



Family Nursing & Home Care

Parental Leave Policy

6 July 2022

Document Profile

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Version control / changes made

Date	Version	Summary of changes made	Author
May 2022	1	New policy which combines and replaces the former maternity, adoption, and parental leave policies. Reference also made to the States Employment Board Parental Leave Policy (GofJ 2021)	Mo de Gruchy

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1. INTRODUCTION

1.1 Rationale

Whilst there are no contractual provisions relating to parental leave or pay, Family Nursing & Home Care (FNHC) is committed to helping employees with child-caring responsibilities balance work and family life. It will do this by following consistent, fair and transparent processes while ensuring that the interests of FNHC are met.

FNHC recognises that there is a diverse range of family formations, and this policy has endeavoured to use inclusive language throughout in an attempt to reflect this diversity. The language of 'maternity', 'adoption', 'surrogacy' and 'parental' leave reflects the States Employment Board Parental Leave Policy (GofJ 2021) and FNHC recognises that parents may not identify with these terms. Similarly, for ease of understanding, the policy uses the term 'mother' to describe the birthing parent but recognises that some birthing parents do not identify with this term.

This policy is designed to allow employees greater freedom to decide how to take their parental leave.

Care should be taken to read the policy carefully as some arrangements carry different provisions, however certain clauses apply to all leave arrangements.

1.2 Scope

This Policy applies to any FNHC employee who meets the criteria to claim parental leave. Employees will be entitled to claim parental leave if they are employed by FNHC on a permanent or temporary contract of employment on the date that their baby is born or the date that their child is placed with them for adoption.

This policy does not apply to:

- employees who are engaged on zero hours agreements/bank contracts
- those working for the Government of Jersey through a contract for services, on an interim, locum, self-employed, or agency basis
- voluntary staff or those on honorary contracts where there is no implied contract of employment

1.3 Role and Responsibilities

Chief Executive Officer (CEO)

The CEO has overall responsibility for ensuring that this policy meets the requirements of the organisation.

Head of Quality Governance and Care

The Head of Quality Governance and Care has responsibility to ensure that the organisation maintains an up to date parental leave policy.

Line Managers

Line managers are responsible for:

- Managing all cases in a timely and supportive manner
- Reviewing requests for parental leave
- Notifying HR of employees' intention to take parental leave
- Discussing and agreeing arrangements for contact during parental leave with employee, where necessary
- Recording periods of parental leave in relevant FNHC documentation

Employees

Employees are responsible for:

- Engaging and communicating with managers as requested
- Submitting a request for parental leave at least 21 days before the leave is due to be taken and complete the application form
- Notifying their line manager if unable or not intending to return to work

Human Resources

HR are responsible for:

- Managing all cases in a timely and supportive manner
- Providing advice or guidance where requested
- Responding to requests for parental leave in writing

2. POLICY

Family Friendly amendments to Jersey's employment legislation were introduced in October 2019. The new measures include:

- new entitlements for birth mothers in relation to pregnancy and breastfeeding
- an entitlement for both parents of 52 weeks of leave following the birth of their baby
- for the second parent, an increase in paid parental leave from 2 weeks to 6 weeks
- the same benefits introduced for adoptive and surrogate parents
- new entitlements to time off for ante-natal or pre-adoptive appointments

FNHC is wholly supportive of the Government of Jersey's 'Putting Children First' campaign and wishes to give employees who are new parents quality, paid time off as a family. This includes employees who have become parents through adoption or surrogacy.

This ensures that if an employee is about to become a new parent, they can take parental leave from their role to focus entirely on their family, giving peace of mind that they can return to work if they wish, at the end of their parental leave.

2.1 Applying for Parental Leave

An employee applying for parental leave should complete the Parental Leave Request Form.

All notifications must state the following:

- the nature of parental leave the employee is applying for (e.g. maternity, adoption, surrogacy arrangements, parental)
- the date they wish to commence each period of parental leave
- the duration of leave and their return to work date
- their intention to return to work under their existing terms and conditions of employment

If an employee wishes to return to work on a different basis to which they were employed prior to their parental leave, they should discuss their wishes with their Line Manager as early as possible. Revised terms may be agreed at FNHC's absolute discretion having assessed the requirements of the business.

In these circumstances, the employee's Contract of Employment may be adjusted and a revised Statement of Employment Terms issued prior to the commencement of the parental leave.

Employees must give FNHC at least 42 days' notice if they wish to change the commencement date of their parental leave. FNHC will take all reasonable steps to accommodate an employee's wishes.

2.1.1 Adoption Leave

FNHC aims to support employees who are considering adopting a child under the age of 18, through an approved adoption society. Written notification of an employee's intention to take adoption leave must be given to their Line Manager within 7 days of confirmation that the adopter has received notification of being matched with a child; or (in the case of overseas adoption) within 7 days after the adopter receives notice of the date the child is to enter Jersey (the "Placement Date").

The employee must confirm the expected week of adoption, the dates on which parental leave will start and their duration. FNHC may require evidence of the expected week of confirmation notified to the employee.

2.1.2 Maternity Leave

FNHC aims to support employees who are pregnant and ensure that every effort is made to encourage employees to return to work. Written notification of the expected week of childbirth, intended parental leave dates and the duration of each period of parental leave must be given to their Line Manager as soon as reasonably possible but no later than 15 weeks before the expected week of childbirth.

FNHC may require written confirmation from a healthcare professional of the expected week of childbirth.

2.1.3 Parental Leave

FNHC aims to support employees who would like to take parental leave for the purpose of caring for a child or supporting the child's mother or adopter, where the employee is:

- ✓ either the father of the child, or married to, or the civil partner of, or the partner of the child's mother, or adopter or intended parents in a surrogacy arrangement; and
- ✓ has or is expected to have responsibility for the upbringing of the child

2.2 Entitlement

Subject to complying with the notification requirements as above:

- ✓ all employees are entitled to a total of 52 weeks' leave irrespective of their length of service
- ✓ with the exception of an employee who is pregnant or has given birth, parental leave must be taken within the first 2 years from childbirth, adoption or surrogacy and may be taken in no more than three separate periods and for no less than 2 weeks in the case of each period, and
- ✓ where an employee is pregnant or has given birth, parental leave of at least 6 weeks must begin with the day on which childbirth occurs, with the remainder being taken in no more than two additional periods over 2 years from the date of childbirth and for no less than 2 weeks in each case

Under normal circumstances, FNHC would not expect parental leave to commence earlier than 11 weeks before childbirth or the Placement Date.

In cases where an employee who is pregnant wishes to work during the 2 week period before the expected week of childbirth, the employee will be asked to provide a doctor's certificate or a letter from their doctor stating that they are fit to work.

If an employee is absent due to sickness whilst working in the 6 week period prior to the expected week of childbirth, this may, at the discretion of FNHC, commence the employee's period of parental leave, particularly if this is felt to be in the best interests of the employee's health.

Any paid time off to which an employee may be entitled in respect of bank or public holidays shall be deemed to have been taken during the period of parental leave.

Sickness during any period of parental leave will not extend the period of parental leave to which an employee is entitled.

2.3 Antenatal/Pre-adoption Appointments

Employees who are pregnant will be entitled to paid time-off to attend their first appointment in their pregnancy, and will also be entitled to paid time off* for all subsequent antenatal appointments.

In the case of surrogacy, employees will be entitled to paid time off* to attend the antenatal appointments of their intended child, if the surrogate mother is based in Jersey.

Entitlement to time off for antenatal care is restricted to appointments at the Ante-Natal Clinic at the General Hospital, or in a GP's surgery with the GP or midwife. It also includes any referral appointments made by a GP or midwife for the purposes of antenatal care. It does not cover complimentary therapies such as acupuncture.

In the case of adoption, an employee will be entitled to paid time off* to attend meetings and official appointments related to the adoption once they have notified of the match, for example to have contact with the child. Employees are not however entitled to paid time-off for appointments during the assessment/approval process.

FNHC reserves the right to request documentation to support antenatal/pre-adoption appointments. FNHC should be given reasonable notice of any antenatal/pre-adoption appointments and employees should also aim to minimise time off by booking the first or last appointment of the day, where possible.

*up to a total period not exceeding 10 hours

2.4 Pay and Benefits

Employees will receive their normal salary for the first 6 weeks of parental leave. In addition, FNHC offers an additional 14 weeks paid parental leave at 100% of salary.

In the case of an employee who is pregnant or has given birth, 6 weeks of paid parental leave must begin with the day on which childbirth occurs. FNHC will not require or allow an employee who has given birth to work during the period of 6 weeks following birth, or require an employee receiving paid parental leave, to work.

Any parental leave pay will be paid in the usual way on the same date that salary would have been payable and will be subject to deductions for tax, social security and any Government of Jersey allowance received.

During an employee's parental leave, FNHC will not make any social security contributions on the employee's behalf other than in respect of money actually paid.

During the statutory parental leave period, all terms and conditions and benefits (with the exception of pay during the unpaid part of the parental leave, and any bonus payments/accrual) will continue to apply, continuity of employment will be preserved and the employee will continue to be bound by any obligations arising under those terms and conditions, other than to attend work.

Any parental leave pay that an employee receives in excess of statute shall be inclusive of any bank or public holiday pay that is due.

Any deductions which would have been payable out of an employee's salary whilst on parental leave will, at the discretion of FNHC, either be deducted out of parental leave pay or remain due to be deducted out of the employee's salary following their return to work.

2.5 Returning to Work

Employees are entitled at the end of any statutory period of parental leave, to return to their previous position on terms and conditions of employment no less favourable than what they were enjoying prior to going on parental leave.

If an employee requests and receives parental leave above the statutory period that they are entitled to, they will forfeit the right to be entitled to return to their current role with the same terms and conditions of employment. FNHC will, however, consider all reasonable requests although is under no obligation to accept any such requests. Employees should ensure that they contact their Line Manager at least 42 days before their intended return to work date to confirm their re-commencement of work duties.

If an employee wishes to change their stipulated return to work date, then 42 days' notice should be provided in this respect. FNHC will take all reasonable steps to accommodate the employee's intended earlier return to work. However FNHC has no obligation to accept a longer period of parental leave above the statutory period than an employee is entitled to.

An employee who does not return to work on the confirmed return to work date (except as a result of certificated sickness) will lose their entitlement to resume their previous position and they will be required to repay any monies paid to them in respect of any parental leave pay and the value of any benefits in excess of statutory entitlement, upon termination of the Contract of Employment. In addition, a further process will be entered into as this will be classed as unauthorised absence.

2.6 Termination of Employment

If an employee decides not to return to work, they should notify their Line Manager of their decision immediately. Employees will be expected to give notice in accordance with the terms of their Contract of Employment.

When employment terminates after the commencement of a period of parental leave but before the end of the parental leave, the period of parental leave ends on the date of termination.

An employee who resigns or is dismissed for any reason, from their employment with FNHC (i.e. gives notice to terminate their employment) during their parental leave will be required to repay any monies paid to them in respect of any parental leave pay and the value of any benefits in excess of the statutory entitlement, upon termination of the Contract of Employment.

An employee who resigns from their employment with FNHC (i.e. gives notice to terminate their employment), whether they work their notice period or not, within 12 months of their return to work from parental leave, or whose employment is terminated by FNHC (for any reason, with or without notice) within 12 months of their return to work, will be required to repay any monies paid to them in respect of any parental leave pay and the value of any benefits in excess of statutory entitlement, upon termination of the Contract of Employment.

Any monies owed to FNHC will be deducted from an employee's final salary payment in accordance with the 'Authorised Deductions' clause in Section Two of the Staff Handbook. Should an employee's monetary entitlements be insufficient to repay any monies owed, FNHC reserves the right to issue any sums due as debt to the employee.

2.7 Keeping in Touch Days

Very often an employee wants to retain contact with work during their parental leave and FNHC will arrange a facility for 'Keeping in Touch' days whereby FNHC can propose and/or the employee can offer to undertake work (meetings, training etc.), except during the first 6 weeks of paid parental leave. An employee is under no obligation to work these days, and FNHC is under no obligation to offer an employee these days. FNHC will advise an employee if the opportunity for any such days arises. Any days worked will be paid at the employee's normal salary if on nil pay.

An employee will usually remain on circulation lists for internal memoranda and other documents and will be included in invitations to work-related social events. FNHC will try to ensure that parental leave does not cause an employee any long-term disadvantage in relation to their training needs and/or self-development.

2.8 Right of Refusal and Appeal

FNHC has the right to refuse any application for a variation of terms and conditions. FNHC must notify the employee of the refusal of variation in writing and specify the grounds for refusal and offer the employee a right to appeal.

If an employee's request is refused, they will have the right to appeal against the decision of the Line Manager to the Senior Management Team and any such appeal must be made in writing setting out the grounds of the appeal and must be made within 7 days of receiving the outcome.

Within 7 days of the appeal being received, an appeal meeting will be arranged by the Senior Management Team and the decision following any appeal will be final. This decision will be given within 7 days of the appeal hearing.

The employee will have the right to be represented at any appeal meeting by either an authorised trade union official or another employee.

2.9 Health and Safety

All employees should take extra care with regard to health and safety issues at work during their pregnancy, and for the period up to six months after their return to work and during any additional period when they are breastfeeding.

FNHC will carry out a specific risk assessment with those who are pregnant, have recently given birth or who are breastfeeding, to assess:

- ✓ the workplace risk(s), where the work is of a kind which could involve a risk of harm or danger to their health and safety or the health and safety of their baby; and
- ✓ the risk(s) arising from either processes, working conditions or physical, chemical or biological agents in the workplace

Where the employee is a Display Screen User, a Display Screen Assessment will also be undertaken.

If an employee's job is identified as carrying any risk for the employee or their unborn child, FNHC will aim to remove the risks or make alterations to the role. This may mean that the working conditions are temporarily altered, a temporary suitable alternative position is offered or, if a suitable position is not available, temporary paid suspension is enforced until they are no longer at risk. If the employee declines a suitable alternative position, suspension may be unpaid.

Employees are required to cooperate with the process of identifying and managing risk to the health of the employee or child.

If an employee has any concerns about their own health and safety at any time they should speak to their Line Manager immediately.

2.10 Breastfeeding

2.10.1 Breastfeeding Facilities

FNHC will take all reasonable steps to provide facilities for breastfeeding/expressing at FNHC's premises.

2.10.2 Payment during Breastfeeding Breaks

Where an employee returns to work within 52 weeks of the child's birth, the employee will be paid for any breaks for breastfeeding or expressing milk, at their normal rate of pay. After 52 weeks any such breaks will be unpaid.

2.10.3 Breast Feeding Variation to Terms and Conditions

Upon their return to work, an employee who is breastfeeding may apply for a temporary variation to their Contract of Employment, for the sole purpose of enabling them to breast feed and/or express milk.

Employees are required to apply, in writing, to their Line Manager and ideally prior to their return to work, for a variation to terms and conditions application, relating to:

- ✓ the hours during which the employee is required to work;
- ✓ the times when the employee is required to work; or
- ✓ the place where the employee is required to work

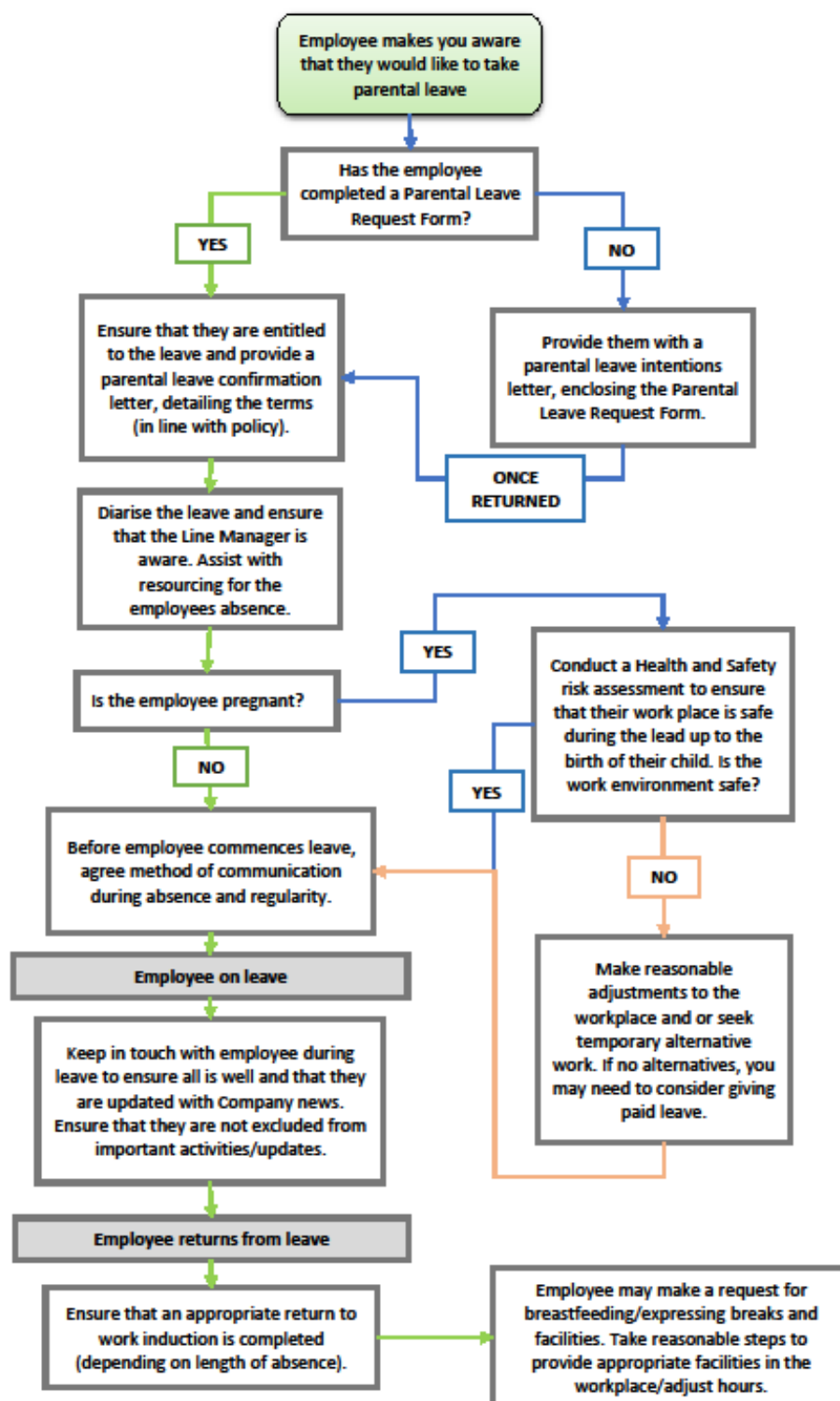
Following such a request, the Line Manager will arrange a meeting with the employee within 7 days of the application being received and will inform the employee on whether the variation is granted within 14 days of the meeting occurring.

If FNHC agrees to any or all of the changes requested, FNHC will write to the employee specifying what the changes are and the date they become effective. If the decision is not in favour of all or any part of the request, FNHC will give the statutory reason and an explanation as to why it cannot agree to the request.

3. PROCEDURE

3.1 Parental Leave Request Flow Chart

Parental Leave Request Flowchart



4. CONSULTATION PROCESS

Name	Title	Date
Teri O'Connor	Home Care Manager	31/05/2022
Elsbeth Snowie	Clinical Effectiveness Officer	31/05/2022
Elaine Walsh	Director of Finance	31/05/2022
Claire Whelan	Head of Information Governance and Systems	31/05/2022
Tia Hall	Operational Lead – Adult Services	31/05/2022
Michelle Cumming	Operational Lead – Child and Family Services	31/05/2022
Clare Stewart	Operational Lead – Rapid Response and Re-ablement	31/05/2022

5. IMPLEMENTATION PLAN

Action	Responsible Person	Planned timeline
Email to all staff	Education and Development Administrator	
Policy to be placed on the Procedural Document Library	Education and Development Administrator	

6. MONITORING COMPLIANCE

Compliance with this policy will be monitored by the relevant Line Manager. HR will monitor staff wellbeing to identify any issues and areas for improvement.

7. EQUALITY IMPACT STATEMENT

Family Nursing & Home Care is committed to ensuring that, as far as is reasonably practicable, the way services are provided to the public and the way staff are treated reflects their individual needs and does not discriminate against individuals or groups on any grounds.

This policy document forms part of a commitment to create a positive culture of respect for all individuals including staff, patients, their families and carers as well as community partners. The intention is to identify, remove or minimise discriminatory practice in the areas of race, disability, gender, sexual orientation, age and 'religion, belief, faith and spirituality' as well as to promote positive practice and value the diversity of all individuals and communities.

The Family Nursing & Home Care values underpin everything done in the name of the organisation. They are manifest in the behaviours employees display. The organisation is committed to promoting a culture founded on these values.

Always:

- ✓ Putting patients first
- ✓ Keeping people safe
- ✓ Have courage and commitment to do the right thing
- ✓ Be accountable, take responsibility and own your actions
- ✓ Listen actively
- ✓ Check for understanding when you communicate
- ✓ Be respectful and treat people with dignity
- ✓ Work as a team

This policy should be read and implemented with the Organisational Values in mind at all times.

8. GLOSSARY OF TERMS

Adoptive parents

‘Adopter’ is defined in the Employment (Jersey) Law 2003 to mean ‘a person who has been matched with the child* for adoption, or, in the case where 2 people have been matched jointly, includes each of those people’.

*‘Child’ is defined as a person under the age of 18.

Birth parents

The mother of the child and a person who has a qualifying relationship with the mother of the child.

Qualifying relationship

‘Qualifying relationship’ is defined in the Employment (Jersey) Law 2003 as follows: A person has a “qualifying relationship” with a child or its mother if the person is: (a) married to, or the civil partner or partner of – (i) the child’s mother, or (ii) where one person only is matched with the child, the child’s adopter; (a) the father of the child; or (c) a surrogate parent of the child.

Intended (surrogate) parents

Intended (surrogate) parents are entitled to the provisions of the Employment (Jersey) Law 2003, through their qualifying relationship as defined above.

9. REFERENCES

Government of Jersey (2021) *States Employment Board: Parental Leave Policy*. Available at [Parental Leave](#). Last accessed 19th May 2022.

10. APPENDIX**Appendix 1 Parental Leave Request Form****PARENTAL LEAVE FORM****Employee's Name:** _____**Expected Week of Birth:** _____

If you are pregnant you are required to take the first 6 weeks of parental leave upon the birth of your child, therefore please complete this form no later than 15 weeks before the expected week of childbirth. If you are adopting a child, please complete this form within 7 days of receiving the adoption confirmation. For all other parental leave please complete this form no later than 15 weeks before the date you wish to commence parental leave.

Please read the following sections and tick the appropriate box that applies to your situation.

I am applying for parental leave because I am pregnant	
I am applying for parental leave, but I am not pregnant. If this box applies to you, please also read the following questions and confirm that they apply by ticking both boxes.	
I expect to have responsibility for the upbringing of the child	
I am either the mother or father of the child, or I am married to, the civil partner of, or the partner of the child's mother or I am to be an adoptive or surrogate parent of the child	

Please confirm the dates you wish to take your parental leave:

Part 1:	From:.....To:.....
Part 2:	From:.....To:.....
Part 3:	From:.....To:.....

I, [Name], understand that if I wish to change any of these dates, I must give 6 weeks' (42 days) notice.

Signed:

Date:

Appendix 2 Equality Impact Screening Tool

Stage 1 - Screening			
Title of Procedural Document: Parental Leave Policy			
Date of Assessment	May 2022	Responsible Department	Human Resources
Name of person completing assessment	Amanda De Freitas	Job Title	Head of Human Resources
Does the policy/function affect one group less or more favourably than another on the basis of :			
	Yes/No	Comments	
• Age	No		
• Disability Learning disability; physical disability; sensory impairment and/or mental health problems e.g. dementia	No		
• Ethnic Origin (including hard to reach groups)	No		
• Gender reassignment	No		
• Pregnancy or Maternity	No		
• Race	No		
• Sex	No		
• Religion and Belief	No		
• Sexual Orientation	No		
If the answer to all of the above questions is NO, the EIA is complete. If YES, a full impact assessment is required: go on to stage 2, page 2			
Stage 2 – Full Impact Assessment			
What is the impact	Level of Impact	Mitigating Actions (what needs to be done to minimise / remove the impact)	Responsible Officer
Monitoring of Actions			
The monitoring of actions to mitigate any impact will be undertaken at the appropriate level			