

**JOINT AGREEMENT ON GUIDANCE
FOR FAMILY PURPOSES &
DEPENDANTS LEAVE IN
FURTHER EDUCATION COLLEGES**

BETWEEN

THE ASSOCIATION OF COLLEGES (AoC)

AND

ASSOCIATION FOR COLLEGE MANAGEMENT
(ACM)

ASSOCIATION OF TEACHERS & LECTURERS
(ATL)

GMB

NATIONAL ASSOCIATION OF TEACHERS IN
FURTHER AND HIGHER EDUCATION (NATFHE)

TRANSPORT & GENERAL WORKERS' UNION
(TGWU)

UNISON

JOINT AGREEMENT ON GUIDANCE FOR FAMILY PURPOSES & DEPENDANTS LEAVE IN FURTHER EDUCATION COLLEGES

This document includes guidance on the following areas of leave:

- Compassionate
- Adoption
- Paternity
- Fertility treatment
- Dependants

1 INTRODUCTION

1.1 The College recognises the need for effective policies, which play a key part in supporting an appropriate work life balance. Such policies are intended to:

- allow a more effective combination of home and work responsibilities;
- enhance equality of opportunity at work;
- maintain the competitive advantage of the organisation by retaining skilled and valued employees.

1.2 Facilitating time off for urgent family reasons is an important aspect in effective College management (See also the wider family definition of a close relative in 4.1.1.2). Section 8 of this guidance reflects dependants leave which is now embodied in statute as a result of The Employment Rights Act 1999*. This guidance also describes entitlements and procedures related to other family leave which is not currently included in legislation.

2 SCOPE

2.1 This agreement describes entitlements to compassionate, adoption, paternity, fertility treatment and dependants leave for all employees at the College. Employees are also encouraged to refer to other related policies such as: {maternity and parental leave}.

3 PURPOSE

10.2 This agreement recognises that employees of the College need to have the opportunity to take time off work for urgent family reasons in cases of sickness or accident as well as leave for other family purposes. This guidance provides a structure for such leave and a flexible system of managing and taking leave.

4 GENERAL PROVISIONS

4.1 Compassionate Leave

4.1.1 Eligibility & entitlements

4.1.1.1 Compassionate leave is available to all staff regardless of length of service. It is intended to assist staff in the event of bereavement or serious illness of a close family relative. Staff will be eligible for up to a maximum of 10 days paid leave in any year, a year being a rolling 12-month period.

4.1.1.2 A close relative will include spouse, partner, parents, grandparents, brother, sister or child. The College will also consider applications for leave in the case of individuals treated as close relatives but not included above.

4.1.1.3 The (line manager/HR Manager) will agree the number of days for any individual giving consideration to the details of each application.

4.1.1.4 The College will consider applications for additional compassionate leave for those who have to travel significant distances overseas to attend a funeral, or in the case of caring for terminally ill dependants.

5 ADOPTION LEAVE

5.1 Eligibility for adoptive leave

Adoption leave is applicable to all staff who have one year's continuous service at the College at the point the planned date of adoption is due to take place.

5.2 Pay and leave entitlements

This aspect of the agreement should be read in conjunction with the College parental leave scheme. Entitlements available under the scheme for staff with 1 year's continuous service at the point of adoption are as follows:

5.2.1 *For babies under 12 months old who are new to the home,*

6 weeks at 90% of normal pay
12 weeks at 50% of normal pay plus the equivalent of lower rate statutory maternity pay, not exceeding full pay

5.2.2 *For young children age from 12 months to under 5 years who are new to the home,*

6 weeks leave at 90% of normal pay
12 weeks at 50% of normal pay

5.2.3 *For a child aged 5 years to 16 years who is new to the home*

4 weeks leave at 90% of normal pay
8 weeks leave at 50% of normal pay

5.2.4 Employees who do not return to work following adoption leave will be required to repay the half pay element (and SMP equivalent payment) of adoption pay. The college will facilitate, where possible, flexible patterns of work following periods of adoption leave, where requested.

5.2.5 Employees can request extended unpaid adoptive leave of up to a total of 40 weeks inclusive of the leave periods as noted above and inclusive of parental leave.

5.3 Notification periods and application process

Applications for adoption leave should be made in accordance with the process below and should be made as early as possible in the process of adoption:

5.3.1 Notice of intention to take adoption leave must be received at least 21 days before the date on which adoption leave is due to commence, but ideally at the earliest opportunity. The notification should state the following:

- the date that adoptive leave will take affect
- the expected date of adoption
- the likely date of return from adoptive leave

If it is not reasonably practicable to provide notice 21 days in advance, then the information must be provided as soon as possible.

5.3.2 Applications for adoption leave should be made to the (Human Resources Unit) in accordance with the above time scales.

5.3.3 Adoption leave can commence no earlier than 2 weeks before the arrival of the child at the home subject to appropriate supporting documents which confirm the proposed and actual dates of adoption.

5.3.4 An employee can return from adoptive leave on the planned date with no further notice required. If an employee wishes to return earlier than originally indicated, they can do so subject to the provision of 21 days' notice to the college.

5.4 Return from adoption leave

5.4.1 If an employee wishes to return to work on a part-time/fractional basis, the College will give due consideration to any such request, which should be made in writing. Returning to work on a part-time/fractional basis can be either:

- a phased return, or a reduced working day; or
- job sharing

Such arrangements could be for the short-term or a permanent reduction.

5.4.2 Where changes to work patterns are not possible, the reasons will be fully discussed and put in writing to the employee concerned.

5.5 Eligibility to share adoption leave

5.5.1 If both prospective adopting parents are employees at the College, partners will be eligible to share adoption leave. In any case, adoption leave will be limited to one period of leave per 12 month rolling period.

6 PATERNITY LEAVE

6.1 Eligibility for paternity leave

6.1.1 Those staff who are partners of pregnant women are entitled to access the College paternity leave benefits.

6.2 Entitlements

6.2.1 Such staff are entitled to 5 days paid time off taken in a block, or used separately. Paternity leave can take place at any point following the 11th week before the partners expected week of confinement and up to 18 weeks after the birth.

6.2.2 Notification of the intention to take paternity leave should be made in writing as soon as possible.

6.3 Application process

6.3.1 Employees should apply for paternity leave to (line manager/HR manager) stating the intended date/s of paternity leave and should give as much notice as is practicable.

6.3.2 Employees are required to provide a certificate of confinement or birth to validate their application. This can include the Mat B1, followed by the birth certificate.

7 FERTILITY TREATMENT

7.1 Eligibility to fertility treatment

7.1.1 Employees have the right to take fertility treatment leave during working hours.

7.1.2 The right applies to all employees regardless of length of service, hours worked, permanent or temporary.

7.1.3 Employees are entitled to take reasonable time off in order to attend appointments related to fertility treatment.

7.2 Procedures for taking fertility leave

- 7.2.1 The College will allow employees reasonable time to attend for appointments and treatment. Agreement should be reached regarding what time is required. Each request will be considered individually in the context of the particular circumstances. Employers are encouraged to provide paid leave for medical/hospital appointments for fertility treatment and associated treatments.
- 7.2.2 Permission for fertility treatment leave should not be unreasonably refused. Employees who feel they have not been treated reasonably in relation to such leave should access the College grievance procedure.
- 7.2.3 Employees should, if requested by the College, produce information to verify that medical appointments have been made in relation to fertility treatment.

8 DEPENDANTS LEAVE

8.1 Eligibility to dependants leave

- 8.1.1 Employees have the right to take dependant care leave during working hours.
- 8.1.2 The right applies to all employees regardless of length of service, hours worked, permanent or temporary.
- 8.1.3 Employees are entitled to take reasonable time off in order to take action necessary in relation to the types of circumstances set out in 8.3 below.

8.2 What is a dependant?

- 8.2.1 A dependant is defined for the purposes of this procedure as an employee's wife, husband, partner, child, parent, dependant relative, or someone who lives in the same household as the employee but who is not his or her employee, tenant, lodger or boarder.

However, the definition of dependant can be extended to any other person who relies on a College employee for the provision of care arrangements.

8.3 When dependants leave may be taken

8.3.1 Employees may take reasonable time off during working hours in order to take action necessary to deal with the following types of emergencies:

- a) to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- b) to make arrangements for the provision of care for a dependant who is ill or injured;
- c) because of the unexpected disruption or termination of arrangements for the care of a dependant; or
- d) to deal with an incident that involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment that the child attends is responsible for him or her.

These are examples of instances which may require dependants leave; however, the College will give consideration to requests for dependants leave which are not included above but may require the support of the College. Illness and injury do not necessarily have to be serious or life threatening and may be linked to a dependant with a deteriorating condition requiring occasional support. The College will consider sympathetically each individual request for dependants leave considering the merits and circumstances of the specific case.

8.4 Procedures for taking dependants leave

8.4.1 The College will allow employees reasonable time to do what is necessary in any particular given situation. (Whether this leave is paid should be the subject of local agreement within the College). Agreement should be reached regarding what time is required and for what purposes, though it is accepted that the employee may need to alter the initial agreement depending on the circumstances. Each request will be considered individually in the context of the particular circumstances.

8.4.2 There is no limit to the number of occasions on which an employee can exercise the right to take time off; however, such leave should be

for genuine emergencies and unforeseen matters. Employees should therefore utilise annual leave, or parental leave for any planned absence as dependants leave is not intended for such purposes.

8.4.3 Permission for dependents leave should not be unreasonably refused. Employees who feel they have not been treated reasonably in relation to such leave should access the College grievance procedure.

9 TERMS AND CONDITIONS OF EMPLOYMENT

9.1 Contract

9.1.1 The employee's contract and continuity of service will continue during any periods of unpaid dependant and family leave.

9.1.2 Entitlement to other contractual benefits during periods of unpaid leave will be a matter for local agreement between the Corporation and employees. Employers and employees may wish to continue to make pension contributions during unpaid periods of absence to maintain continuity of pensionable service.

10 RECORDS

10.1 The college will keep records of dependant and family leave taken by employees.

10.2 The College will comply with any reasonable requests to disclose relevant records to the employer of an individual who was previously employed at the college.

11 GENERAL

11.1 Any attempt by an employee to act dishonestly in respect of any element of the colleges dependant and family leave policy will be regarded as serious misconduct and will result in the employee being subject to the college's disciplinary procedure.

11.2 If an employee believes that they are not being treated fairly in relation to the right to take dependants or family leave, the matter should be dealt with

through the grievance procedure or by contacting (a senior manager) if the issue needs to be resolved quickly.

11.3 This policy will be reviewed on a regular basis, in the first instance, 18 months from the date of publication.

* EC parental leave directive (No.96/34) required member states to take necessary measures to implement such time off. This was implemented in the UK by S8 and part II of schedule 4 to the Employment Relations Act 1999, which insert a new right to time off for dependants into ER Act 1996. This new right came into effect on 15th December 1999.

Note:

Definition of joint agreement

The Agreement on these guidelines is intended to be a recommendation to colleges as to how to deal with issues relating to employees' dependant and family leave. Adoption will ensure that colleges meet the requirements of the Employment Relations Act 1999.

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SIGNATURES OF THE PARTIES TO THIS AGREEMENT

AoC

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GMB

NATFHE

TGWU

UNISON

Date of Commencement of this Agreement

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