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Borough Council

LEAVE POLICY AND PROCEDURE

Policy Schedule		
Policy owner and lead	People Services: HR Policy Manager	
Consultation	Trade Unions	
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Version Control

The first draft of the policy should be labelled '**Draft version 0.1**' and dated. Further draft versions should be labelled '**Draft version 0.2, 0.3**' etc. and dated.

The final original version of the policy may be labelled '**Final Version 1.0**' and dated. This version will be submitted for the appropriate approvals egg CCF.

If amendments are necessary following EAC then subsequent versions of the policy may be labelled '**Draft Version 1.1, 1.2**' whilst being drafted and reviewed and the version re-submitted for approval should be labelled '**Final Version 2.0**' and dated.

If revisions are required subsequently and following implementation of policy, version should be labelled as follows –

Example

Final Version 2.1 – reason for change (eg legal update)

Version Control

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POLICY STATEMENT

Slough Borough Council is committed to the welfare of its employees and recognises the need for flexibility in balancing the needs of the organisation to deliver services for it's' residents with the personal and family commitments of our employees.

This policy is in place to enable employees and managers to balance the demands of domestic and work responsibility (whether in a planned way or at times of urgent and unforeseen need) through the provision of paid and / or unpaid leave according to the circumstances.

1. SCOPE

- 1.1 This policy applies to all employees at Slough Borough Council. This policy does not apply to school-based employees who are under the control of Governing Bodies or to Volunteers.

2. KEY PRINCIPLES

- 2.1 To provide employees with clear and consistent information on the various types of leave they may be entitled to, within and outside the normal annual leave provision and;
- ensure a fair approach to supporting employees in balancing their work and domestic responsibilities.
 - provide information and guidance for managers dealing with requests for leave
 - ensure the Council is aware of its statutory obligations under the relevant employment legislation
 - confirm the benefits of annual leave are recognised in terms of maintaining employee morale and productivity, reducing sickness absence and improving the ability of the Council to recruit and retain staff.
- 2.2 Requests for all categories of leave must be made on line via Agresso, the Council's electronic employee self service system.

3. CATEGORIES OF LEAVE

Categories of leave are:

- Annual Leave (and Buying Annual Leave Scheme)
- Public holidays - often referred to as Bank Holidays
- Public Duties - Jury Service/Attendance at Court as witness, Magistrates, Election Duties
- Foster Carers Support Leave
- Emergency Leave and Time-off for dependents

- Parental Bereavement and Compassionate Leave
- Time off to attend hospital/medical/dental appointments
- Religious Observance
- Volunteer Leave
- Special Constables and Community Firefighters Leave - to attend training and emergencies
- Study Leave (also refer to the Learning and Development Policy)
- Military Service
- Sabbatical
- Trade Union Duties and Activities
- Family Friendly Policies e.g. maternity leave

4. ANNUAL LEAVE

- 4.1 The council's leave year runs from 1st April to 31st March.
- 4.2 The annual leave year entitlements quoted below are based on full-time employment and are calculated on the basis of the complete year's service. For part-time employees the entitlement is pro rata.
- 4.3 During the first year of service, and on termination of employment annual leave will be pro rata to completed months' of service. Part year entitlement is calculated on the basis of 1/12 of the annual leave entitlement for each completed month of service subject to local government service. Annual leave entitlement inclusive of extra-statutory and concessionary days is as follows:-

Complete year's entitlement

Up to 2 years' local government continuous service as at 1st April	More than 2 years' but less than 5 years' local government continuous service as at 1st April	More than 5 years' local government continuous service as at 1st April
25 days	29 days	32 days

- 4.4 In addition, employees will be entitled to the public and bank holidays that fall within the leave year (pro rata for part-time staff).
- 4.5 You will be required to refund, by a deduction from your salary, any holiday taken beyond your entitlement.
- 4.6 A guidance note on calculating annual leave and bank holiday entitlements is available on freshdesk in Agresso, the Council's electronic employee self service system.
- 4.7 **Requesting and taking annual leave**
In accordance with the Working Time Regulations 1998, applications to take paid annual leave must normally provide for a minimum period of notice to be given to the employees designated manager. This should be not **less** than twice the duration of

the leave requested. (For example: if you wish to take 2 weeks leave, you should make the request at least 4 weeks prior to the requested leave dates).

- 4.8 Requests must be submitted in advance of committing to holiday arrangements, giving the minimum period of notice as stated above. A longer period of notice is preferable, where possible, to assist in managing staffing requirements and service priorities. Managers should support their employees to take their full annual leave entitlement through effective planning and monitoring.
- 4.9 Leave requests will not be unreasonably declined, but must be subject to the operational needs of the service. If leave is declined, your line manager will give notice which will be at least the length of the leave requested.
- 4.10 Employees should receive their normal remuneration in respect of periods of annual leave. Normal remuneration will recognise that payment will include all forms of regular additional work.
- 4.11 If an employee falls sick whilst on annual leave, they should report their sickness to their manager in accordance with the Council's Managing Sickness Absence Policy and Procedure. In order to reclaim annual leave retrospectively the employee must produce a medical certificate as proof that they were unwell regardless of the number of days the employee was unwell. This must then be recorded on Agresso as annual leave.
- 4.11 **Purchasing Annual Leave**
This scheme is intended to assist employees in balancing their home and work life. There may be instances for example where an employee:
- Is planning a special event or trip
 - Needs extra leave for personal reasons
 - Simply would like more annual leave
- 4.12 Please refer to the Purchasing Annual Leave scheme, Appendix 1, for details.

5 PUBLIC HOLIDAYS

- 5.1 All employees are, irrespective of length of service, entitled to a holiday with a normal day's pay for each of the bank holidays as they occur. Part-time employees will receive paid bank holidays pro rata. Employees who are required to work on bank holidays will receive appropriate pay and time off in lieu.

6 PUBLIC DUTIES

- 6.1 An employee is entitled to 'reasonable' time off to undertake certain public duties. The amount of time off must be agreed in advance and written confirmation will be required to support the leave request. The council can refuse a request for time off if it is deemed to be unreasonable, or will affect business needs.
- 6.2 There is no entitlement for this time off to be paid, however the Council will grant up to 5 days paid leave per annum to employees required to undertake official duties provided the time off has been agreed in advance as above.

6.3 Public roles covered by the legislation include - member of a local authority; member of a police authority; member of a statutory tribunal; member of a relevant education body (e.g. the managing or governing body of an educational establishment); member of the Environment Agency (e.g. member of a Water Customer Consultation panel); member of a board of prison visitors or a prison visiting committee.

6.4 The right to reasonable time off excludes those bodies defined in regulations under the Local Government and Housing Act 1989 to which restrictions apply for politically restricted posts.

6.5 Other periods of leave should be taken as part of annual leave.

6.6 **Jury Service**

An employee receiving a summons to serve on a jury must inform their Line Manager who will grant leave of absence unless exemption is secured. If the employee's absence from work would have a serious, adverse effect on an important aspect of the services or council's activities, the Service Director may provide a letter to this effect which the potential juror can then use to seek being excused from jury service.

6.7 An employee will get their normal pay while on jury service, which means they can't claim for loss of earnings from the court. However they might still be able to claim for things like travel and food though, so they should talk to the court officer.

6.8 **Attendance to Court as a Witness**

Leave with pay will be granted to employees who are subpoenaed by the Court to attend to give evidence as a witness in criminal cases which have no connection with their employment for the Council.

6.9 **Magistrates**

There is a legal requirement to allow an employee, who is a magistrate, reasonable time off work to carry out their duties. A magistrate is required to be in court at least 13 days (or 26 half days a year). A magistrate receives their rota well in advance, giving plenty of time to plan and agree time off. There is no entitlement to paid time off for this work, and the magistrate can claim an allowance from the court for loss of earnings. The Council will grant up to 5 days paid leave per annum for magistrate duties which are deemed to be public duties.

6.10 **Election Duties**

Employees will be supported to partake in Slough Borough Council election duties subject to the needs of each service and management approval. Employees will receive full pay and an additional payment determined by the Returning Officer for the Council.

7.0 **FOSTER CARERS SUPPORT LEAVE**

7.1 Slough Borough Council values the contribution to the community made by foster parents and the commitment of employees who provide foster care for children. An employee who is applying to become an approved foster carer may be granted up to a maximum of 2 days leave with pay (pro rata for part-time employees) and

employees who are approved foster carers may be granted up to a maximum of 2 days paid leave (pro rata for part-time employees) in any leave year.

7.2 Please refer to the Foster Carers Leave Scheme in Appendix 2 for details.

8 EMERGENCY LEAVE

8.1 Emergency Leave is **unpaid** and is intended to cover short notice, emergency situations and unforeseen events of no more than 1 or 2 days at most to deal with the immediate crisis. If an employee knows in advance that they are going to need time off, they should arrange this in advance with their manager, by requesting annual leave or flexi leave if appropriate. However, leave may be granted retrospectively depending upon the particular circumstances.

8.2 Under what circumstances can an employee take time off?
Below are examples of circumstances where an employee can take time off but this is not an exhaustive list:

If a dependent falls ill or has been involved in an accident or assaulted, including where the dependent is hurt or distressed rather than injured physically or when a partner has complications due to pregnancy, i.e. goes into false labour;

- To deal with an unexpected disruption or breakdown in care arrangements for a dependant, for example, when the childminder or carer fails to turn up;
- To deal with an incident involving the employee's child during school hours, for example if the child had been involved in a fight or is being suspended from school;
- To deal with a Domestic Crisis (e.g. gas leak, flooding).

8.3 How much time off?

In most cases, the amount of leave will be for one or two days at the most, but this will depend on individual circumstances. For example if a child falls ill, the leave should be enough to help the employee cope with the crisis – to deal with the immediate care of the child, visiting a doctor if necessary. The legal right only covers emergencies and is unpaid.

8.4 The employee should tell their manager as soon as possible about the need to take time off for an emergency incident. The employee should state the reason for the time off and how long they expect to be away from work.

8.5 Time Off for Dependents

Under Emergency Leave all employees may request to take a reasonable period of **unpaid time** off work to deal with an emergency involving a dependent. There is no qualifying period of service required.

8.6 Who is a Dependent?

A dependant is the employee's husband, wife, partner, child or parent or someone who lives with the employee as part of their family. For example, this could be a relative or grandparent who lives with the household. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee, for example a live in housekeeper or au pair. When required to work,

employees are not allowed to bring children in to the workplace as they are not covered by our insurance. Alternative child care arrangements should be made.

9. PARENTAL BEREAVEMENT LEAVE AND COMPASSIONATE LEAVE

Bereavement Leave

- 9.1 There is two weeks' bereavement leave for parents upon the death of a child aged under 18. Please refer to the Parental Bereavement Leave Guidance in Appendix 4 for further details.

Compassionate Leave

- 9.2 Compassionate leave may be granted by the Manager on the following basis. Where clarification is required, advice should be sought from the Human Resources Business Partnering Team.

9.3 (a) Death

Death of a near relative, i.e. parent, husband, wife, partner, child, brother, sister, grandparent, grandchild, parent-in-law, daughter or son-in-law, death of a person standing in special relationship to the employee. Leave with pay will normally be restricted to a maximum of five working days in each instance. Exceptionally, in cases of special hardship, up to ten working days leave, with pay, may be granted in each instance. In considering applications individual circumstances are to be taken into account, e.g. responsibility for funeral arrangements, travelling (abroad) to funerals.

9.4 (b) Serious Illness

Serious illness of husband, wife, partner, parent, child, brother or sister or person standing in special relationship to the employee, residing with the employee or living independently. Up to five working days leave with pay may be granted. Exceptionally, in cases of special hardship up to ten days with pay may be granted in each instance.

10. TIME OFF FOR HOSPITAL / MEDICAL / DENTAL APPOINTMENTS

- 10.1 Wherever possible employees should seek to arrange hospital, medical and dental appointments in their own time i.e. outside their normal working hours or on non-working days. Appointments within working hours require manager approval for the planned absence. Normally time off for such absences must be made up if not covered by a statutory entitlement, see below.

- 10.2 If the hospital/medical appointment is not classified as disability leave, then the employee should discuss with their manager whether the time should be taken as sick leave, annual leave, or whether other working arrangements could be used to make the time up.

10.3 **Disability Leave**

It is recognised that employees with a disability may need time off in relation to their disability to attend treatment/medical/hospital appointments. It is essential that managers ensure that disabled employees are not unlawfully discriminated against for a reason which relates to their disability. Managers must take account of this when dealing with an absence due to an employees' disability. This will normally

include paid time off to attend hospital and medical appointments. Further guidance can be found in the Council's Managing Sickness Absence Policy [\(insert link\)](#). Advice can also be obtained from Occupational Health Services in relation to each individual case.

10.4 **Cancer Screening**

Paid time off will be granted to employees for the purpose of cancer screening. Screening involves testing people for signs of the disease. Examples of cancer screening include breast, cervical, testicular and bowel.

10.5 **IVF Treatment**

There is no statutory entitlement to paid time off for IVF treatment. However employees are encouraged to discuss the treatment process with their manager, Occupational Health and the Human Resources Business Partnering Team so that arrangements for paid or unpaid leave can be agreed on a case by case basis. All cases will be treated individually and confidentiality will be maintained at all times. It is recognised that there can be emotional pressure when undergoing IVF treatment and the Council recognises the potential anxiety and distress which individuals may suffer during the process, and wishes to support employees who decide to undertake fertility treatment, or whose partner is undergoing the treatment, as much as possible through the process. Absence resulting from the side effects of such treatment will not be classified as pregnancy related sickness absence. The sickness absence category should be discussed and agreed between the individual and the line manager. Pregnancy discrimination is prohibited under the Equality Act 2010 from the time when the fertilized ova are implanted into a woman to the end of her pregnancy, or, where implantation fails, for a period of 2 weeks from this date. Therefore this policy will apply in respect of pregnancy related illness during this period. Treating a woman who is undergoing IVF treatment unfavourably can amount to sex discrimination if it does not amount to pregnancy discrimination.

10.6 **Ante-Natal Care**

Employees (and Agency Workers with 12 weeks qualifying service in the same job as specified under regulation 8 of the Agency Worker Regulations) are entitled to paid time off during working hours to attend antenatal appointments. These may be with a GP or midwife, hospital clinics or appointments for scans and tests, or parent craft classes recommended by a GP or midwife.

10.7 As much notice as possible should be given about the appointments. Wherever possible these should be made for the beginning or end of the working day. Employees may be asked to produce appointment cards or some other confirmation of the appointment to show their line manager.

10.8 For Employees or Agency Workers who are parents of the expected child; the spouse or civil partner of a pregnant woman; living in an enduring family relationship with a pregnant woman or a potential applicant for a parental order under the Human Fertilization and Embryology Act 2008 are entitled to time off to accompany a pregnant women to antenatal appointments but up to a maximum of 2 occasions during the course of the pregnancy and on each of those occasions the maximum time off shall be 6.5 hours. The appointment must be made on the advice of a registered medical practitioner, registered midwife or registered nurse. The

Employee or Agency Worker must give notice of their application specifying that they have a qualifying relationship with the pregnant woman or expected child; the purpose of taking the time off is to accompany a pregnant woman to an antenatal appointment; the appointment has been made on the advice of a registered doctor, registered midwife or registered nurse and date and time of the appointment.

10.9 Elective / Cosmetic Surgery

Whilst there is no statutory right to paid sick leave for elective/cosmetic surgery, it is recognised that there can be emotional pressure when undergoing medical procedures which can impact on the mental health/wellbeing of the employee. Employees choosing to undergo such procedures should discuss the matter with their line manager in the first instance and agree how this time off will be taken / recorded (i.e. annual or unpaid leave). Managers should consider on a case by case basis.

10.10 Transitioning - Transgender /Gender Reassignment

Please refer to the Transgender Policy on SBCInsite and seek advice from the Human Resources Business Partnering Team.

11. RELIGIOUS OBSERVANCE

11.1 Slough Borough Council values the diversity of its workforce and the need to be able to meet their religious observance requirements. The Council will endeavour to meet requests from employees for religious observance, however, as it is a public service delivering front line services, due regard must be made when granting leave for religious observance to ensure that services are maintained effectively.

11.2 Employees wishing to take time off for religious observance are expected to take annual leave or flexi-leave to cover such periods of absence. Employees are expected to apply for leave for religious observance on Agresso, at the earliest opportunity. However, a longer period of notice would be helpful where the date of the festival is not fixed in advance. In this case employees should advise their line manager of the approximate date as soon as possible and be allowed to take leave with minimal notice thereafter. The longer period of notice would enable line managers to plan ahead and make any necessary arrangements for cover.

12. VOLUNTEER LEAVE

12.1 The Council supports employees who want to volunteer within the borough, recognising that this:

- Provides employees with an opportunity to gain new skills and experience
- Contributes employees' skills to the voluntary and community sector
- Generates a positive impact on the wider community in Slough
- Provides a good role model for other organisations and businesses in Slough.

12.2 Please refer to Appendix 3, the Volunteer Leave Scheme for details.

13. SPECIAL CONSTABLES AND COMMUNITY FIREFIGHTERS LEAVE

13.1 The Council recognises the benefit of giving time to help local communities and Slough as a whole. In recognition of this, one days paid leave per annum will be granted to Special Constables and Community Firefighters for training that cannot be taken outside of working time. Employees need to write to their Service Director to request this special leave, with the details, date and purpose of the training. The employee must provide as much notice as possible. If the leave is approved by their Service Director then it must be logged on Agresso for the line manager to approve.

14. STUDY LEAVE

14.1 For details in respect of leave to undertake study, please refer to the Learning and Development Policy [\(insert link\)](#).

15. MILITARY SERVICE Armed Forces Reservists

15.1 Under the Reserve Forces Act 1996 individuals may be mobilised on a voluntary and/or compulsory basis. In instances of voluntary call-up Slough Borough Council is required to give its consent before individuals can be released from their employment. Where the call-up is compulsory employers cannot refuse permission. Employees should notify their manager as soon as possible once they have received notification that they have been called up, irrespective of whether they are compulsorily mobilised or if they have volunteered.

15.2 Pay for active service as a member of the Reserve and Volunteer Reserve Forces is a matter for the MoD. There is no obligation for an employer to pay the individual. The individual will receive military pay plus a 'reservist's standard award' to cover shortfall in civilian earnings. Employees and managers should contact their HR Business Partner Team for advice in these circumstances.

15.3 a) Training
All Reservists are expected to attend the minimum training requirements. This consists of three main forms of training such as Weekly Training (2½ hours each week during the evening); Occasional Training Days (weekends spread through the year); and Continuous Training Period (undertaken on an annual basis over a continuous period of 15 days). The council has allowed additional paid time off to Reservists for the Continuous Training courses. Reservists returning back to the council may need to undertake relevant training or induction to regain or renew skills, knowledge and experience, if they have been absent for a significant period of time.

15.4 b) Pension Provision
An employee who is a member of the Local Government Pension Scheme (LGPS) or who has applied to be a member of the LGPS must, whilst on reserve forces service leave, pay their basic Pension contributions (and any additional contributions they may be paying to purchase added years in the LGPS in order to maintain their pension). If, and only if, during the period of leave their reserve forces pay equals or exceeds the pay they would have received if they had continued to be employed by the council. Their contributions would be due on the pay they would have received if they had continued to be employed in their employment, pension contributions are

simply deemed to have been paid and the service counts in full for pension purposes.

A person who is paying additional voluntary contributions (AVC) or Shared Cost AVC continues to pay those unless they opt to stop paying them. If, during the period of reserve forces leave the employee dies, attains normal retirement age or becomes incapable for health reasons of working efficiently in Local Government employment, they shall be treated as if they were in that employment at that time.

15.5 c) Return from Mobilised Service

The Reserve Forces (Safeguard of Employment) Act 1985 provides protection for a Reservist by making it unlawful for the Authority to terminate an individual's employment without their consent solely or mainly because they have a liability to be mobilised. On this basis employers are obliged to re-engage individuals within six months of the end of the military service in the occupation in which they were formerly employed and on terms and conditions no less favourable than those they would have enjoyed had they not undertaken the period of service. The right to re-instatement applies to Reservists called-up under a compulsory order and to reservists who resign in order to volunteer for military service. To qualify for the right of re-employment, the employee must submit a written application to the employer after military service has ended.

15.6 d) Status of the Employment Contract

The 1985 Act says that following a return from military service, individuals are entitled to formally apply to their 'former employer' for re-instatement in their job. This implies that the contract comes to an end and is revived upon re-instatement. However, if the contract is not brought to an end by either party (and assuming the contract is not frustrated), it will subsist during the period of military service. Therefore authorities are advised to reach an agreement with the reservist to either bring the contract to an end (preferably by mutual agreement) or to allow it to subsist.

15.7 e) Redeployment

In some circumstances redeployment may be sought due to redundancy or ill health of the Reservist. If the Reservist is offered alternative suitable employment and is dissatisfied with the offer the council must be informed in writing with reasons for refusal.

15.8 **Non Regular Forces**

Two weeks' paid leave will be granted to employees who are volunteer members of the Non Regular Forces (Territorial Army) and who attend summer camp. Line Managers have discretion to grant paid leave to undertake training additional to attendance at summer camp if the employee is unable to arrange for such training to be on days when they would not normally be working. To assist Directors in making a decision, the following National advice is reproduced below:
'Under the Reserve Forces Act 1996, volunteers may be required to undertake training for up to 16 days per annum (usually on Saturdays and Sundays). Territorial Army Units should be in a position to offer alternative dates and the onus is, therefore, on the officer to try to arrange for training to be undertaken in off-duty time. If this is not possible, the officer should furnish alternative dates to the council so that mutually acceptable dates for their absence may be found'.

16. SABBATICAL LEAVE

- 16.1 The Sabbatical Scheme is an Appendix to the Flexible Working Policy. The purpose of the Sabbatical Scheme is to allow employees an opportunity to take unpaid leave from their employment for an approved reason. This may allow an employee to broaden their experience, develop new skills or competencies through, for example, volunteering, research, study or travel or, to support the balance between work and family life. The intention is that employees keep up to date with work developments during their sabbatical and return to work at the end of the break.

17. TRADE UNION DUTIES AND ACTIVITIES

- 17.1 Officials of recognised trade unions have statutory rights to take a reasonable amount of **paid** time off to carry out their duties, while union members have rights to reasonable **unpaid** time off to participate in union activities. Union learning representatives and Union Health and Safety representatives are also entitled to reasonable paid time off. Time off is granted according to the needs of the service.

18. FAMILY RELATED LEAVE

- 18.1 Employees have a number of fundamental family-friendly rights in the workplace. These include the right to maternity leave, paternity leave, and adoption leave. Shared parental leave is available to parents and adopters of children. Parental leave is a type of unpaid leave that can be taken until the child's 18th birthday. All employees are given access to flexible working arrangements through the Flexible Working Policy.
- 18.2 The Council has a range of policies and guidance notes which provide information on statutory entitlements and options for new and existing parents.
- 18.3 For easy access and identification we have brought these together in this Family Friendly Suite.

Maternity: Full details are available on SBCInsite <http://sbcinsite/2150.aspx>

Paternity Leave: Full details are available on SBCInsite <http://sbcinsite/2177.aspx>

Adoption Leave: Full details are available on SBCInsite <http://sbcinsite/1074.aspx>

Parental Leave: Full details are available on SBCInsite <http://sbcinsite/2185.aspx>

Shared Parental Leave

Flexible Working Policy

Appendices 1 – 4

Buying Annual Leave

Foster Carers Support Leave

Volunteer Leave Scheme

Parental Bereavement Leave Guidance

DRAFT