

NBA Staffing Policies

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Annual Leave

We believe that it is important that all of us have time to rest and be refreshed, especially given that our working lives are busy and many carry significant responsibilities outside of our Association responsibilities and therefore encourage employees to take all of their holiday entitlement each year.

Holiday entitlement

Holiday entitlement is calculated from a full time equivalent of (25) working days holiday per year in addition to 8 public holidays. Entitlement will be calculated on a pro rata basis for part-time employees. All authorised holiday and public holidays will be paid at the appointee's current basic rate of pay.

The holiday year runs from 1 January to 31 December and holiday is accrued at the rate of 1/12th of the annual entitlement per month. For an incomplete month the entitlement will be pro-rated.

All holidays must be agreed in advance by the line manager, normally the Team Leader or the Moderator. It is advised that at least 2 weeks' notice is given of holiday to be taken.

All holiday entitlement should be taken by the end of the holiday year. However, up to eight days leave may be carried over in agreement with the line manager. The appointee will not be paid for unused holiday entitlement except on the termination of employment and only in relation to that particular year.

Holiday entitlement will be accrued during sickness absence. If it is accepted that an absence was on the grounds of sickness during a period of booked holiday, that holiday entitlement can be used at another point in the year.

On conclusion of the appointment all holiday pay that is due will be calculated according to what has been accrued and taken and then paid as appropriate. Any holiday entitlement owing may be required to be taken during the notice period.

If more holiday is taken than entitled the appointee will be required to repay a cash equivalent from his/her final pay or any money due to the person leaves.

Pay and Benefits

Salaries and pay review

Salaries for NBA staff are reviewed on an annual basis and are presented to the Council for approval. Salaries for Regional Ministers are based on a multiple of the standard Baptist ministerial stipend. Any salary increases take effect from 1 January each year, apart from in exceptional circumstances where a role changes significantly during the year. There is no automatic right to a salary increase each year. Other agreed ministerial benefits will apply being reflective of the standard terms of appointment for ministers such as relates to housing allowance and manse provision.

Pension scheme

All NBA staff are offered the opportunity to join the Baptist Pension Scheme, usually through auto enrolment on employment. Staff do have the option to opt out of the pension scheme if they so wish.

Expenses and Travel

Appropriate and agreed travel and other expenses incurred in the performance of duties can be claimed back from the NBA. This will be done by the completion and presentation of countersigned travel and expense forms accompanied by receipts. Vehicle insurance must include cover for business use in order to be able to claim mileage allowance.

Mileage and subsistence rates

Mileage rates for business travel at the undifferentiated rates provided by the Inland Revenue, currently 45p per mile for the first 10,000 miles and 25p for subsequent miles travelled.

Reasonable lunch allowance may be claimed as appropriate.

Reasonable evening meal allowance may be claimed as appropriate.

Hotel or B&B accommodation

If the appointee is required to stay away from home overnight in the performance of his/her duties the NBA will meet the cost of overnight room and breakfast. We expect that a reasonably priced establishment such as Travelodge, Premier Inn or B&B wherever possible will be used and booked in advance to obtain the best rate.

Expense claims should be submitted within one month of incurring the expenditure.

Air and rail travel

Travel by rail or air will be reimbursed, but it is assumed that the most cost effective fares are obtained.

Staff Discipline

Introduction

In the majority of cases it is anticipated that problems concerning performance and conduct will be resolved through conversation and a supportive approach to creating any changes needed in individual behaviour. However, the following procedure will be applied fairly in all instances where disciplinary action is regarded as necessary by the Association.

The NBA reserves the right to implement the procedure at any stage as set out below taking into account the alleged misconduct of a member of staff. Members of staff will not ordinarily be dismissed for a first disciplinary offence.

Where time limits are referred to in the course of this procedure they may be varied by agreement between the member of staff and the Association.

Members of staff have the right to be accompanied at a formal disciplinary hearing by a fellow worker or, if they are a trade union member, by a union representative.

Matters that the Association views as amounting to disciplinary offences include (but are not limited to):

- persistent bad timekeeping;
- unauthorised absence;
- failure to perform job duties satisfactorily;
- minor damage to the Association's property;
- failure to observe the Association's procedures;
- abusive behaviour;
- unreasonable refusal to follow an instruction issued by their manager;
- poor attendance;
- smoking in non-designated areas.

Investigation

The line manager will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the Association's policies or rules or may otherwise be a disciplinary matter. The appointee will be informed as soon as possible as to the fact of an investigation and when it has been concluded.

There may be instances where suspension with pay is necessary while investigations are carried out. The Association has the right to suspend the person with pay where there are reasonable grounds for concern that evidence may be tampered with, destroyed or witnesses pressurised before the disciplinary hearing, or if there is a potential risk to the business or other Members of staff or third parties in allowing the member of staff to remain at work.

Depending on the circumstances of the case, the person may be invited to attend an investigatory interview. If such an interview is held prior to a disciplinary hearing, he/she will be informed at the outset that the interview is an investigatory interview.

Procedure

If there are reasonable grounds to believe that the person has committed an act of misconduct, he/she will be invited to attend a disciplinary hearing. The Team Leader or Moderator will chair that meeting.

If the person is called to a disciplinary hearing then the NBA will:

- a) give a minimum of two working days' advance notice of the hearing;
- b) state the purpose of the hearing and that it will be held under our disciplinary procedure;
- c) explain the right to be accompanied at the hearing by a fellow worker or trade union official;
- d) give written details of the nature of the alleged misconduct; and
- e) provide all relevant information (which should include any statements provided by others not less than two working days in advance of the hearing).

If the appointee is unable to attend a disciplinary hearing and provide a good reason for failing to attend, the hearing will be adjourned to another day. The Association will comply with (a) above in respect of giving notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the person is unable to attend the rearranged hearing, the rearranged hearing will take place in the member of staff's absence. The person's fellow worker or trade union official may attend in such circumstances and will be allowed the opportunity to present the person's case. The person will also be allowed to make written submissions in such a situation.

If the chosen companion is unavailable on the day scheduled for the meeting, it will be rescheduled, provided that the appointee can propose an alternative time within five working days of the scheduled date.

Role of companion

The chosen companion has the right to address the hearing to put the appointee's case, sum up the case and respond on his/her behalf to any view expressed at the hearing. The companion may also confer with the appointee during the hearing. However, there is no requirement for the NBA to permit the companion to answer questions, or to address the hearing where the person indicates that he/she does not wish this.

The disciplinary hearing

A disciplinary hearing will normally be conducted by the Team Leader or Moderator. The appointee is entitled to be given a full explanation of the case against him/her and be informed of the content of any statements provided by witnesses. He /she will be able to call his/her own witnesses, set out his/her case and answer any allegations. He/she will also be given the opportunity to raise points about any information provided by witnesses. Where the Association intends to call relevant witnesses it will give the appointee advance notice of this. The appointee must also give advance notice if he/she intends to call relevant witnesses.

The Association may adjourn the disciplinary proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information). The appointee will be given copies of any additional information gathered and sufficient time to review it before the hearing re-starts.

As soon as possible after the conclusion of the disciplinary meeting, the Team Leader or Moderator will inform the appointee of their conclusions, including what disciplinary action, if any, is to be taken. The decision will be confirmed in writing. The appointee will be notified of his/her right of appeal under this procedure.

Disciplinary action

Following a disciplinary hearing, the following disciplinary action may be taken:

- a) Where a minor offence or offences have been committed, a **recorded oral warning** may be given.
- b) Where either a more serious disciplinary offence has been committed or further minor offences have been committed following a recorded oral warning that remains "live", the **first written warning** will be issued.
- c) Where a serious disciplinary offence amounting to gross misconduct has been committed, thereby justifying summary dismissal, but the Association decides, after taking into account all appropriate circumstances, that a lesser penalty is appropriate, or, where a member of staff commits further disciplinary offences after a first written warning has been issued and remains "live", a **final (or combined first and final) written warning** may be given.
- d) Any warning will:
 - set out the nature of the offence committed;
 - inform that further misconduct is liable to result in further disciplinary action under this procedure (in the case of final written warning this will include a warning that further misconduct may result in dismissal);
 - specify the period for which the warning will remain "live", after such period [the Association will review the warning/the warning will automatically lapse]; and
 - state that the person may appeal against the warning.
- e) Where the Association establishes that an act of gross misconduct has been committed, the appointee may be summarily dismissed i.e. dismissed without notice or pay in lieu of notice.

Right of Appeal

The appointee may appeal against any formal disciplinary sanction imposed against him/her. The appeal will be heard by an appointee of the trustee board who was not involved in the original hearing and would normally be the Moderator, who will consider any representations made by the appointee, their companion or the Team Leader. The Moderator must decide whether or not to uphold the disciplinary decision on the basis of both sets of representations, together with any subsequent facts that may have

come to light. In the event that the Moderator finds for the appointee, then either a lesser disciplinary warning may be given or the warning removed from the appointee's records.

When lodging an appeal, the appointee should state:

- a) the grounds of appeal; and
- b) whether he/she is appealing against the finding that he/she has committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

Written notice of the appeal must be provided within five working days of being informed of the disciplinary sanction being imposed.

Appeal hearings will normally take place within 14 days of receipt of the written notice of appeal. Once concluded, the person will be given a written confirmation of the Moderator's decision within one week of the appeal hearing. The decision of the Moderator is final.

Gross misconduct

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the appointee and the Association. In the event that he/she commits an act of gross misconduct, the Association will be entitled to terminate summarily the contract of employment without notice or pay in lieu of notice.

Matters that the Association views as amounting to gross misconduct include (but are not limited to):

- stealing from the Association, members of staff or the public;
- other offences of dishonesty;
- falsification of a qualification that is a stated requirement of the employment or results in his/her financial gain;
- falsification of records, reports, accounts, expense claims or self-certification forms, whether or not for personal gain;
- sexual misconduct at work;
- fighting with or physical assault on members of staff or the public;
- deliberate damage to or misuse of the Association's property;
- serious damage to the Association's property;
- drunkenness or being under the influence of illegal drugs while at work;
- possession, custody or control of illegal drugs on the Association's premises;
- serious breach of the Association's rules, including, but not restricted to, health and safety rules and rules on computer use;
- gross negligence;
- conviction of a criminal offence that is relevant to the member of staff's employment;
- conduct that brings the Association's name into disrepute; and
- discrimination or harassment of a fellow worker on the grounds of sex, sexual orientation, race, disability, age or religion or belief.

This list is not exhaustive, and other acts of misconduct may come within the general definition of gross misconduct.

Particular provisions for accredited ministers working in Association teams

These processes apply to all those employed by the Association, whether or not they are accredited Baptist ministers. However, if we need to apply our disciplinary processes to an accredited Baptist minister working in the Association team then the following steps will also be taken:

- If a final written warning is issued, a copy of this will also be sent to the BUGB Ministries team for inclusion on the individual's ministries file
- If a decision to dismiss is taken, the Association Team Leader or Moderator will write to the Specialist Team Leader, Ministries to make them aware of the decision and the grounds for dismissal.
- Where appropriate, the Specialist Team Leader, Ministries will invoke the Ministerial Recognition disciplinary processes as laid out in the MR Rules
- If the misconduct potentially involves a safeguarding concern about the minister, then the Ministries team will be informed at the earliest opportunity

Review of this procedure

This procedure will be periodically reviewed. The appointee will be notified of any change in writing, together with the timing of any such change.

Maternity Leave

Maternity rights and benefits

This policy sets out the rights of staff to statutory maternity leave and pay. As the maternity provisions are complex, if the appointee become pregnant she is requested to clarify the relevant procedures with the line manager to ensure that they are followed correctly.

The following definitions are used in this policy:

- "Expected week of childbirth" means the week, starting on a Sunday, during which a doctor or midwife expects the birth to occur.
- "Qualifying week" means the 15th week before the expected week of childbirth.
- All pregnant staff (regardless of length of service) have the right in law to take up to 26 weeks' ordinary maternity leave and up to a further 26 weeks' additional maternity leave and to resume work afterwards. The person is entitled to a total period of 52 weeks' maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.
- All staff who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave (except during the first two weeks from the day of childbirth) as long as they give proper notification of their return.

Maternity pay to be received

If the person has been continuously employed by NBA for at least 26 weeks at the end of the qualifying week and are still employed during that week, she will qualify for statutory maternity pay (SMP), providing that:

- She is still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- She has provided a MAT B1 form stating her expected week of childbirth; and
- Her average weekly earnings are not less than the lower earnings limit for national insurance contributions.

SMP is payable for up to 39 weeks, with the first six weeks payable at 90% of her average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of her average weekly earnings, if this figure is lower. It is treated as earnings and subject to PAYE and national insurance deductions.

Qualification for statutory maternity pay

If not entitled to SMP she may be entitled to receive maternity allowance payable directly by the Government. If not entitled to SMP, the NBA will provide an SMP1 form to allow the appointee to pursue a claim for maternity allowance.

Start of maternity pay

Payment of SMP cannot start before the 11th week before the employee's expected week of childbirth. It can start from any day of the week in accordance with the start date of the maternity leave. SMP is payable whether or not she intends to return to work after the maternity leave.

Ordinary maternity leave can start at any time after the beginning of the 11th week before the expected week of childbirth (unless the child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the chosen start date;
- the day after the birth; or
- the day after any day on which she is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

Giving birth before the start of maternity leave

If the appointee gives birth before the maternity leave was due to start, the person must tell the NBA in writing of the date of the birth as soon as reasonably practicable.

Minimum amount of maternity leave

The law obliges all staff to take a minimum of two weeks of maternity leave immediately after the birth of the child.

Informing the line manager

On becoming pregnant the line manager should be informed as soon as possible. This is important as there are health and safety considerations to be considered, including a risk assessment process to follow to keep the person safe.

The NBA has a duty to take care of the health and safety of all staff. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to her health

and safety or the health and safety of the baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace.

By the end of the qualifying week (this is the 15th week before the expected week of childbirth), or as soon as reasonably practicable afterwards, the person is required to inform us in writing of:

- the fact that she is pregnant;
- the expected week of childbirth; and
- the date on which it is intended to start the maternity leave.

The person must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

Changing the dates of maternity leave

The person can bring forward the maternity leave start date, provided that she lets the NBA know in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

The person may also postpone the maternity leave start date, provided that she advise the NBA in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The NBA will formally respond in writing notifying the person of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

The appointee must give at least 28 days' notice of the date that she wants her statutory maternity pay to begin. If it is not possible to give 28 days' notice, for example if the baby arrives early, the NBA should be informed as soon as reasonably practicable.

Time off for antenatal care

Once the NBA is informed of the pregnancy the appointee has an entitlement to paid time off work to attend antenatal appointments as advised by the doctor, registered midwife or registered health visitor.

Antenatal care

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations and normal antenatal appointments with the doctor or midwife.

Sickness absence during pregnancy

If the appointee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same way she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, she is absent from work due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth, the maternity leave will start automatically.

If the appointee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must inform the Association in writing of this as soon as reasonably practicable.

Employment rights during maternity leave

During ordinary maternity leave and additional maternity leave, all terms and conditions of the appointee's contract except normal pay will continue. Salary or wages will be replaced by statutory maternity pay if the appointee is eligible for it.

This means that, while sums payable by way of salary or wages will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Contact during maternity leave

Whilst we will not bother the person unnecessarily, the NBA reserves the right to maintain reasonable contact during maternity leave. This may be to discuss plans for return to work, any special arrangements to be made or training to be given to ease her return to work or to provide updates on developments that have taken place during the leave period.

Keeping-in-touch days

Should the appointee wish she can agree to work for NBA (or to attend training) for up to 10 days during maternity leave without that work bringing the maternity leave to an end and without loss of a week's statutory maternity pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The NBA has no right to require any work to be undertaken during the maternity leave and the appointee has no right to undertake any work during maternity leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the appointee and her line manager.

Returning to work after maternity leave

The appointee may return to work at any time during ordinary maternity leave or additional maternity leave, provided that appropriate notice of the return is given.

Alternatively, the full period of maternity leave entitlement may be taken before a return to work. Should the person wish to return to work before the full period of maternity leave, eight weeks' notice will be required in writing before the intended start date.

Return to one's existing job

The appointee has the right to resume working in the same job if returning to work from ordinary maternity leave. If the return to work happens after a period of additional maternity leave, the appointee is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job (if one exists) that is on terms and conditions not less favourable.

Illness at the end of maternity leave

If the appointee is ill at the end of the maternity leave and cannot return to work straightaway then a doctor's certificate covering this sickness absence will be required and the absence will be treated in the same way as any other period of ill health related absence.

Choosing not to return to work

If the appointee decides during maternity leave that she does not wish to return to work, she should give the NBA written notice of resignation as soon as possible and in accordance with the terms of the

contract of employment. In the event of the person not returning to work at the end of the maternity leave, and she has not provided a fit note, then the right to return will be lost.

Sharing parental leave with a partner

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and shared parental pay with their partner.

Should the appointee wish to consider this she should read our parental leave policy for more information and/or speak to the Team Leader or Moderator.

Paternity leave and pay policy

Paternity leave is a period of one or two weeks of leave taken at or soon after the birth or adoption of a child.

To qualify for paternity leave the appointee must be either:

- The biological father of the child
- The mother's husband, civil partner or partner
- The spouse, civil partner or partner of an individual who has adopted a child

In addition, the appointee must have been continuously employed for 26 or more weeks by the end of the 15th week before the baby is due (or the week in which notification of the adoptive match takes place).

Only one period of ordinary paternity leave is available, even if more than one child is born as the result of the same pregnancy or if more than one child is placed with an individual or couple for adoption under the same arrangement

Informing the NBA

To exercise the right to ordinary paternity leave the appointee must notify the Association of the intended start date by the end of the 15th week before the expected week of childbirth. In the case of a child adopted within the UK, notification must be within seven days of the date on which notification of the adoptive match occurred, and in the case of a child adopted from overseas, within 28 days of receipt of the official notification of eligibility for adoption.

Antenatal appointments

Fathers and partners have the right to unpaid time off to accompany a pregnant woman to up to two antenatal appointments. The NBA should be informed as soon as the appointment is made.

Adoption leave and pay policy¹

This policy sets out the rights of employees to statutory adoption leave and pay.

¹ Qualifying employees who have been matched with a child may take up to 52 weeks adoption leave, and may be entitled to 39 weeks of statutory adoption pay. If a couple jointly adopt a child, one may take adoption leave and

Am I entitled to adoption leave?

An appointee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of his/her employment. The entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave giving the maximum entitlement of up to 52 weeks' adoption leave.

The right to return to work

If adoption leave is taken there is the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to following the correct notification procedures as set out below.

Qualification for statutory adoption pay

A person qualifies for statutory adoption pay, provided that:

- He/she has 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and
- He/she has average weekly earnings not less than the lower earnings limit for national insurance contributions.

Statutory adoption pay is payable for up to 39 weeks, payable at 90% of normal earnings for the first six weeks, following which it is payable at the Statutory Adoption Pay rate set by the Government for the relevant tax year (or 90% of normal earnings, if that is lower than the Government's rate). Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave.

Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take ordinary adoption leave in relation to children matched for adoption.

Timing of adoption leave

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. To make administration as easy as possible the timing of adoption leave should be discussed with the line manager as early as possible.

Notice required

To be entitled to take adoption leave and receive statutory adoption pay, written notification of the intention to take adoption leave should be given no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. It should include the date on which the child is expected to be placed with the appointee for adoption and the date he/she intends the adoption leave to start.

Changing the date of the adoption leave

The adoption leave start date can be brought forward, provided that the NBA is advised in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. It may also be postponed, provided that the person advises the NBA in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Evidence of adoption?

Evidence of entitlement to adoption leave and pay may be requested which will be answered by producing a "matching certificate" from the adoption agency.

Within 28 days of receiving the employee's notice of intention to take adoption leave, the NBA will write to confirm the latest date on which the person must return to work after adoption leave.

Time off to attend adoption appointments

If a person is adopting a child alone he/she is entitled to take paid time off to attend up to five adoption appointments. If he/she is part of a couple jointly adopting a child, then as a couple they can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the appointee. Proof of appointment may be required.

In addition, if the employee is adopting jointly, we will ask the appointee to sign a declaration, to be submitted alongside the documentary evidence, confirming that he/she has elected to exercise the right to take time off to attend an adoption appointment. We will ask for the declaration on the first occasion on which time off is requested to attend an adoption appointment.

How does adoption leave affect other employment rights?

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employment contract except normal pay will continue. Salary will be replaced by statutory adoption pay if the person is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid. If the person is a member of the pension scheme, he/she will also remain in the life assurance and income protection policies. Holiday entitlement will continue to be accrued during adoption leave.

The NBA reserves the right to maintain reasonable contact with the appointee during adoption leave. This may be to discuss plans for return to work, any special arrangements to be made or training to be given to ease their return to work or to update on developments at work during the absence.

Keeping in touch with work during adoption leave

The person can agree to work for the NBA (or to attend training) for up to 10 days during the adoption leave without that work bringing the adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes. As the employer, the NBA has no right to require the person to carry out any work and he/she has no right to undertake any work during the adoption leave. Any

work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the appointee and the NBA.

Arrangements for returning to work after adoption leave

A return to work may be made at any time during ordinary adoption leave or additional adoption leave, provided that the appropriate notification is given. Alternatively, the person may take the full period of adoption leave entitlement and return to work at the end of this period. If the appointee wishes to return before the full period of adoption leave has elapsed, he/she must give at least eight weeks' notice in writing to the organisation of the date on which he/she intends to return.

The appointee has the right to resume working in the same job if returning to work from ordinary adoption leave. If returning to work after a period of additional adoption leave, he/she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the person is sick and produces a current medical certificate before the end of the adoption leave period.

If the employee decides during adoption leave that he/she does not wish to return to work, he/she should give written notice of resignation to the organisation as soon as possible and in accordance with the terms of his/her contract of employment.

Transfer of adoption leave

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. Please see our shared parental leave policy for full details.

Shared Parental Leave for staff and ministers

What is Shared Parental Leave?

- Shared Parental Leave 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, and bond with, their child.
- All eligible staff and ministers have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.

Who is eligible for Shared Parental Leave?

SPL can only be used by two people:

- The mother/adopter **and**

- One of the following:
 - the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Eligibility criteria

Additionally, the person seeking to take SPL must satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- The mother/adopter must still be working for the organisation at the start of each period of SPL;
- The mother/adopter must pass the 'continuity test' requiring her to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- The partner of the mother/adopter must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks;
- The mother/adopter must correctly notify the Association of her entitlement and provide evidence as required.

The Shared Parental Leave entitlement

- If the mother/adopter is eligible, she and her partner may be entitled to take up to 50 weeks SPL shared between them during the child's first year in their family.
- The number of weeks available is calculated using the mother/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.
- The mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
- If the mother/adopter are not entitled to maternity/adoption leave but are entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled

to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

- SPL can commence as follows:
 - As the mother/adopter of the child, she can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
 - The adopter can take SPL after taking at least two weeks of adoption leave
 - The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).
- Where the mother/adopter gives notice to curtail her maternity/adoption entitlement then their partner can take leave while they are still using their maternity/adoption entitlements.
- SPL will generally commence on the chosen start date specified in the leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).
- If there is eligibility to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).
- SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

Notifying the Association of an entitlement to Shared Parental Leave

- If entitled and intending to take SPL the mother/adopter must give the Association notification of the entitlement and intention to take to SPL at least eight weeks before taking any period of SPL.
- Part of the eligibility criteria requires the mother/adopter and partner to provide the Association with correct notification. Notification must be in writing and forms for mothers and for partners can be obtained from the Association which may need to obtain them from the Baptist Union.
- The Association must also be provided with a signed declaration from the mother/adopter's partner on a form that can be provided.

Requesting further evidence of eligibility

The Association may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the mother/adopter's employer (where the partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
- In order to be entitled to SPL, the mother/adopter must produce this information within 14 days of the employer's request.

Discussions regarding Shared Parental Leave

- If the mother/adopter is considering/taking SPL he/she should speak to the Association as early as possible regarding potential entitlement, to talk about plans and to enable appropriate support. The mother/adopter's partner should also speak to their employer.
- Upon receiving a leave booking notice the Association will usually arrange a meeting to discuss it. This will take place in private and be arranged in advance. At the meeting the mother/adopter may, if he/she wishes, be accompanied by a colleague, trade union representative or even a personal friend or family member.
- The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the mother/adopter is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the mother/adopter and to the Association, and what the outcome may be if no agreement is reached.

Booking Shared Parental Leave

- In addition to notifying the Association of entitlement to SPL/ShPP, the mother/adopter and his/her partner must also give notice to take the leave to his/her their respective Association/employer. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL. Please use Form 3 (SPL leave notice) for this purpose.
- The mother/adopter and her partner have the right to submit three notifications specifying leave periods she is intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

- SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where the mother/adopter returns to work between periods of SPL, the next period of SPL can start on any day of the week.
- The mother/adopter must book SPL by giving the correct notification at least eight weeks before the date on which he/she wishes to start the leave and (if applicable) receive ShPP.

Continuous leave notifications

- A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- The mother/adopter has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the Association/employer has been given at least eight weeks' notice.
- The mother/adopter may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

- A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the mother/adopter returns to work (for example, **an arrangement where he/she will take six weeks of SPL and work every other week for a period of three months**).
- Where there is concern over accommodating the notification, either the mother/adopter or the Association can arrange a meeting to discuss the requirements and to identify what arrangements may be possible.
- We will consider a discontinuous leave notification but the Association has the right to refuse it. If the leave pattern is refused, the mother/adopter can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

Responding to a Shared Parental Leave notification

- Once the Association receives the mother/adopter's leave booking notice, it will respond in writing within 14 days.

- The Association will carefully consider all requests for discontinuous leave on a case-by-case basis. If we cannot agree to the request, it can be withdrawn within 15 days of the original notification. Alternatively the mother/adopter can take the total number of weeks in a single continuous block.
- The mother/adopter must give 8 weeks' notice of shared parental leave: this date runs from the day of the original notification being submitted.

Variations to arranged Shared Parental Leave

- The mother/adopter can vary or cancel an agreed and booked period of SPL, provided that he/she tell us in writing at least eight weeks before the date of any variation using Form 4 (SPL variation notice). Any new start date cannot be sooner than eight weeks from the date of the variation request.
- Any variation or cancellation notification given, including notice to return to work early, will usually count as a new notification reducing the right to book/vary leave by one, unless it is as a result of a child being born early, or as a result of the Association requesting the change of date.

Statutory Shared Parental Pay (ShPP)

- If the mother/adopter meets the eligibility criteria, then he/she may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period. ShPP may be payable during some or all of the SPL, depending on the length and timing of the leave.
- In addition to meeting the eligibility requirements for SPL, the mother/adopter must also satisfy each of the following criteria:
 - The mother/adopter must be, or have been entitled, to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
 - The mother/adopter /her partner must intend to care for the child during the week in which ShPP is payable;
 - The mother/adopter / her partner must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- The mother/adopter/her partner must remain in continuous employment until the first week of ShPP has begun;
- the mother/adopter must give proper notification on the appropriate form.

- If the mother/adopter is entitled to receive ShPP he/she must give us at least 8 weeks' notice, advising of her entitlement to ShPP.
- Any ShPP due will be paid at a rate set by the Government for the relevant tax year. However, if the mother/adopter is a Baptist minister on the BUGB standard terms of appointment and is entitled to enhanced maternity pay for the first 26 weeks of her maternity absence, then this enhanced rate will also be applied to the mother/adopter for 24 weeks of SPL, or to her husband/partner if they are also employed or appointed by the Association. For those not employed or appointed by the Association, the ShPP rates specified in their own employer's SPL policy will apply.

Terms and conditions during Shared Parental Leave

- During the period of SPL, the mother/adopter's employment contract or appointment terms remain in force with entitlement to receive all contractual benefits, except for salary. In particular, any benefits in kind (such as housing provision or allowance, laptop, mobile phone) will continue and holiday entitlement will continue to accrue.
- Pension contributions will continue to be made during any period when the mother/adopter is receiving ShPP but not during any period of unpaid SPL. The mother/adopter's contributions will be based on actual pay, while the Association's contributions will be based on the salary/stipend that the mother/adopter would have received had he/she not been taking SPL.

Annual Leave

- SPL is granted in addition to normal annual holiday entitlement. Holiday should, wherever possible, be taken in the year that it is earned.
- Where an SPL period overlaps two leave years consideration should be given by the mother/adopter as to how annual leave entitlement can be used to ensure that it is not untaken at the end of the holiday year.

Contact during Shared Parental Leave

- Before SPL begins, the Association will discuss the arrangements for the mother/adopter to keep in touch during his/her leave. The Association expects to maintain reasonable contact with the mother/adopter from time to time during the SPL. This may be to discuss plans to return to work, to make the mother/adopter aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease the return to work or simply to update the mother/adopter on developments during the absence.

Shared Parental Leave in Touch days

- The mother/adopter can agree to work for the Association (or attend training) for up to 20 days during SPL without bringing the period of SPL to an end or impacting on the right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- The Association has no right to require the mother/adopter to carry out any work, and is under no obligation to offer the mother/adopter any work, during his/her SPL. Any work undertaken is a matter for agreement between the mother/adopter and the Association. If The mother/adopter takes a SPLIT day he/she will receive full pay/stipend for any day worked. If a SPLIT day occurs during a week when the mother/adopter is receiving ShPP, this will be effectively 'topped up' so that he/she receives full pay/stipend for the day in question. Any SPLIT days worked do not extend the period of SPL.
- With the Association's agreement, the mother/adopter may use SPLIT days to work part of a week during SPL. SPLIT days can be used to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.

Returning to work after Shared Parental Leave

- The Association will have informed the mother/adopter in writing of the end date of any period of SPL. The mother/adopter is expected to return on the next working day after this date, unless informed otherwise. If the mother/adopter is unable to attend work due to sickness or injury, the Association's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- If the mother/adopter wishes to return to work earlier than the expected return date, she must give the Association at least 8 week's written notice of this, and this will count as one of his/her notifications. If the mother/adopter has already used his/her three notifications to book and/or vary leave then the Association does not have to accept the notice to return early, but may do if it is considered to be reasonably practicable to do so.
- If the mother/adopter's maternity/paternity/adoption leave and SPL amounts to less than 26 weeks in aggregate, he/she is entitled to return to the same job/position held before commencing the last period of leave.

- If the mother/adopter's maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, he/she is entitled to return to the same job held before commencing the last period of leave or, if this is not reasonably practicable, to another job/position which is both suitable and appropriate and on terms and conditions no less favourable.
- If the mother/adopter also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on his/her right to return.
- If the mother/adopter takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, she will be entitled to return to the same job/position as held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

The provisions for Shared Parental Leave are quite complex, so if there are any questions or concerns please speak to the Regional Minister: Team Leader, who can obtain advice from the regional Association team or from the BUGB Support Services Team.