**EMPLOYEE HANDBOOK**

**A GUIDE TO YOUR EMPLOYMENT WITH**

**The Dell Out of School Club**



**Welcome Note**

**Welcome to The Dell**

The Dell was set up in 1981 by a small number of parents from Morgans School. In addition to offering extended care during term time to pupils at Morgans School the Dell opened a holiday club to provide a full wrap around care service for children both from Morgans but also from other schools. .

In 2011 The Dell took over the running of the out of school club at Abel Smith which offers breakfast and afterschool services with children participating in holiday care at The Dell at Morgans.

The Dell is set up as a charity with a group of trustees who act as the management committee and are responsible for overseeing the running of The Dell.

The Dell has two main objectives

To provide the necessary facilities for the daily care, recreation and education of children during out of school hours and during the holidays. Providing a safe nurturing and caring environment for the children to attend

To advance the education and training of persons in the provision of such care.

The Dell charges fees for its services but follows the ethos of being a “not for profit” organisation and any surplus revenue is re-invested into services that we provide. The Dell is OFSTED registered and both our clubs meet the standards set out for Early Years Care in the Out of School sector.

As of 2022 we engage 4 full time employees and 26 part time staff. The focus is on ensuring the children who attend have a fun and safe time as well as team working for our staff. We hope that you will find working as part of the team both interesting and rewarding.

The Dell is committed to helping employees perform well in their present job roles, as well as encouraging and supporting any employees who demonstrate a desire and an ability to progress further.

This handbook has been prepared to provide you with considerable information regarding your employment. We trust you will find it both useful and informative. If there is anything you do not understand or wish to have clarified, please do not hesitate to speak to your Manager.

May I extend my welcome to you, and wish you every success for a long and enjoyable career with The Dell and we hope that you will feel proud to work for us.

On Behalf of The Management Committee for The Dell Out of School Club

**Introduction to this Handbook**

**How to Use this Handbook**

This employee handbook has been written to provide you with information about The Dell and as a guide to your employment with The Dell. At the front of the handbook, you will find a contents page and you will see that the handbook is divided into sections so you can find the information you might want as easily as possible.

**Section One – Company Standards**

Section one gives you a guide to some of the standards we have set in The Dell and some of the rules and regulations we have in place. These are necessary in order to promote a positive and effective working environment for all our employees and associates.

**Section Two – Policies and Procedures**

This section refers to key policies and procedures that are applicable to your employment.

**Section Three – Ending Employment**

This section refers to the ending of employment by means of resignation, retirement or redundancy.

**Section Four– Staff Declaration**

In this final section you will be required to sign to certify that you have been given a copy of this handbook and that you understand that it is your duty to familiarise yourself with it’s contents and that of any related policies.

You must familiarise yourself with the handbook and read through all the sections. After this you may use it as an on-going reference. You should also sign to confirm that you have read and understood the contents.

This handbook is an evolving document that will develop and change over time. Any changes will be notified to you.

We hope you find the information of use and should you have any queries or questions about any of the topics covered in this handbook, please speak to your manager.

The information in this handbook is not contractually binding unless it is specially stated otherwise. The Dell reserves the right to change company standards, rules and procedures at its complete discretion, any changes will be notified to you.

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**Section 1a – Company Standards**

**Introduction**

No group of people can work together in harmony without a clearly defined set of rules and standards. Their purpose is to make sure The Dell runs efficiently and to provide a safe and pleasant atmosphere in which to work. This section gives details of some of the rules, regulations and standards that aim to support these objectives.

The Dell reserves the right to change or amend the standards or rules as may be required to facilitate the continued efficiency of the business and the well-being of employees. Any changes or introduction of new standards will be advised to you.

**Enforcement of Standards and Rules**

Breaches of standards or rules will generally be addressed through conversations with employees or other communication to employees (e.g. memo’s / e-mails). Serious breaches or consistent breaches will be dealt with through the formal disciplinary procedure.

**Working with Colleagues**

All employees should treat their work colleagues with respect and consideration at all times. This promotes a positive and pleasant working environment, and also encourages co-operation and team work. If in doubt always treat colleagues how you would want to be treated.

**Personal Presentation - Appearance and Dress**

As you are likely to encounter the parents of the children in our care, it is important that you present a professional image regarding appearance and standards of dress and we ask that you dress in our uniform as defined in our Uniform Policy DP 4.05.

The Dell reserves the right to ask you to return home to change if The Dell believes your dress or appearance is inappropriate for the environment in which you are working and, if necessary, may deal with breaches of the policy through the disciplinary procedure. You will either be asked to make up the time if you are asked to return home or, alternatively, The Dell may deduct a payment from your wages for the working time that is lost.

**Mobile Telephones and wearable devices**

Generally you should not make or receive calls or text messages on your personal mobile phone or wearable device during working hours. If you need to make a call on your mobile during the day, you should speak to your Manager beforehand. Personal mobiles should be kept on silent during working hours, and The Dell reserves the right to ask employees to turn off mobile phones during working hours. Safeguarding and the use of mobile phones and wearable devices is covered in our policies DP 1.01b

**Punctuality**

You are expected to be punctual, arriving at your place of work and ready to work, at the specified time. It is however recognised that there may be occasions or circumstances which arise from time to time which prevent you from doing so and it would be expected that you would make up any lost time. Should you arrive late for work you must immediately report to your Manager and explain your reasons. It must be pointed out that persistent lateness may be dealt with through the disciplinary procedure.

**Overpayments**

In the event you are overpaid you must immediately inform your Line Manager

The total amount of the overpayment will normally be deducted from your next payment but if this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period."

If you have received an advance on wages, then this will be deducted from your next wages.

**Underpayments**

In the event you are underpaid you must immediately inform your Line Manager. The underpayment will be added to the next payslip providing notification is 3 business days before it is due.

**Section 1b – Company Rules**

**Personal Details**

When you first join The Dell you will be asked to provide personal details that we require for our records. You should advise the Company, in writing, of any changes in your details. Periodically The Dell may ask you to confirm your details to ensure records are up-to-date and complete. Generally the information that we ask for is:

* Name, home address and telephone number.
* Information required for payroll and tax purposes.
* Bank details.
* Next of kin and/or emergency contact names.
* Proof of your eligibility to work in the UK (e.g. passport or other acceptable documentation).
* Proof of qualifications or memberships of relevant societies
* DBS update details (if available).
* Date of birth if under 18

The information provided is held in each employee’s personnel file. Information required for payroll purposes is forwarded to the payroll/accounts department. Information and files are kept confidentially and in line with the Data Protection Act 1998 and current GDPR legislation. You may ask to see the content of your file and any requests should be put in writing to your Manager.

**Company Property**

All copies, notes, extracts, records, equipment, customer alarm codes, customer phone numbers and computer software storage material relating to The Dell are the property of The Dell. All property belonging to The Dell shall be returned at any time upon demand and, in any event, upon you leaving the employment of The Dell.

**Alcohol**

Alcohol should not be brought on to site. Anyone found to be under the influence of alcohol will be sent home and dealt with through the disciplinary procedure. Being under the influence of alcohol during working hours may be considered to be gross misconduct.

**Illegal Drugs and Substances**

Illegal drugs or substances must not be brought on to any customer location at any time. Anyone found in possession, or under the influence of, illegal drugs or other substances (e.g. glue or other solvents) will be sent home and dealt with through the disciplinary procedure. Such offences are considered to be gross misconduct.

**Training and Development**

Your induction programme is designed so that you fit in quickly and effectively. You will meet your new colleagues and you will receive information on the company, your terms and conditions of employment, company rules, health, hygiene, safety, and training. During this time please ask as many questions as required.

The Dell is committed to supporting employees to develop skills and knowledge that will benefit both the employee and The Dell. We aim to ensure that an employee is trained to levels appropriate to their role, in order to perform legally and effectively in the best interests of themselves, of others and of the business.

In addition to undertaking mandatory training required by law, employees are expected to avail themselves of the opportunities provided, and to make use of training and development to enable them to respond flexibly to change.

**Wellbeing**

We aim to support the wellbeing of all our staff and to that end we have an open door policy. If you have any personal problems with which you believe The Dell may be able to help or provide support in anyway then you should speak directly to Line Manager. Please rest assured that these conversations will be highly confidential and will only be shared in the interests of the employee and if legally required to do so.

**Collections and Literature Distribution**

The permission of your Manager must be obtained prior to the collection of money for charities, sweepstakes, prize draws, mail order clubs, private savings, or political purposes and prior to the distribution of any literature. To protect all employees, the Manager may withhold permission if the collection or distribution is considered to be inappropriate.

**Receipt of Gifts or Benefits**

You should not encourage the tendering of, or accept, gifts or other benefits or gratuities from clients, suppliers, or contractors. However, if such gifts or any benefit or gratuity is received they should immediately be notified to your Manager. All gifts, gratuities and benefits must therefore be disclosed.

Gratuities include: physical gifts (e.g. bottles of wine, chocolates etc), invitations to events including corporate events, discounts or free items, entertainment of any kind, cash or other monetary payments, free gifts from suppliers, ‘bonus’ points that can be converted into gifts. The Dell reserves the right to decline or return any gratuities or gifts.

If gratuities are not disclosed and subsequently discovered the matter will be dealt with through the disciplinary procedure. Failure to declare gifts or gratuities may be considered to be gross misconduct.

**Thinking of Leaving**

Before you make your decision, please discuss it with your Manager. You may find this to be worthwhile because, whether the reason is personal or work-related, an alternative course of action may be found which would enable you to stay with the Company.

**Inclement Weather/Disruption to Travel Arrangements**

In the event of inclement weather and/or disruption to travel arrangements which hinder your attendance for work, the reporting requirements you will need to follow will be as per the absence reporting procedure and the time will be recorded as unpaid leave. Alternatively, if you have sufficient remaining annual leave you may choose to take this time as annual leave. At the Company’s complete discretion, you may make the time up if there is sufficient extra work to be completed.

**Use of Social Networking Sites**

You should not make contributions relating to The Dell on social networking sites unless part of your role. You should not comment about any other employee, child, supplier etc. This applies whether you use our equipment or your own and whether in work time or your own. Such contributions may impact detrimentally upon our interests, whether inadvertently or otherwise. We will view infringements as a serious breach of our rules. This may result in disciplinary action and, potentially, dismissal.

We hold you accountable for all contributions that you make. Anything you post can impact upon us even if you did not intend this. It does not matter whether your post was made personally or on our behalf. Consider carefully whether what you intend to say could be detrimental to our interests. You should take great care not to post anything that could be considered inflammatory. You must ensure you do not publish inaccurate, inappropriate or defamatory content. We will view infringements as a serious breach of our rules. This may result in disciplinary action and, potentially, dismissal.

We appreciate that many people use social networking sites such as LinkedIn, Facebook or Twitter. You may do this personally or even in your professional capacity on our behalf. If you identify details of your role within our organisation, we can clearly be associated with what you say. Therefore, anything you post on such sites must not infringe the provisions above.

Where you have a grievance or concern about something associated with work, do not use social networking to air it. You should normally discuss it with your Line Manager at an early opportunity. We also have a confidential reporting system which is available to all employees. This provides you with an appropriate means of raising matters of concern about any aspect of our organisation. More about your duties in respect of Social Media can be found in our policies DP 1.01b E-Safety and the use of phones and wearable devices.

**Section 2 – Policies and Procedures**

**Introduction**

This policies and procedures section contains a summary of some of the key policies relating to your employment with the Company. Should you have any queries about these, please do not hesitate to speak to your Manager

Note: The Dell’s decision as to the interpretation and operation of the policies and procedures in this handbook is final. The policies and procedures are not contractual unless specifically stated otherwise. The Dell reserves the right to vary or amend policies and procedures at its discretion. Employees will be notified of any amendments in writing or by e-mail.

1. **DISCIPLINARY PROCEDURE**

The Dell’s disciplinary procedure aims to help and encourage all employees achieve and maintain acceptable standards of conduct, attendance and job performance. The procedure is necessary for both The Dell and employees. It enables The Dell to consistently and fairly address any matters relating to unacceptable performance or conduct. The procedure does not form part of the contract of employment and generally applies to all employees who have completed their probationary period.

**Dealing with Matters Informally**

Failure to meet standards of conduct, attendance or performance by an employee may, initially, be brought to the employee’s attention by their Manager in informal conversations, if this is appropriate.

**Formal Action**

Where matters cannot be dealt with informally or informal discussions have failed to correct behaviour, attendance or conduct, disciplinary action may need to be considered. In all cases where disciplinary action is being considered, no decision will be reached, and no disciplinary action will be taken, until such time as the employee has been given the opportunity to state their case and to offer explanations and the matter has been fully investigated. Therefore in all instances where disciplinary action is being contemplated a formal disciplinary meeting will be held, at which the employee has the right to be accompanied, (see section on right to be accompanied) and the employee will be invited to attend this meeting.

Depending on the seriousness of the case, the disciplinary procedure may be entered into at any of the stages outlined below. Except in cases of gross misconduct, dismissal will not be the first step.

**Investigation**

All situations will be investigated in order to establish the facts of the case. The actual investigation into any potential disciplinary matter will vary depending on the allegations and nature of the misconduct or capability. Investigation may include the collating of evidence by The Dell prior to any disciplinary hearing (e.g. reviewing records or documents, gathering examples). It may also include speaking to other employees or third parties and taking written statements.

In some cases the employee may be invited to attend an investigative meeting prior to a formal disciplinary meeting in order to assist with the investigation and/or to decide if it is appropriate to convene a disciplinary meeting. At other times, The Dell may not believe it is necessary or appropriate to hold a separate investigative meeting, or may believe that the investigative meeting should be held as part of the formal disciplinary meeting.

Suspension

An employee may be suspended from work in order to allow The Dell to carry out or conclude an investigation or if it is considered absolutely necessary to remove the employee from site. Suspension is not a disciplinary sanction or action and will normally only be considered where the matter to be investigated is thought to involve serious misconduct; an investigation may be hindered if the employee were in attendance at work; where relationships have broken down; or where there is a risk to The Dell or individuals.

The decision to suspend will be confirmed in writing as soon as possible after suspension. The period of suspension will depend on the nature and time involved in completing the investigation. If an employee is suspended they will continue to receive their wages for the period of suspension.

Alternatively The Dell may move an employee to an alternative department or work area whilst an investigation is carried out or completed. This is not a disciplinary sanction and would only be implemented on a short-term basis to allow the investigation to be completed. The decision to suspend or move an employee will be at the complete discretion of the Company.

**Notice of Disciplinary Meeting and Reason for the Disciplinary Meeting**

Employees will be invited to attend a formal disciplinary meeting in writing. The notification will provide details of the alleged misconduct or poor performance. Where available, supporting documentation or information that has been gathered during the investigation will be provided to the employee prior to the meeting. This will normally be enclosed with the letter inviting the employee to the meeting. In other situations it may have been provided before this (e.g. at the investigative meeting).

A minimum of 48 hours’ notice will be given of any meeting in order to allow the employee to prepare for the meeting.

**The Employee’s Right to be accompanied and the Role of the Companion**

The employee has the right to be accompanied at a disciplinary meeting by a fellow employee or a trade union official. The employee should inform The Dell who their chosen companion is, prior to the meeting.

If the employee’s chosen companion is not available at the time proposed for the meeting, the employee may delay the meeting, provided that they can agree with The Dell an alternative date and time. The alternative time must fall within five working days of the date of the original meeting and must be at a time that is reasonable.

The employee must make a reasonable request to be accompanied. It would not normally be reasonable for an employee to request to be accompanied by someone who may prejudice the hearing or who has direct involvement in the situation.

The companion will be allowed to address the hearing to put forward and sum up the employees case and may confer with the employee during the meeting. The companion does not have the right to answer questions on the employee’s behalf or address the hearing if the employee does not wish it.

**The Disciplinary Meeting**

A disciplinary meeting will generally be conducted by the employee’s line Manager or another Manager appointed by the Company. In misconduct situations, where practicable, different people will carry out the investigation and disciplinary hearing. Two representatives from The Dell will normally be present at any disciplinary meeting.

During the meeting the employee will be given every opportunity to answer any allegations and set out their side of events (or provide their reasons for underperformance) before any decision is taken. Further investigation may be carried out following the meeting if this is appropriate.

The meeting may be adjourned if further investigation is required. In addition the employee may request additional areas of investigation and The Dell will consider any reasonable requests that are relevant to the situation. The employee should make every effort to attend the meeting.

Where an employee is persistently unable or unwilling to attend a disciplinary meeting The Dell may have to hold the meeting in the employees absence and make a decision based on the information and evidence available. The employee will then be informed of the outcome as set out below (and will be given the opportunity to appeal against any decision).

If it is decided, following the meeting and having considered all the circumstances, that disciplinary action is appropriate then action may be taken as outlined below:

**Stages of the Disciplinary Procedure**

After the meeting (and provided that there is no further investigation to be carried out), The Dell will decide whether or not disciplinary or other action is justified and will inform the employee in writing.

**Stage 1 – Written Warning – live for 6 months**

If conduct or performance does not meet acceptable standards, employees will normally be given a formal written warning. The warning will set out the nature of the misconduct or poor performance and what improvement is required and any timescales. The warning will also confirm the consequences of further misconduct or failure to improve performance (e.g. further disciplinary action may be taken under stage 2).

**Stage 2 – Final Written Warning - live for 12 months**

If there are further acts of misconduct or failure to improve performance a final written warning will be issued. Alternatively, if the employee’s first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning.

Note: Warnings will be recorded on the employee’s file but will normally be disregarded for disciplinary purposes after the set period stated above, subject to continuous satisfactory conduct or performance, unless otherwise stated in warning letters. Where repeated conduct or poor performance cannot be tolerated in the future, written warnings may be placed for longer periods or permanently on file. In such cases employees will be advised of this in writing.

**Stage 3 – Dismissal**

If conduct or performance is still unsatisfactory and the employee fails to reach the prescribed standards, dismissal will normally result. The employee will be informed of the reasons for the dismissal and the date employment will end. The employee will also be advised of their right to appeal.

Gross Misconduct – Summary Dismissal

Generally, gross misconduct includes any serious breach of conduct or duty that brings The Dell into disrepute, or actions that are inconsistent with the relationship of trust and confidence required between The Dell and its employees. If The Dell, after conducting an investigation and holding a disciplinary meeting with the employee (as above), is satisfied that gross misconduct has occurred, the result will normally be dismissal without notice or a payment in lieu of notice.

The following list, which is not exhaustive, outlines offences that are normally regarded as gross misconduct:

* Theft; fraud or acts of dishonesty
* Deliberate falsification of records and information;
* Serious breaches of procedures or negligence that may lead to loss or damage or a risk to the business;
* Serious neglect of duties ,incompetence or insubordination;
* Conduct or behaviour that may bring The Dell into disrepute;
* Serious breach of confidence;
* Unauthorised removal of Company property, documentation or information;
* Fighting or assault on another person;
* Serious breach of the Company’s computer/internet/e-mail policy, including deliberately accessing internet sites containing pornographic, offensive or obscene material;
* Unauthorised or unreasonable absence
* Being in possession of or on Company or Client property/site under the influence of alcohol or illegal drugs;
* Deliberate or negligent damage to property (Company or Client property);
* Disclosure of Company information to third parties not already in the public domain;
* Rudeness to Clients;
* Breach of the Company’s bribery and corruption policy (including failure to declare gifts and gratuities);
* Communicating confidential information outside the Company;
* Any serious breach of Health and Safety rules;
* Acts of harassment or bullying;
* Any acts of discrimination or non-compliance with the Company’s policy on Equality and Diversity;
* Failure to follow prescribed industry codes of practice or procedures;
* Smoking on Company or Client premises or in a Company vehicle.

In any case of disciplinary action being taken the employee will have the right of appeal if they feel that the disciplinary action taken against them was wrong or unjust.

# APPEAL PROCEDURE

**Right of Appeal and Appeal Procedure**

If an employee feels that disciplinary action taken against them is wrong or unjust they should appeal against the decision to [job title of designated appeal person]. Employees have the right to be accompanied by a fellow employee or trade union official at appeal meetings. An employee should confirm the grounds for their appeal in writing. This should clearly set out the reasons they are appealing and why they believe the decision should be reconsidered.

The Appeal Procedure is outlined below.

**Appeal against a Disciplinary Action**

* An appeal should be made in writing, setting out the reasons for appealing.
* An appeal should be made within five working days of receipt of the written confirmation of the disciplinary action.
* The employee will be asked to attend an appeal meeting. This will normally be held within ten working days of the appeal, but may be longer if circumstances demand.
* After the appeal meeting the employee will be informed of the decision in writing within five working days of the meeting. This may be longer if circumstances demand (e.g. if further investigation is required). In this case the employee will be notified.

Any appeal will be dealt with impartially and wherever possible, by a Manager or senior person who has not previously been involved in the case. Where this is not possible The Dell may consider inviting a third party to hear the appeal.

***Note:*** *The disciplinary and dismissal procedure does not form part of the contract of employment.*

1. **GRIEVANCE PROCEDURE**

The aim of the Company’s Grievance Procedure is to resolve concerns that employees may have about their job, working conditions or any other issue relating to their employment. The objective is to resolve issues quickly and to the satisfaction of both parties.

**Resolving Matters Informally**

Most grievances are best resolved informally in discussions with the employee’s Manager. If an employee has a grievance relating to any aspect of their job, working environment or the conditions of employment, they should speak to their Manager on the day on which the grievance occurs or as soon as possible thereafter. If necessary, the situation will be investigated and the outcome will be discussed with the employee.

**Formal Procedure**

If however, it is not possible to resolve a grievance informally or the employee does not wish to pursue the informal route, the employee should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. The employee should set out the nature of the grievance in writing, as fully as possible.

**Grievance Meeting**

The employee will then be invited to a meeting to discuss the grievance, at which they may be accompanied by a work colleague or trade union official. The employee must make all reasonable steps to attend the meeting.

The employee will be given every opportunity to explain their grievance and how they think it can be resolved. The meeting may be adjourned if further investigation is required.

**Outcome**

Following the meeting a decision will be taken on what action, if any, to take. The decision will be communicated in writing and will set out any action the employer intends to take to resolve the grievance. The employee will also be advised that they can appeal against the decision.

**Appeal Against the Outcome**

If the grievance has been dealt with by the employees Manager in stage one, and the employee is not satisfied with the outcome, they should write to another manager, again giving details of their grievance and explaining why the matter remains unresolved. An employee should ideally raise an appeal (in writing) within five working days of receipt of the written outcome of their grievance.

The employee will then be invited to attend a further meeting with another manager to discuss the appeal. A work colleague or trade union official may accompany the employee at this meeting. The outcome of the appeal will be communicated to the employee without unreasonable delay and normally within five working days of the meeting. If the response is to be delayed this will be communicated to the employee. The decision at this stage is final.

**Right to be accompanied**

If an employee wishes to be accompanied at a grievance meeting they should inform The Dell of who their chosen companion is, prior to the meeting. If their chosen companion (work colleague or trade union official) is not available, the employee may ask for the meeting to be postponed by up to five working days and should suggest an alternative time for the meeting.

*Note: The grievance procedure does not form part of the contract of employment.*

**GRIEVANCE AND DISCIPLINARY – SPECIAL CIRCUMSTANCES**

**Overlapping grievance and disciplinary cases**

Where an employee raises a grievance during a disciplinary process and the disciplinary and grievance are related it may be appropriate to deal with both issues concurrently. In other circumstances it may be appropriate to suspend the disciplinary process while the grievance is being heard. However, this will depend on the nature of the grievance and all the circumstances.

**Absent employee**

If an employee is absent due to sickness during a disciplinary or grievance process, the employee should be asked if they wish to attend the meeting. If they are unable to attend for health reasons the process will be suspended until they are able to attend. In some cases, even where an employee is absent due to sickness, it may be in the employees and Company’s best interest to progress with the process and the employee will be asked to consider this.

Where there is ongoing delay, The Dell may seek further medical advice (i.e. ask the employee for consent to write to their doctor or ask the employee to attend an appointment with a Company doctor or occupational health).

**Use of external consultants**

In some instances The Dell may bring in external qualified HR consultants in to:

* Carry out an investigation;
* Provide advice and support to the process conducted by managers or Directors;
* Hear a stage of the process;
* Attend or conduct disciplinary or grievance meetings and interviews.

Where consultants are used in relation to investigations The Dell will:

* Make sure that the consultants follow the organisation’s disciplinary policies and procedures;
* Deal with the case fairly in accordance with the ACAS Code of Conduct.
1. **EQUALITY & DIVERSITY POLICY STATEMENT**

The Company’s Equality & Diversity Policy is applicable to all employees, workers and contractors. The Dell is committed to a policy of equal opportunity and non-discrimination, and will not tolerate action or behaviour that is contrary to this policy. Breaches of the Company’s Equality and Diversity Policy by employees will be dealt with through the disciplinary procedure and may be considered to be gross misconduct. Breaches by workers or contractors may be grounds for The Dell to withdraw work or terminate contracts for services or similar.

This document sets out the Company’s policy and objectives with regard to equality of opportunity and diversity. A complaints procedure has also been included to allow any employee, worker or contractor to raise concerns about discrimination or harassment, in order that any such complaint may be addressed quickly and appropriately.

**Policy Statement**

At all times, The Dell aims to:

* Select, recruit, develop and promote the very best people, basing judgement solely on suitability for the job.
* Ensure all applicants and employees receive fair and equal treatment irrespective of sex, marital status, nationality, colour, race, age, national origin, religion, belief, sexual orientation or disability.
* Ensure all employees receive fair and equal treatment irrespective of whether they work part-time or are engaged on a fixed term contract.
* Maintain a working environment free from harassment and intimidation.
* Ensure that existing and new legislative Acts based on statutory rights to equal treatment are adhered to.
* Deal speedily and effectively with any complaints of alleged discrimination and/or harassment, ensuring all complaints are fully investigated and that remedial action is taken where necessary.

**Legislation**

The legislation covering this area is The Equality Act 2010. This covers the following areas of equality: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are called **‘protected characteristics.’** This policy also covers the part-time workers (Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000) and fixed term workers regulations (Fixed Term Employees Regulations (Prevention of Less Favourable Treatment) Regulations 2002).

**Definitions**

**Direct discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic. It can also be when an individual is treated less favourably because they are part-time or employed on a fixed term contract.

**Associative discrimination** is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Perceptive discrimination** is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that protected characteristic.

**Indirect discrimination** is where a **condition, rule, policy or even a practice** is applied to everyone that particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that the condition, rule, policy or practice was reasonable in managing the business.

**Harassment** is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual*”.*You can also raise a complaint of behaviour that you find offensive even if it is not directed at you.

Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment. Harassment on any of the relevant **‘protected characteristics’** may amount to unlawful discrimination. Harassment may also breach other legislation and may in some circumstances be a criminal offence e.g. under the provisions of the Protection from Harassment Act 1998. The Dell does not condone harassment from third parties such as customers or contractors any more than it does from employees or workers

Reasonable and proper management instructions administered in a fair and proper way, or reasonable and proper reviews of an employee’s performance will not constitute harassment. Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

**Victimisation** occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

**Discrimination or Harassment Procedure**

If you believe you are the subject of discrimination, harassment or victimisation, you should bring this to the attention of The Dell as soon as possible. You can raise any matters formally or informally. In either case, it will be dealt with promptly.

**Informally**

Informally, you may either speak to your Manager or ask a colleague to speak in confidence on your behalf. They will offer advice and may investigate further. If the complaint is against your Manager you may speak to another Manager or senior person in the Company.

In addition you may wish to make it clear to the person whom you are complaining about that their behaviour or actions are unacceptable to you and must stop. You may do this by speaking to the person or alternatively you may wish to put this in writing to the person.

**Formally**

The formal procedure may be used either where informal methods have failed, or where an employee feels it is more appropriate to use a more formal procedure. In such cases employees should use the formal grievance procedure and should put their concerns in writing and where possible provide the following information:

* The name of the person or persons whom the complaint is being made against.
* The nature of the complaint (what has happened).
* Dates and times when alleged incidents occurred.
* Names of any witnesses.
* Any action taken to stop the behaviour.

Whenever a complaint is raised The Dell will immediately take such action that is felt appropriate in the circumstances to investigate the matter thoroughly and to reassure the employee.

**Witnessing behaviour or actions that may be discriminatory or harassing**

If you witness behaviour that you believe is of a discriminative nature or is harassing an employee or others you should report this to the Company. Initially you should speak to your Manager or, if this is not possible, to any other senior person in the Company. You may be asked to give a statement about what you witnessed, but The Dell would, as far as is practicable, maintain your anonymity. The Dell would seek to investigate any situation that was reported, promptly and thoroughly. Employees, workers, and contractors are assured that allegations of discrimination or harassment will be dealt with quickly and taken seriously. Under no circumstances should it be feared that an employee would be victimised for making or being involved in a complaint. Victimisation of a complainant is in itself a disciplinary offence.

1. **BULLYING AND HARASSMENT**

The purpose of this policy is to ensure that all employees and workers are treated with dignity and respect, free from bullying or harassment at work. It sets out examples of the type of conduct that may constitute as bullying or harassment and the Company’s commitment to eliminating such conduct.

Where bullying or harassment is shown to have taken place it will be dealt with under the Disciplinary Procedure as a form of misconduct. In some cases it may be treated as gross misconduct leading to summary dismissal for those responsible.This policy covers every individual working for The Dell or at any Company premise irrespective of their status or level.

**Definitions of bullying and harassment**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. A protected characteristic is defined by the Equality Act 2010, (please see the Equality and Diversity policy for further information).

Bullying or harassment may be by an individual against another person, or involve a number of people. It may be clearly noticeable or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

**Legislative framework**

The Dell has a duty to provide our workers with a safe place and system of work Under the Health and Safety at Work Act 1974. This includes a workplace free from bullying and harassment. The Equality Act 2010 also makes it unlawful to discriminate against someone on the basis of a protected characteristic; a protected characteristic is defined as, age, disability, gender reassignment, marriage & civil partnership, race, religion & belief, sex or sexual orientation.

In some cases individuals can be held legally liable for harassing either colleagues or third parties (including customers), and may be ordered to pay compensation.

**Examples of harassment include:**

* Verbal abuse relating to a person’s protected characteristics
* Offensive jokes or pranks related to a person's protected characteristics
* Lewd or suggestive comments
* Requests for dates or sexual favours after it has been made clear they are unwelcome
* Unnecessary and unwanted body contact
* Threatened or actual assault or violence
* Deliberate exclusion from conversations or work activities on the basis of relating to a person’s protected characteristics
* The display of inappropriate images or words
* The display of inflammatory or abusive literature or graffiti

**Examples of bullying include:**

* Shouting at, being sarcastic towards, ridiculing or demeaning others
* Physical or psychological threats;
* Overbearing and intimidating levels of supervision;
* Inappropriate and/or derogatory remarks about a worker's performance;
* Abuse of authority or power by those in positions of seniority;
* Unjustifiably excluding colleagues from meetings or communications.
* Please note these lists are not exhaustive.

Bullying or harassment can occur both in the workplace itself and in settings outside the workplace, such as business trips, events or social functions whether organised for or on behalf of The Dell or informally among the workforce.

**Resolving bullying or harassment**

If you believe you are the subject of bullying or harassment you should follow the procedure set out under the discrimination and harassment procedure (under our equality & diversity policy).

1. **ABSENCE FROM WORK – PAYMENT, NOTIFICATION AND CERTIFICATION**

This section sets out The Dell policy with regard to absence from work for reasons of sickness or injury. The policy provides details of the procedures that should be followed with regard to reporting absence and providing the correct certification for absence. The policy also covers medical reports, and the possible consequence of long term or frequent short-term absence. The policy applies to all employees.

## Absence Notification Procedure

If you are unable to attend work for whatever reason, you are required to:

* notify your manager as soon as possible on the first day of your absence, ideally before 6.30am if expected to work at breakfast club or before 1.30 pm for afterschool club and at least one hour before your normal start time. You should use all endeavours to speak to your manager personally and advise the reason(s) for your absence and an indication of its likely duration. We do accept a text if sickness starts in the middle of the night, but this should always be followed up with a call one hour before your scheduled start time..
* provide a medical certificate(s) from your doctor for any sickness absence, in excess of seven consecutive days (including non-working days). This/these should cover the entire period of your absence from your eighth day of absence (including non-working days) until your return and should be sent promptly to your manager.
* keep your manager regularly informed of your progress and likely date of return

Failure to comply with the Company’s rules on notification of absence could affect your entitlement to sick pay.

On return from absence there will be a return to work meeting the location of which will be advised at the time.

The Dell may require you to attend a medical assessment with a specialist, which The Dell will pay for.

During sickness absence, we will pay you Statutory Sick Pay in line with government guidelines, subject to the statutory conditions being met.

You should keep The Dell informed of your progress on a regular basis (either daily or at other appropriate intervals if you have been signed off for a specified period) and where required you must forward medical certificates to cover your period of absence (see below).

When you return to work after any period of absence you should report to your Manager and a return to work meeting will be conducted.

## Certification and Medical Examinations

You must comply with the absence notification procedure detailed above, and provide relevant medical certificates for all periods of absence. Failure to do so may result in payments being withheld or loss of entitlement.

**Medical Certificates:**

**Absence for less than 7 days*:*** If you are absent for seven calendar days or less, you will be asked to provide details of your absence as part of your return to work interview.

**Doctor’s Medical Certificate (Fit Note*):*** If you are absent for over 7 days you must send to the Company, on the eighth day of absence, a medical certificate signed by your Doctor. Thereafter, you must continue to send in medical certificates to cover any continued period of absence. Depending on the reason for your absence, The Dell reserves the right to ask you to provide a certificate from your Doctor certifying that you are fit and able to return to work.

The Doctor’s Certificate (Fit Note) may confirm that you are fit to return for some work or that a phased return to work would be beneficial (e.g. returning on a part-time basis). The Dell will consider any recommendations from your Doctor, but cannot guarantee to offer alternative work or a phased return (or other suggestions that may be made by your Doctor), as this will depend on the operational needs of the business.

If a phased return can be offered, this may affect payments. If you return on a part-time basis your wages will be reduced on a pro-rata basis.

The Dell reserves the right to ask you to provide a Fit Note / medical certificate, signed by your Doctor, for any periods of sickness absence of less than eight calendar days. The Dell will reimburse any charge made by your Doctor for providing a medical certificate within the first seven days of absence. Generally this request will be made after two periods of self-certified absence in any 12-month period.

In addition to providing a Doctor’s certificate you should complete a Company Self-certification form for all periods of absence when you return to work. This is for Company records and monitoring purposes.

**Medical Examination**

The Dell reserve the right to require you to attend a medical examination with your own Doctor, or a Doctor appointed by The Dell if you are absent from work due to sickness or injury or before returning to work from a period of absence. In addition the Dell may require you to attend a medical examination if there are concerns about your general health or well-being. Such concerns may have been raised due to your absence record or for other reasons.

**Different Types of Absence**

## Frequent Absence

In the event of frequent absences, The Dell may request that you provide confirmatory medical evidence and/or visit a Doctor appointed by the Company, or undertake a medical examination. All absence is monitored, including the patterns and reasons for absence. Unacceptable levels of absence may be dealt with through the disciplinary procedure.

## Long Term Absences

If you are, or are likely to be, absent from work for a prolonged period, The Dell may request that you attend a medical examination by a Doctor appointed by the Company, or may ask for your written consent to enable The Dell to seek a medical report from your own Doctor.

The medical report would be obtained in order to ascertain a medical opinion about your condition and reasons for absence, when you may be able to return to work and any other information that might be relevant. If you are unable to attend work for a prolonged period The Dell will be unable to keep your position open indefinitely and the medical report would be taken into consideration in any decisions made about your continued employment.

## Unauthorised Absence

If absence is not notified (or correctly certified) it will be considered to be unauthorised absence, this includes booking holidays without authorisation. In this event The Dell reserves the right to make no payment for the period of absence. Unauthorised absence will be dealt with through the disciplinary procedure and may be considered to be gross misconduct.

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# ABSENCE – RETURNING TO WORK

When you return to work from a period of sickness absence or injury you should report to your Manager. Your Manager will conduct a return to work interview with you. They may also wish to update you on work.

If you are returning on a phased return (following recommendations from your doctor and agreement with the Company), this will be agreed and detailed in writing prior to your return. Your Manager may also wish to confirm arrangements with you on your return.

**Payment When Absent due to Sickness or Injury**

If you are absent due to sickness you will be entitled to payments under Statutory Sick Pay (SSP), for up to 28 weeks, provided that you meet the requirements for SSP payments as set out by the HMRC (HM Revenue & Customs) and have complied with the correct absence notification procedure. The Dell has designated Monday to Friday as qualifying days for the purposes of SSP.

1. **ABSENCE FROM WORK – OTHER REASONS**

This clause sets out the guidelines regarding absence from work relating to the following reasons:

* Time off during working hours
* Compassionate leave
* Bereavement leave
* Jury service
* Public duties

**Time Off During Working Hours**

You are expected to take care of personal matters outside working hours wherever possible. Requests for time off for urgent personal reasons should be made to your Manager and will be considered sympathetically. If you need to attend an appointment (e.g. doctor or dentist), you are asked to organise appointments for the end of the day in order to minimise absence and any disruption.

The Dell reserves the right to require you to make up any hours lost, or if excessive time is lost, to make a deduction from your wages. Alternatively, a half-day holiday may be taken as part of your annual leave entitlement, subject to prior agreement with your Manager.

**Compassionate Leave**

If you require a leave of absence for personal reasons you should, initially, discuss the matter with your Manager. In general you will be expected to use outstanding holiday entitlement but special unpaid or paid leave may be given in extenuating circumstances.

**Bereavement Leave**

In the case of bereavement of an immediate family member (for example: a child, parent, partner, sister or brother), up to three day’s compassionate leave, may be granted, but pay is not guaranteed and is discretionary. Further leave may be taken either as holiday or unpaid leave, or any further paid compassionate leave may be authorised at the discretion of the Company.

**Jury Service**

You are allowed time off if called for jury service or to attend as a crown prosecution witness. Jury service is generally for a period of two weeks. If such absence may cause specific commercial problems for the Company, The Dell reserves the right to write to the court to ask that you be excused from Jury Service.

The Dell will not pay for any period you are on jury service, and you will need to make a claim to the court for loss of earnings.

**Public Duties**

You are allowed a reasonable amount of unpaid leave to attend to certain public duties. These duties relate to those employees who are:

A Justice of the Peace; a member of a local authority; a member of a statutory tribunal; ; a member of a board of prison visitors or a prison visiting committee; a member of a relevant health body; a member of a relevant education body; a member of the Environment Agency

If you already have or are about to take on such duties, you should consult your Manager about leave of absence and should provide an assessment of the total time off in each year.

1. **BRIBERY AND CORRUPTION**

The Dell recognises that bribery and corruption have an adverse effect on business and communities in which they operate in. Failure to identify and act upon bribery or corruption can break laws and basic human freedoms, distorting free trade and competition. The Dell definitions of bribery and corruption are below;

Bribery - The act of taking or receiving something with the intention of influencing the recipient in some way favourable to the party providing the bribe.

Corruption - Giving or obtaining advantage through means which are illegitimate, immoral, and/or inconsistent with one's duty or the rights of others.

The Dell will not tolerate any form of Bribery or Corruption and seeks to act with honesty and integrity in all of its business dealings. The Dell will immediately and thoroughly investigate any allegation of bribery or corruption, and will take the strongest action. Breaches of the policy may be considered to be gross misconduct.

All employees, consultants, contractors and agency workers; and any individual working directly for the business (including agents) are required and agree to operate within the following guidelines:

* To always act with honesty and integrity and support the Company’s policy relating to bribery and corruption.
* Not to offer or make any bribe, outlandish or unauthorised payment or incentive of any kind to anyone.
* Not to solicit business by offering any bribe, unorthodox or unofficial payment to customers or potential customers.
* Not to accept any kind of bribe, unorthodox or unusual payment or inducement that would not be authorised by The Dell in the ordinary course of business.
* To refuse any bribe or outlandish payment and to do so in a manner that is not open to misunderstanding or giving rise to false expectation; and to report any such offers.
* Not to make facilitation payments. These are payments used by businesses or individuals to secure or accelerate a service or product. The Dell will not tolerate or overlook such payments being made.
* To report any breaches of the policy, if you suspect Bribery or Corruption is occurring or has occurred previously or if you are unclear on procedures or your responsibilities.
* If you become aware of Bribery or Corruption occurring you should report this to your Manager or a Director without delay.
1. **WHISTLEBLOWERS (PUBLIC INTEREST DISCLOSURE)**

It is understood that employees and workers may, at one time or another, have concerns about what is happening at work or within the organisation. Generally, these concerns can be easily resolved. However, some concerns may be about serious malpractice. The Dell has therefore developed a policy, which provides a procedure to enable employees to raise concerns about actual or possible serious malpractice at an early stage and to provide assurance to employees that any matters raised will be dealt with seriously, without fear of reprisal and, where possible, confidentially. .

**Concerns about Malpractice**

It is not possible to give an exhaustive list of the activities that might constitute misconduct or malpractice but, broadly speaking, employees would be expected to report any of the following:

* Criminal offences
* Failure to comply with legal obligations
* Miscarriages of justice
* Actions that endanger the health and safety of employees or the public
* Actions which cause damage to the environment
* Bribery or corruption (please see Bribery and Corruption section)
* Protected disclosures made in the public interest
* Actions which are intended to conceal any of the above.

NB Employees cannot bring a complaint under the whistleblowing policy for issues related to their contracts of employment; such complaints should be raised under the grievance policy.

In order to raise a concern, the employee does not have to have evidence of the malpractice, but must have a reasonable belief that the malpractice has occurred.

**Raising a Concern**

If an employee has a concern, they may use the Company’s Grievance Procedure (please see grievance procedure). If however, an employee feels unable to do this for any reason, they should raise their concern with a Director.

Where possible, employees should put their concern in writing in order to outline the nature of the suspected malpractice. Alternatively concerns can be raised verbally, but employees must make it clear that they are raising a concern under the Whistleblowers Policy, in order to avoid any misunderstanding about the nature and seriousness of the verbal communication. When raising a concern, the employee must declare any personal interest they have in the matter.

**Investigation**

Having been alerted of a concern, it is the Company’s responsibility to investigate the issue. This will include discussions with the employee and then assessing what further action or investigation is required. All concerns raised under this procedure, regardless of their nature, will be treated seriously and sensitively. Where practicable, immediate steps will be taken to remedy the situation. However, depending on the nature of the issue that has been raised, it may take a period of time to fully investigate the matter.

Every effort will be made to maintain confidentiality if the employee so wishes. If this is not possible, this will be fully discussed with the employee (e.g. if the outcome includes Court proceedings or disciplinary action).

Employees will be informed of the outcome of the action taken to resolve the concern (subject to legal constraints). Where no action is taken, a full explanation will be given. The Dell will also consider future action to minimise the risk of reoccurrence wherever possible.

**Employee Protection**

The Dell will not tolerate harassment or victimisation by managers or colleagues of anyone who raises a concern under this procedure, regardless of whether or not the concern proves to be well founded.

Employees should not be discouraged from raising concerns due to actual or possible pressure from other work colleagues, employees or management. Discouraging another to come forward with a concern, is a disciplinary offence and will be dealt with under the Disciplinary Procedure.

Employees are further protected under legislation (Public Interest Disclosure Act 1998) against being dismissed or being subject to some other detriment because they have raised a concern about possible malpractice.

The Company’s decision as to the interpretation and operation of this Policy is final. The Dell reserves the right to amend or terminate this Policy at any time.

1. **ABSENCE FROM WORK – FAMILY FRIENDLY**

This section includes a number of references to policy documents relating to absence from work for reasons associated with dependants, and/or other parental/family matters. The areas covered in the Family Friendly policy documents include:

* Time off for dependants
* Parental leave
* Flexible working
* Maternity leave
* Paternity Leave
* Adoption leave

any of these matters are governed by government legislation and The Dell’s policies will be updated to take into account any future changes in legislation. If any part of the policies are at any time out of line with legislation, statutory rights will prevail over the policy i.e. employees will be able to enjoy full statutory rights at all times.

**9a. TIME OFF FOR DEPENDANTS**

You are allowed a reasonable amount of time off to deal with certain unexpected or sudden emergencies relating to a dependant, or to make necessary long-term arrangements for a dependant. This may be if a dependant falls ill or is injured, or if there is an unexpected disruption in the care arrangements for a dependant. Time off is normally without pay.

This time off is available in order for you to deal with the immediate situation and to make longer-term arrangements as necessary. The length of time available will depend on the circumstances.

If you cannot attend work due to such an emergency, you should inform your Manager as soon as possible. If you have to leave work during the working day to deal with an emergency, you must inform your Manager before leaving the premises.

**9b. PARENTAL LEAVE**

Parental leave allows you to take time off work to look after your child or to make arrangements for their welfare. You can use it to spend more time with your children and strike a better balance between your work and family commitments. Parental leave is unpaid.

You must have been employed by The Dell for a full year to be eligible to take parental leave. Both mothers and fathers can take parental leave. Parental leave is up to eighteen weeks and can be taken up until the child’s fifth birthday (or five years from the date a child is adopted or, in the case of a child with a disability, up until the child’s 18th birthday).

**9c. FLEXIBLE WORKING**

It is understood and recognised that parents of young children (or disabled children) may benefit from adjustments to their working hours or working patterns which would enable them to more easily balance their commitments to work and family. The Dell will therefore consider applications from employees requesting changes to their working hours or work pattern. Consideration will be given to employees who have children or are caring for children under seventeen (17) years of age or disabled children under the age of 18 or employees who care for, or expect to care for, adults. To make an application for flexible working you must have or expect to have responsibility for the child’s upbringing or expect to care for an adult and have been employed by The Dell for at least 26 weeks. The Dell cannot guarantee to accommodate requests if such requests would be detrimental to the commercial needs of the business. Any changes must meet the needs of both the employee and the Company.

**9d.** **MATERNITY**

**Maternity - time off for ante-natal care**

Pregnant employees are entitled to take time off during normal working hours to receive ante-natal care, although wherever possible appointments should be arranged at the end of the working day. Ante-natal care includes appointments with the GP, hospital clinics and relaxation classes.

Employees should advise their line manager of any absence as far in advance of the appointment as possible, and, following the first appointment, may be asked to produce an appointment card.

There will be no deduction of pay for attending authorised ante-natal appointments.

**Maternity - risk assessments**

Immediately an employee notifies us of her pregnancy, a separate, individual risk assessment will be undertaken to ensure that all practicable measures are taken to prevent the risk of damage to the health or safety of the mother or her unborn child. Any employee who has concerns about her health and safety should raise these with their line manager. In addition, we request that employees who return to work and who are breastfeeding notify us of this in order that suitable arrangements can be made to facilitate this.

**Maternity – leave**

All employees are entitled to 52 weeks' statutory maternity leave, irrespective of their length of service or the number of hours worked each week.

The first 26 weeks is known as "ordinary maternity leave"; the second 26 weeks is known as "additional maternity leave".

**Maternity - commencing maternity leave**

Maternity leave may begin at any time after the start of the 11th week before the week in which the child is due. The only exception to this is if the employee falls ill because of pregnancy at any time after the start of the fourth week before the child is due. In such a case maternity leave will start on the first day of absence.

**Maternity - notification requirements**

Employees must notify us of their intention to take maternity leave, and the date on which they intend this to start. This notification should be in writing, and should be provided before the end of the 15th week before the expected week of confinement. The employee should subsequently also provide a form MAT B1, signed by the doctor or midwife, confirming the pregnancy.

In exceptional circumstances notification can be given after the child is born, but as a general rule failure to serve notice at the relevant time will mean the loss of the right to take maternity leave.

**Maternity - work and contact during the maternity leave period**

A woman on maternity leave can work for a few days without losing her right to maternity leave or a week's statutory pay, via "keeping in touch" or KIT days. The number of days is limited to ten - irrespective of the length of maternity leave taken by the employee. KIT days may be taken at any time during the maternity leave period, excluding the first two compulsory maternity leave weeks, and may be taken singly or in blocks.

The employee and her manager should agree in advance what work will actually be done on KIT days. There is no obligation to work any KIT days, and we are under no obligation to provide them. Payment will be agreed with the employee, noting that the minimum that must be paid for any week during the maternity pay period is the SMP rate the woman is entitled to. Lower rate SMP may be offset against this.

Employees on maternity leave are encouraged to keep in touch with us and we will continue to make reasonable contact with them during their maternity leave.

**Maternity – pay**

To qualify for Statutory Maternity Pay (SMP), employees must have at least 26 weeks' service by the end of the 15th week before the week in which the baby is due and must have average earnings equal to, or greater than, the lower earnings limit for National Insurance contributions. SMP is payable whether or not the employee intends to return to work.

SMP is payable for a maximum of 39 weeks. Week one of the maternity pay period is the week after the employee leaves work or starts her maternity leave. To claim SMP the employee must give 28 days' written notice of when she wishes her SMP payments to commence.

The amount of SMP entitlement will vary depending upon earnings and the amount of maternity leave taken: the first six weeks are paid at 90% of average weekly earnings, followed by the lesser of either 90% of average earnings or the lower statutory weekly rate for up to 33 weeks. SMP is paid into the employee's bank account on the same date that pay would have been paid, and is subject to deductions for tax, National Insurance and pension contributions in the usual way.

Employees who do not qualify for SMP may be entitled to claim state Maternity Allowance.

The rate of SMP will vary depending upon earnings and the amount of maternity leave taken: the first six weeks are paid at 90% of average weekly earnings, followed by the lesser of either 90% of average earnings or the lower statutory weekly rate for up to 33 weeks. SMP is paid into the employee's bank account on the same date that pay would have been paid, and is subject to deductions for tax, National Insurance and pension contributions in the usual way.

Employees who do not qualify for SMP may be entitled to claim Maternity Allowance.

Employees who are taken into legal custody or who work for another employer during their MPP must notify us of this as their entitlement to SMP may be affected.

**Maternity - contractual benefits**

Employees who are absent on ordinary maternity leave will continue to accrue holiday entitlement (which may either be taken before the start of maternity leave or within 12 months of return to work). All other contractual benefits will also continue.

During the full period of paid maternity leave, employees who receive any benefits such as pension contributions, life and private health insurance, medical cover or childcare vouchers will continue to benefit from these for the full period of paid maternity leave. Pension contributions will be based on the full pensionable pay the employee would receive if working.

During the period of additional maternity leave the contract of employment remains in existence, but the employee will cease to receive other benefits defined as contractual remuneration during this time. The employee will however continue to accrue statutory holiday under the Working Time Regulations.

An employee returning to work after ordinary maternity leave has the right to return to the same job. The right to return following additional maternity leave is to the same job unless this is not reasonably practicable, but any alternative job must be both suitable and appropriate. The terms must be no less favourable than those which would have applied had the employee not been absent on maternity leave.

**Maternity - returning from maternity leave**

Employees who return to work at the end of their statutory maternity leave period do not need to notify us in advance of the date of return. However, we do request they keep in touch with us and to notify us of any changes in their intentions as soon as possible.

If an employee wishes to return to work before the end of her statutory maternity leave period she must give us 56 days' (eight weeks) advance written notice specifying the date of return.

An employee who decides not to return to work at the end of her maternity leave is required to give full contractual notice.

Employees who return to work at the end of their statutory maternity leave period do not need to notify us in advance of the date of return. However, in order to assist us with our planning, we do request they keep in touch with us and notify us of any changes in their intentions as soon as possible.

If an employee wishes to return to work before the end of her statutory maternity leave period she must give us 56 days' (eight weeks) advance written notice specifying the date of return. Failure to do so may mean that we postpone her return until either the expiry of 56 days, or the end of the maternity leave period, whichever is sooner.

An employee who is unable to attend work at the end of her maternity leave due to sickness or injury should follow our normal arrangements for notifying sickness absence.

An employee who decides not to return to work at the end of her maternity leave is required to give full contractual notice.

Any employee who wishes to change her working pattern or hours on return from maternity leave should apply to do so in accordance with our flexible working policy.

A mother whose baby is due before 5 April 2015 may choose to transfer up to the second six months of maternity leave to the father/partner, once she has returned to work. For further details, see below: 'Additional Statutory Paternity Leave'.

Please note that a mother who returns from maternity leave early, in order to enable her partner to take the remainder of the leave, must give her permission for us to release any information confirming her return to our employment and the period of her maternity leave and pay to her partner's employer, before we may do so. Such information will not be disclosed otherwise, which may result in delay in the partner receiving any remaining maternity pay or his/her ASPL being authorised by his/her employer.

A mother whose baby is due on or after 5 April 2015, may elect to end her maternity leave at any time after the compulsory leave period, and share the remainder of her maternity leave and pay with the father/partner. See "Shared Parental Leave" below.

**Maternity – redundancy**

If an employee who is on maternity leave would have been made redundant were she present, our normal redundancy consultation procedure will be followed and we will ensure that the employee is promptly informed and consulted with. In some cases it may be appropriate to extend the consultation period for an employee on maternity leave until this has come to an end.

An employee who is made redundant at or following the 15th week prior to her EWC or at any time during her period of maternity leave will still receive her full entitlement to SMP - in such circumstances, SMP may be paid weekly or as one lump sum. (SMP will not be paid if the employee leaves our employment before the 15th week prior to her expected week of childbirth.) Any benefits such as a company car or holiday entitlement will only be provided/accrue to the end of the notice period once the employee is made redundant.

Employees on maternity leave and who are at risk of redundancy have the right to apply for other vacancies, along with other employees 'at risk'. Where an employee's role becomes redundant during the course of her maternity leave she is entitled to be considered for any suitable alternative employment in preference to other employees.

**9e. ADOPTION**

**Adoption – introduction**

One adoptive parent (of either sex) will be entitled to 39 weeks' paid adoption leave, followed by a further 13 weeks' unpaid leave, making a total of 52 weeks' leave.

To qualify the employee must be:

* the adopter of a child aged up to 18 years
* have at least 26 weeks' continuous employment by the end of the week in which he/she is notified of having been matched with the child
* have notified the adoption agency that he/she agrees that the child should be placed with him/her, and on the date of placement.

Only one person may take adoption leave in respect of a child at any time - where a couple is adopting a child jointly, one may take adoption leave and the other may take paternity leave (see above).

Ordinary adoption leave may begin on the actual date on which the child is placed with the employee, or it may start on a predetermined date which falls within the period from 14 days before the child is placed until 14 days after the placement.

**Adoption - pre-placement appointments**

From 5 April 2015, an employee who has a child placed with him/her for adoption will be allowed to take time off to attend adoption appointments. Paid time off will be given to a primary/sole adopter for up to five appointments of up to 6.5 hours each to make contact and bond with the child. For joint adoptions, only one adopter may take paid time off; the other adopter may attend up to two unpaid appointments.

We ask that such employees give us as much notice as possible of these appointments, and provide evidence of the appointments.

**Adoption - eligibility requirements**

To qualify the employee must:

* be the adopter of a child aged up to 18 years
* have at least 26 weeks' continuous employment extending into the 'matching week'. This is the week (beginning on a Sunday and ending on a Saturday) in which he/she is notified of having been matched with the child. (Note that this service requirement will cease to apply in respect of adopters of children placed with them on or after 5 April 2015: the primary/sole adopter will be eligible to take adoption leave from day one of employment.)
* have notified the adoption agency that he/she agrees that the child should be placed with him/her, and agreed the date of placement.

Only one person may take adoption leave in respect of a child at any time: where a couple is adopting a child jointly, one may take adoption leave and the other may take statutory paternity and/or additional statutory paternity leave (see below).

As from 5 April 2015, the current rights to adoption leave will be extended to individuals fostering a child under the 'Fostering for Adoption' scheme run by local authorities.

**Adoption – leave**

Statutory adoption leave lasts for up to 52 weeks.

**Adoption - notification requirements**

The employee must give us notice of intention to take statutory adoption leave, specifying the date of placement and the date on which he/she wishes to commence his/her leave. This must be given within seven days of the date on which he/she is notified of having been matched with the child. Documentary evidence which shows the name and address of the adoption agency, the name and date of birth of the child, and date of notification of matching and the expected date of placement are also requested.

The employee may vary the start date of the leave at a later date by giving us at least 28 days' notice.

Employees who are adopting a child from overseas should give written notice in three stages as follows:

1. Where the employee has 26 weeks' qualifying service, he/she should inform us within 28 days of receiving official notification of the date on which he/she received official notification of the placement and the date the child is expected to enter the UK. If the employee has less than 26 weeks' qualifying service, the notice should be given within 28 days of completing 26 weeks' service.
2. In all cases, the employee must give 28 days' notice of the actual date he/she wants the adoption leave to start. (For adoptions from abroad, this cannot be before the child enters the UK.) This date can be changed by giving at least 28 days' notice (or as soon as is reasonably practicable). We will write to confirm receipt of this notification within 28 days of receiving it.
3. The employee must tell us the date the child entered the UK within 28 days of the entry.

**Adoption - work and contact during the adoption leave period**

Those on adoption leave are able to work for a few days without losing their right to adoption leave or a week's statutory pay, via "keeping in touch" or KIT days. See maternity section, above.

**Adoption – pay**

Statutory Adoption Pay is paid at the lesser of either 90% of normal weekly earnings or the fixed weekly rate during the first 39 weeks' of adoption leave. The remaining 13 weeks are unpaid.

**Adoption - contractual benefits**

During the first 26 weeks, the employee is entitled to benefit from all of the terms and conditions of employment which would apply if he/she not been absent, with the exception of remuneration. Employees will continue to accrue holiday entitlement (which may either be taken before the start of the adoption leave or within twelve months of return to work), and all other contractual benefits will also continue.

During the second 26 weeks, the employment contract remains in existence, but the employee does not have the right to benefit from all the terms and conditions of his/her employment. Statutory holiday will however continue to accrue under the Working Time Regulations.

An employee returning to work after statutory adoption leave has the right to return to the same job unless this is not reasonably practicable, but any alternative job must be both suitable and appropriate. The terms must be no less favourable than those which would have applied had the employee not been absent on adoption leave.

**Adoption - returning from adoption leave**

If the employee intends to return to work at the end of the ordinary or additional adoption leave, he/she need do nothing further. If however, the employee wishes to return to work earlier than this, at least 56 days' (eight weeks) notice of the date of intended return must be given. If the employee fails to give the minimum 56 days' notice we may postpone his/her return until 56 days' notice has been given.

Any employee who wishes to change his/her working pattern or hours on return from adoption leave must apply to do so following the statutory procedure for requesting flexible working arrangements.

Any employee who wishes to change his/her working pattern or hours on return from adoption leave should apply to do so in accordance with our flexible working policy.

An employee who decides not to return to work at the end of his/her adoption leave is required to give full contractual notice.

Parents who adopt a child before 5 April 2015 may choose to transfer up to six months of adoption leave to the father/partner, once the primary adopter has returned to work. For further details, see below: 'Additional Statutory Paternity Leave'.

Please note that an employee who returns from adoption leave early, in order to enable his/her partner to take the remainder of the leave, must give his/her permission for us to release any information confirming his/her return to our employment and the period of adoption leave and pay to his/her partner's employer, before we may do so. Such information will not be disclosed otherwise, which may result in delay in the partner receiving any remaining adoption pay or his/her ASPL being authorised by his/her employer.

An employee who adopts a child/children on or after 5 April 2015 may elect to end his/her adoption leave at any time, and share the remainder of the adoption leave and pay with his/her partner. See "Shared Parental Leave" below.

**9f. PATERNITY**

**Paternity - statutory paternity leave**

Working fathers (or an adoptive parent who is not taking adoption leave) are entitled to two weeks' paid paternity leave. Paternity leave is paid at the same rate as lower rate SMP.

This entitlement applies to employees who:

* are the natural or adoptive father of a child born, or placed with them for adoption
* have a minimum of 26 weeks' continuous service ending with the week immediately preceding the 14th week before the expected week of the child's birth (or placement)
* can demonstrate that he/she has (or expects to have) responsibility for the child's upbringing or is married to (or the partner of) the child's mother
* have average earnings at least equal to the lower earnings limit for NI contributions.
* Leave must be taken during the eight-week period beginning with the child's birth date (or placement with its new parents for adoption).

In the case of adoption, where a child is adopted jointly, either of the adoptive parents may take a two-week period of paternity leave. The partner of an individual who is adopting will also be able to qualify for paternity leave and pay if he can demonstrate that he is to share responsibility for the child's upbringing.

The employee must notify us of the date on which he intends to take paternity leave by the end of the 15th week before the mother's expected week of childbirth (EWC). For adoptive fathers, notification must be within seven days of the date on which the adopter has been officially notified of having been matched with the child.

Once the start date of the leave has been notified, employees may amend this, but must provide us with 28 days' notice of the new start date.

**Paternity - eligibility requirements**

This entitlement applies to employees who:

* are the natural or adoptive father of a child born, or placed with them for adoption, or the mother's husband or partner
* have a minimum of 26 weeks' continuous service ending with the 15th week before the expected week of the child's birth (for adoption, a minimum of 26 weeks' continuous service extending into the 'matching week'. This is the week beginning on a Sunday and ending on a Saturday in which the employee is notified of having been matched with the child.
* can demonstrate that they have (or expect to have) responsibility for the child's upbringing or are married to (or the partner of) the child's mother
* have average earnings at least equal to the lower earnings limit for NI contributions.

**Paternity – leave**

Leave must be taken during the eight-week period beginning with the child's birth date (or placement with its new parents for adoption within the UK, or date of entry into the UK for overseas adoptions). It can be taken either as one single week's leave or two consecutive weeks' leave, but not as odd days, however a "week" can start on any day, for example Tuesday - Monday.

In the case of adoption, where a child is adopted jointly, either of the adoptive parents may take the two-week period of statutory paternity leave. The partner of an individual who is adopting will also be able to qualify for statutory paternity leave and pay if he/she can demonstrate that he/she is to share responsibility for the child's upbringing.

**Paternity - notification requirements**

The employee must notify us of the date on which he/she intends to take statutory paternity leave by the end of the 15th week before the mother's expected week of childbirth (EWC).

The notification should specify:

* the expected week of the birth
* the length of the leave the employee has chosen to take (one or two weeks)
* the date on which he/she wishes the leave to begin. (This may be the date on which the child is born, a specified number of days after the child is born, or on a predetermined date)
* confirmation that the employee meets the eligibility criteria outlined above.

An employee who wishes to change the start date may do so provided that he/she gives at least 28 days' notice of this change.

For an employee who is adopting a child in the UK, notification must be within seven days of the date on which the adopter has been officially notified of having been matched with the child.

An employee who is adopting a child from overseas should give written notice in three stages as follows:

1. Where the employee has 26 weeks' qualifying service, he/she should inform us within 28 days of receiving official notification of the date on which he/she received official notification of the placement and the date the child is expected to enter the UK. If the employee has less than 26 weeks' qualifying service, the notice should be given within 28 days of completing 26 weeks' service.
2. In all cases, the employee must give 28 days' notice of the actual date he/she wants the paternity leave to start. (For adoptions from abroad, this cannot be before the child enters the UK.) This date can be changed by giving at least 28 days' notice (or as soon as is reasonably practicable). We will write to confirm receipt of this notification within 28 days of receiving it.
3. The employee must tell us the date the child entered the UK within 28 days of the entry. Once the start date of the leave has been notified, employees may amend this, but must provide us with 28 days’ notice of the new start date.

**Paternity – pay**

Statutory paternity leave is paid at the same rate as lower rate SMP (or 90% of the employee's earnings, if this is less).

Full holiday entitlement will continue to accrue throughout the period of paternity leave and all other non-pay contractual benefits (such as a company vehicle, life or private health insurance, medical cover or childcare vouchers) will continue to be provided during the full period of paternity leave.

**9g. SHARED PARENTAL LEAVE**

**Shared parental leave (SPL)**

Mothers of babies, or an employee who is matched with a child for adoption may be able to convert part of his/her statutory maternity/adoption leave and pay into "Shared Parental Leave" (SPL) and "Shared Parental Pay" (ShPP) provided the eligibility requirements are satisfied. It will be up to the mother or adopter to decide whether to continue his/her maternity/adoption leave or to opt to end this and take shared parental leave instead. Employees may choose to opt into shared parental leave at any time, as long as there is some untaken maternity/adoption leave left to share.

The parents may take time off together if they wish, or may take it in turns to have periods of leave. Their leave does not have to be taken in one continuous block each. Sensible forward planning is therefore essential to ensure leave and cover arrangements are effectively managed.

The entitlement to statutory maternity leave, statutory maternity pay, statutory adoption leave, statutory adoption pay, and to take KIT days remain.

**Shared parental leave - SPL – eligibility**

To be eligible for SPL, both individuals must have caring responsibility for the child. Eligible individuals include employees or self-employed earners who are the biological father or the mother's husband, civil partner or partner.

In addition:

* the mother/primary adopter seeking to convert the maternity/adoption leave must have at least 26 weeks' continuous service with his/her employer at the 15th week before the baby's due date/week in which he/she was notified of having been matched with a child for adoption and must still be working for that same employer when he/she intends to start the leave. For a parental order parent in a surrogacy arrangement, the continuity of employment test is the same as that which applies to birth parents, even though they get adoption leave and pay.
* the other parent/carer must also have worked (on an employed or self-employed basis) for any 26 out of the 66 weeks preceding the baby's expected date of birth/expected placement date and have earned the statutory minimum requirement pay per week for any 13 of the 66 weeks.
* If the mother/primary adopter does not qualify for maternity/adoption leave, his/her partner will not be eligible.

**Shared parental leave SPL - commencing leave**

SPL may commence at any time following the mother’s period of compulsory maternity leave (see above) subject to the required notice being given and the leave being agreed. The mother chooses to end her maternity leave early and to convert the balance of SML (up to 50 weeks in total) and SMP (up to 37 weeks in total) to SPL and ShPP. The mother does not need to return to work before her partner takes SPL as the balance is shared between the two of them.

SPL can be taken separately or together, and it does not need to be taken in consecutive blocks. There is a maximum of three blocks of leave (per person). Each block must be a minimum of one week (which may start on any day of the week), and must be taken as complete weeks, unless we agree otherwise. A maximum of three notifications of leave or variations of planned leave (per person) is therefore permitted unless we agree otherwise.

Employees who are adopting (or the parental order parent in a surrogacy arrangement) must take at least two weeks of adoption leave before it can be ended and converted into SPL.

Any SPL must be taken within 52 weeks of the child’s birth/adoption. The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first wish to use any entitlement to paternity leave entitlement (as statutory paternity leave or pay may not be taken after any SPL or ShPP).

**Shared parental leave - SPL - notification requirements**

Both partners must first of all sign a declaration (this is most easily done using HMRC's form ShPL1) giving their names and NI numbers; confirming that they meet the eligibility criteria; that the information provided is correct and that if either ceases to meet the conditions of entitlement to shared parental leave then they will immediately notify the employer; specifying how much leave has been taken as maternity/adoption leave and pay and how much is therefore available as SPL and ShPP; how much leave each person is intending to take as SPL; when the requested leave will start and end and importantly, if more than one period of leave is requested. The partners should also state the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption; and should include a non-binding indication of when the employee expects to take the leave.

A copy of the child's birth certificate (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) and the name and address of the partner's employer must be provided within 14 days of any request to do so.

An employee who is entitled to and who intends to take Shared Parental Leave must then give a separate written notice at least eight weeks before the start of any proposed period of SPL. The notice can be given at the same time as the declaration above, or later.

Each employee is permitted to make three separate leave requests. We will aim to respond promptly to a leave request.

If the employee asks for a single continuous period of leave, he/she may take this on his/her chosen dates.

If the request is for discontinuous periods of leave, this is subject to a two-week discussion period during which we may agree, refuse or propose alternative dates. Such requests will be carefully considered, but if we cannot reach agreement on a requested pattern of leave, the employee must either take that period of leave in a single block starting on a date of his/her choice, or withdraw the request for leave (in which case it will not count towards his/her three permitted requests). The employee has 19 days from the date his/her request was made to us to choose when this leave period will begin, but the leave cannot start earlier than the initial notified start date. Note that requests for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

Once agreed, we will confirm the details in writing. The leave may then only be varied in certain circumstances (eg if the relationship breaks down or on the death of either the mother or her partner). In the former case, both parties need to agree to the change. However, if the mother gave notice of her intention to take SPL before the birth, she can change the details within six weeks of the birth, provided that she gives us at least eight weeks' notice before her period of SPL starts. Otherwise a request to change the dates must provide eight weeks' notice and will count as one of the three requests.

Different notification requirements apply if the baby is born early (i.e. before the beginning of the expected week of childbirth) and the parent had booked shared parental leave/pay to be taken in the eight week period following the expected week of childbirth (EWC). In this case, the parent may prefer to take the booked leave and pay after the actual birth. He/she should provide us with notice to vary his/her shared parental leave and pay as soon as practicable following the birth. This flexibility does not apply to shared parental leave or pay booked to start eight or more weeks after the EWC, nor does it allow the parent to vary the number of weeks of leave or pay booked. (The latter would count as one of the three notices, and would require eight weeks' notice of the variation.)

**Shared parental leave - SPL - work and contact during SPL**

In addition to the usual 10 KIT days for employees on maternity/adoption leave, employees who take shared parental leave are eligible to take 20 SPLIT days each, without this bringing their period of SPL to an end or affecting their ShPP.

SPLIT days may be taken at any time during the period of shared parental leave, subject to the employee and his/her manager agreeing work to be covered. There is no obligation to attend or to provide SPLIT days. Any SPLIT days worked will not extend the period of SPL.

Employees on SPL are encouraged to keep in touch with us and we will continue to make reasonable contact with them during their period of leave.

**Shared Parental Pay – ShPP**

If the parents take shared parental leave, part of the statutory maternity/adoption pay will be converted into Shared Parental Pay (ShPP) and swap to the partner. The total period of paid leave will not exceed 39 weeks, whichever parent takes the leave. The mother, or primary adopter must take at least two weeks of statutory maternity or adoption pay. The maximum amount of ShPP that can be created is therefore 37 weeks.

If the mother/primary adopter does not qualify for statutory maternity pay/maternity allowance/statutory adoption pay, his/her partner will not be eligible for ShPP. To qualify for ShPP, the partner must (in addition to passing the continuity of employment test above) have earned an average wage equivalent to the Lower Earnings Limit for eight weeks prior to the 15th week before the baby's due date/expected placement date. If the mother's partner meets the economic test but is self-employed, the employee can still apply for SPL but the partner will not be able to receive ShPP on the weeks that he/she is caring for the child.

Note: ShPP is paid at the flat statutory rate; enhanced maternity payments do not apply. This applies even if the mother returns from maternity leave after only two weeks (so during the period when she would have been paid the higher level of statutory maternity pay).

In addition to the information included in the notice of entitlement to take SPL, the partners should include in their declaration details of the start and end dates of any maternity/adoption pay or maternity allowance; the total amount of ShPP available; the amount of ShPP the employee and his/her partner each intend to claim; a non-binding indication of when the employee expects to claim ShPP; and a signed declaration from the employee confirming that the information given is correct, and that any change in circumstances that mean that he/she will cease to be eligible for ShPP will be notified to us.

The mother/primary adopter should sign a declaration agreeing to the partner claiming ShPP; confirming that he/she has reduced his/her maternity/adoption pay or maternity allowance and that he/she will immediately inform his/her partner should he/she cease to satisfy the eligibility conditions.

**Shared Parental Leave - SPL - contractual benefits**

During SPL, the employee's normal terms and conditions of employment are maintained, except those relating to pay. Employees remain entitled to all contractual benefits (such as use of a company car, mobile phone and annual leave).

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. The employee's contributions will be based on his/her actual pay, whilst our contributions will be based on the wages that the employee would have received had he/she not been taking SPL.

**Shared parental leave - SPL - returning to work**

The employee is entitled to return to his/her original job if he/she has been absent for no more than 26 weeks in total (either as one block or in aggregate and including any time on maternity, paternity or adoption leave), and to return to a job that is similar and suitable if the absence is longer than 26 weeks.

An employee who wishes to return to work earlier than his/her expected return date should make a written request to do so, giving at least eight weeks' notice of the proposed date of return. This will count as one of the three permitted requests. If the employee has already used all three notifications to book/vary leave, then we will consider the request but are not obliged to accept it.

**Shared parental leave - SPL – redundancy**

If an employee's role becomes redundant whilst he/she is taking shared parental leave, he or she will be considered for any suitable alternative employment in preference to other employees (in the same way as a woman on maternity leave).

**Shared parental leave - SPL - additional information**

Because shared parental leave may involve more than one period of leave, and more than one employer, we encourage employees who intend to take such leave to plan early and to discuss their initial intentions with us on an informal basis as soon as possible. This will enable us to plan more effectively for this, to discuss what may/may not be practical and therefore may also prevent the employee from using one of his/her three requests for an arrangement that is unlikely to be accepted. We will always give full consideration to requests, but discontinuous periods of leave will be subject to us being able to arrange suitable cover for the absences.

**Surrogate parents**

Any employee having a child placed with him/her through surrogacy is not currently eligible for Statutory Maternity or Adoption Leave (any maternity rights, as might be expected, fall to the birth mother).

However the employee will be eligible for unpaid parental leave once he/she has attained a Parental Order (for further details of parental leave, see our policy on parental leave and time off for dependants). Also, if the intended parent is the biological father of the surrogate child then he would be eligible for paternity leave (subject to meeting all other eligibility requirements set out above).

Surrogate parents of children due to be born on or after 5 April 2015, and who meet the criteria to apply for a Parental Order, will however be eligible for statutory adoption leave and pay and shared parental leave and pay if they meet the other qualifying criteria that apply to these forms of leave.

1. **HEALTH AND SAFETY**

The Dell recognise that health and safety is an important issue and takes great effort to ensure, so far as reasonably practicable, the health and safety of all those who may be affected by the activities of the Company. The Dell Health and Safety Policy document contains details on the hazards and controls that relate to your work.

The list of safety rules set out below is not exhaustive and is intended for general guidance only. Some rules will be explained to you by your Employer or by an experienced employee.

 If you are unsure about any health and safety issues don’t be afraid to ask.

**Safety rules**

Always:

* Make yourself familiar with our Health and Safety Policy and your own health and safety duties and responsibilities, as shown separately.
* Report accidents at work, no matter how minor in the accident book.
* Take care for the safety of yourself and others.
* Clean up after you: your untidiness or carelessness may cause injury to someone else.
* Make sure that you really understand what to do before you operate any piece of equipment or machinery however simple, on your own.
* Advise your employer of potential hazards.
* Make sure you are familiar with all potential emergency exits for each property.

Never:

* Take any action, which could threaten the health or safety of yourself, other employees, children or members of the public.
* Interfere with any safety equipment.
* Tamper with any electrical wiring or equipment.
* Leave things lying around on stairs or walkways.
* Obstruct fire exits.

Accidents – First Aid

* All minor accidents can be dealt with via issued first aid kits, any more serious accidents need to be checked by a professional, for example local doctors or hospital
* In case of fire

**Conduct in the Workplace**

As already identified above the workplace can present a number of hazards to those who work or visit the premises. When in the workplace you MUST:

* Wear appropriate clothing including suitable shoes.
* Behave in a professional and work-like manner
* Be mindful of your actions, behaviour, vocabulary.

You MUST NOT:

* Behave in a manner likely to lead to injury to yourself or anyone else. This includes but is not limited to:
* Horseplay
* Wearing of headphones or any other device that may restrict your ability to hear unless required to be used as PPE for hearing protection.
* Misuse any piece of work equipment.
1. **EMAIL**

Our email facilities are intended to promote effective and speedy communication on work-related matters.

On occasions it will be quicker to action an issue by telephone or face to face, rather than protracted email chains of communication. Employees are expected to decide which is the optimum channel of communication to complete their tasks quickly and effectively.

Remember that emails are merely another form of communication. In some instances, they may be the only contact that a recipient has with The Dell and the style, appearance and content of the email will therefore influence the image that is portrayed of our business. Emails appear to be a more informal type of communication, but our normal standards of presentation and content apply equally to them. This includes spelling and punctuation, and correctly heading each email as appropriate. All external emails must include our name, address and contact telephone number and should also include our standard disclaimer.

Messages sent via email are to be written in accordance with the standard of any other form of written communication and the content and language used in the message must be professional. Messages should be concise and directed only to those on a 'need to know' basis. General messages to a wide group should only be used where necessary.

Long email trails should be not sent unless absolutely necessary and messages should only be marked as 'urgent' if they warrant immediate action. Read receipts and requests to acknowledge acceptance of an email further add to email traffic and should not be used unless necessary. Remember, verbal, face-to-face contact is another effective means of communication and develops our internal working relationships.

Confidential information must only be sent to authorised person(s) and should not be sent externally by email without authority and unless the messages can be lawfully encrypted.

Messages sent by email can give rise to legal action against us. Claims of Defamation, breach of confidentiality or contract could arise from a misuse of the system. Emails should therefore be treated like any other form of correspondence and where necessary hard copies retained. Do not make any statements in an email that could intentionally or un-intentionally create a binding contract or make a negligent statement.

Emails, however confidential or damaging, may have to be disclosed to third parties and messages are dis-closable in any legal action commenced against us relevant to the issues set out in the email. Even deleted emails may still be recoverable and are regarded as legitimate forms of evidence in court.

All email messages are the property of The Dell and are treated as records of the business.

You should always check your emails regularly, and ensure that if you are away from your place of work for more than a day, that an appropriate message is sent automatically to senders. Ensure that emails are dealt with in your absence. Unless your level of seniority demands it or you are specifically requested to do so, emails are not expected to be read and actioned when you are on any form of leave.

During unplanned leave or prolonged absence, and solely where necessary, we may need to access your email account in order to continue the smooth operation of our business. We will endeavour to contact you about this wherever possible.

Should you receive an email message that has been wrongly delivered to your email address you should notify the sender of the message by redirecting the message to that person. If the message contains confidential information you must not disclose or use that confidential information.

The email system should not be used for spreading gossip or nuisance mail, for personal gain or in breach of any of our employment policies on issues such as harassment or bullying. Sending unwanted, abusive, sexist, racist or defamatory emails can constitute harassment and will be treated as a serious disciplinary issue.

Take care before sending or viewing material that you believe may be of a hurtful, suggestive or harassing nature. Remember that it is the view of the recipient of the material that determines whether it is inappropriate, even if the recipient was not the original addressee.

Should you receive an email that contravenes this policy, the email should be brought to the attention of your line manager immediately.

1. **SMOKING**

As a Company, we have a duty to ensure, as far as practical, the health, safety and welfare of our employees at work. To this end smoking is prohibited in or around our premises.

**Section 3 – Ending Employment**

**Retirement Policy**

The Dell does not operate a compulsory normal retirement age. Instead, it operates a flexible retirement policy that permits employees to voluntarily choose to retire at any time. Employees should advise their line Manager as early as possible of their wishes in relation to retirement and they are required to give the period of notice of termination of their employment as set out in their contract of employment i.e. they should formally tender their resignation.

**Notice Period**

If you intend to leave The Dell you should put your resignation in writing to your Manager. The amount of notice you are required to give will be detailed in your individual contract of employment.

In the event that The Dell gives you notice, you will be given notice as set out in your individual contract of employment or you will receive one weeks pay for each full year worked, up to a maximum of 12 weeks (whichever is the greater).

You will not be paid notice or a payment in lieu of notice if you are dismissed for gross misconduct.

If you terminate your employment without giving or working the required period of notice, as indicated in your individual contract, you will not be paid for any period of notice not worked.

In addition an amount equal to any additional cost of covering your duties during the notice period may be deducted from any termination pay due to you. You will also forfeit any contractual accrued holiday pay due to you over and above your statutory holiday pay.

**Return of Property**

When you leave The Dell you must return all Company property in your possession or for which you are responsible. This includes laptops, phones, keys and paperwork, storage devises (this list is not exhaustive).

If property is not retuned the cost may be deducted from any final monies outstanding to you. In addition failure to return property may be considered theft and may be reported to the police.

**Redundancy**

It is the Company’s intention to maintain full employment for staff. However, there may be situations where this is not possible and The Dell needs to consider reducing staffing or restructuring. The Dell will try to avoid compulsory redundancies wherever possible and will consider short-time working and other cost cutting measures.

**Garden Leave**

If either party serves notice on the other to terminate employment The Dell may require you to take “garden leave” for all or part of the remaining period of your employment. During any such period of garden leave you will continue to receive your full wages and any other contractual benefits and as such you must be available for work and will not be able to undertake other paid work.

**Section 4 - Staff Declaration**

This section of the Employee Handbook provides an opportunity for employees to sign to confirm they have received a copy of the handbook and will make themselves aware of the contents of the handbook.

**Staff Declaration**

*I confirm that I have been provided with a copy of the handbook and that I understand that it is my responsibility to familiarise myself with its content and to refer to additional documents as required.*

*Signed: .................................................. Date: ..........................................*

*Printed: .................................*