ensure a smooth transition into the workplace and ensure that you feel fully supported within your team.

We are fully supportive of breastfeeding, and therefore if it is your intention to express milk upon return to work, please let your line manager know and appropriate arrangements will be made to find a suitable and confidential place for you to do so.

We also understand that plans may change and if you wish to change your original return date, please let us know giving us enough time to make the necessary arrangements.

You have the right to return to the same role on return from leave, or if it is not reasonable practicable, to another role which is both suitable and appropriate to you.

If you decide not to return to work after maternity, adoption or shared parental leave you may be required to repay any pay you have received in excess of your entitled statutory pay back.

Flexible Working

If you would like to explore options of working flexibility following family leave, please see our flexible working policy. It is recommended that you make this request as soon as possible prior to your intended commencement date.

Career Breaks

You may also apply for an unpaid career break for a period of three months up to a maximum of two years. Please see our special leave policy for more information.

Where career breaks are taken immediately after your maternity, adoption, shared parental leave, you may need to repay any occupational pay back if you do not return to work after your career break.

Paternity leave

This is when you take time off from work because your partner's having a baby, adopting a child or having a baby through a surrogacy arrangement. It allows an employee to spend time with a new child and support their partner.

You must have or expect to have responsibility for the child's upbringing and be either:

- the biological father of the child
- the child's adopter
- the mother's/adopter's husbands partner

- the intended parent (if through a surrogacy arrangement)

Paternity leave & pay entitlement & eligibility

Ordinary Paternity Leave allows for those who are eligible to take up to two weeks' off work.

We have enhanced the Statutory Paternity Pay (SPP) allowing you to take three weeks where you will receive your normal pay.

You can choose to take this consecutively as three full weeks' or separately, this is something that you will need to discuss with your partner to decide what works best for you.

Paternity leave must be taken within the first year of the child's birth.

To be eligible for paternity leave and pay you must have completed 26 weeks' continuous service by:

- the week that falls 15 weeks before the week in which the child is expected; or
- the end of the week in which you are notified of the match with a child for adoption (the 'matching week')
- if adopting from overseas, either the date the child arrives in the UK or when you want the pay to start

You can still get Paternity Leave or Pay if your baby is:

- stillborn from 24 weeks of pregnancy
- born alive at any point during the pregnancy

Notification of paternity leave

To apply for paternity leave and pay, you must provide a minimum of 4 weeks' notice. You should have a discussion with your line manager in the first instance and following this please complete and return the Ordinary Paternity Leave Statement.

Parental leave

Parental leave is the right to take time off from work to care for your child or to make arrangements for the good of your child. Parental leave is unpaid.

This could be to;

- Spend more time with your children
- Settle children into new childcare settings / looking at new schools
- Spend more time with family such as visiting grandparents

Parental leave entitlement and eligibility

- You must have completed one year's continuous service with Estyn by the time you'd like to take unpaid parental leave.
- You must be the parent named on the child's birth or adoption certificate
- You must take the leave before your child's turns 18
- You have or expect to have parental responsibility for the child

All qualifying parents will receive 18 weeks' unpaid leave for each child.

You will be entitled to take up to 4 weeks per year.

Parental leave should be requested and taken as weekly blocks therefore a minimum of one week at a time. (unless the qualifying child is disabled, in which case the leave can be taken one day at a time). Part of a week counts as a full week, except in the case of a disabled child.

Notification of unpaid parental leave

If you wish to apply for unpaid parental leave you should have a discussion with your line manager or HR in the first instance to discuss your intentions.

You will be required to provide a minimum of at least 21 days' notice of your intention to start unpaid parental leave, confirming both the start and end date.

Time off for family and dependants

You are able to request a reasonable amount of time off to deal with an emergency involving a dependent. This could be a spouse, partner, child, grandparent or someone who depends on you for care. This should not be for planned or pre-booked appointments. Please see the special leave policy for further guidance.

Time off for IVF Treatment

Where you require time off to attend medical appointments for IVF treatment, annual leave may be granted at the discretion of your line manager. Where longer periods of time off are required, you may be granted unpaid leave under the special leave policy.

Pension contributions whilst on leave

If you are a member of the Pension Scheme, you will pay pension contributions on any paid family leave. The contribution you pay will be based on the pay you actually receive, but the period will count for pension purposes as if you had paid normal contributions.

During nil pay, pension contributions will stop, and the period will not count for pension purposes. This includes unpaid parental leave.

Bereavement

Estyn has a separate policy that covers the unfortunate circumstance where you suffer a bereavement of a child during the course of or after your pregnancy, adoption or parental leave, and would offer our full support during this time.

This also covers if during childbirth a mother dies the right for bereaved fathers to take immediate paternity leave.

You will find further details in the Parental Bereavement Policy.

We also offer an Employee Assistance Programme service that provide confidential counselling, advice and support which is available 24/7.