



West Yorkshire
Fire & Rescue Service

Flexible Working Policy (Grey & Green)

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Human Resources – Flexible Working Policy

PART A – WORKING ACROSS THE AUTHORITY (GREEN & GREY)

Part A – Working Across The Authority

1. Introduction

- 1.1 The Authority has a general commitment to flexible working and family friendly working opportunities. This commitment is based upon the philosophy of mutual benefit to employee/potential employee and the Authority.
- 1.2 In addition it should be noted that all staff are entitled to leave under the Parental and Adoption Leave regulations. These regulations can be found on the Human Resources website under policy and guidance.

2. Employment Act 2002 - Flexible Working

- 2.1 On 6th April 2003 Section 47 of the Employment Act 2002 came into force. This provided certain employees with a statutory right to request flexible working.

From 30 June 2014 this legislation has been amended whereby all employees have a statutory right to request flexible working. Prior to this date, only employees who were carers or with children under 17 years of age (or under 18 years of age, if the child were disabled), had the right to request flexible working.

The request, is limited to variation of hours, times of work or place of work.

2.2 Who can apply and when?

The right to request is open to all employees who have 6 months continuous employment.

Employees can only make one request in any 12 month period.

3. Making an Application

3.1 How to apply

The request for flexible working must:

- Be in writing using form [HRFRM204](#) to the employee's manager
- Specify the change requested, and the effective date
- Explain the effect this change may have on the Authority and how that effect may be dealt with
- Ensure that ALL the relevant facts are submitted for management including if the request is in relation to the Equality Act 2010 e.g. as a reasonable adjustment for a disability.
- Confirm whether the employee has made any other flexible working requests within the last 12 months

3.2 Management Considerations

Management will consider a number of factors in relation to the request, particularly other employees already working flexibly within the department.

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Applications can only be rejected based on the one or more of the following business reasons:

- If the burden of any additional costs is unacceptable to the Authority
- The inability to reorganise work amongst existing staff
- The inability to recruit additional staff
- The Authority considers the change will have a detrimental impact on quality
- The Authority considers the change will have a detrimental impact on performance
- There is insufficient work during the periods the employee proposes to work
- The Authority considers the change would have a detrimental effect on the business' ability to meet customer demand
- Planned structural changes e.g. where the Authority intends to reorganise or change the business and considers the flexible working pattern changes may not fit with these plans

3.3 Procedure

Following the receipt of the request a meeting should be arranged between the employee and their manager as soon as possible and at a time and place, which is mutually convenient to both parties to discuss the request in more detail or if the line manager needs to seek clarification. If the manager can agree to the request without a meeting, then this does not have to take place if both parties are in agreement.

At the meeting managers should consider the benefits of the requested changes for both the employee and the Authority, weighing these against any adverse impact on the business.

Employees will have the right to be accompanied to the meeting by a work colleague or trade union representative.

Following the meeting the manager will provide a written decision, either agreeing to the request, agreeing a compromise made at the meeting or rejecting the application. If the application is rejected the manager must set out clear business reasons (as detailed in section 3.2 Management Considerations), how these apply to the application and any appeals process. Managers must be careful not to inadvertently discriminate against an employee because of a protected characteristic such as where flexible working arrangements would be a reasonable adjustment for an employee with a disability.

Employees have the right to appeal against this decision to the Area Manager/Executive Officer of their Directorate. The reason for appeal must be made in writing within a reasonable timescale and if possible, not extend beyond 2 months from the original application date in order to allow the appeal to be held within the 3 month completion period.

An appeal hearing will be convened and Chaired by the Area Manager/Executive Officer as soon as possible. A written decision on the appeal will be provided as soon as possible.

The appeals process must be completed no later than 3 months from the original application date unless by mutual agreement.

Dissatisfaction with the appeal decision does not entitle the employee to invoke a separate grievance procedure.

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Any delays in completing the procedure (including appeals) should be explained to the employee in writing and must not extend beyond 3 months of the date of the written request.

The flexible working application form is available via the “[Forms](#)” page on the Intranet Home page, form number [HRFRM204](#).

3.4 Handling Multiple Requests

There may be occasions where managers receive more than one request for flexible working closely together. Such requests should be considered in the order that they are received. If the first request is approved managers should remember that the business context has now changed and this should be taken into account when considering the outcome of the second and subsequent requests.

When the Authority receives more than one request, it is not a requirement in law to make value judgements about the most deserving request. Each request should be considered on its own merits looking at the business case and the possible impact on refusing a request. If a manager is unable to differentiate between two separate requests made at the same time then agreement can be made between the manager and the employees concerned to consider some form of random selection (e.g names out of a hat). A waiting list of unsuccessful applicants will be held by the manager and when circumstances change employees will be informed accordingly so as to allow their request to be reconsidered.

If a request is not able to be approved in a department where a number of employees are already working flexibly because any further flexible working arrangements would impact adversely on the business, the manager should ask for volunteers from existing flexible working employees to change their hours to create capacity for granting new flexible working requests. It must be stressed that this process is purely voluntary for employees already working flexibly and amendments to their contracted hours/work pattern cannot be enforced by management.

4. Part Time Working and Job Share

- 4.1 As a demonstration of this commitment, employees, (in the case of Wholetime Firefighters they must have already proved competent in their role and only up to the rank of Watch Manager B), may request that Management consider the possibility of allowing them to become a part time worker or job sharer. As is clear from the job share policy for [grey book](#) and [green book staff](#), part time working means that management agrees that the particular function/post may be carried out on reduced hours, e.g. less than 42 or 37.
- 4.2 Uniformed staff above the rank of Watch Manager B may request, in writing to their Functional Director, part time working or job share but must be aware that for operational reasons this may not always be possible to approve.
- 4.3 An employee may request that management considers whether or not their post could be carried out on reduced hours by making that request in writing to their line manager. The request must include details of the number of hours the employee would wish to work and the reasons for the request. This request must be sent to the Corporate Human Resources Manager who will discuss the matter with the appropriate line management.

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- 4.4 If Management agree to this request then full details of the implications of working part time/job share will be given to the employee concerned before a final decision is made. Human Resources will provide details of pro rata payments, annual leave and pension information.
- 4.5 Employees should be aware however that it will not always be possible for them to continue working at the same station or watch if part time working/job share is agreed. Management will endeavour to keep the employee in the same geographical location but for operational reasons this may not always be possible.
- 4.6 In addition to the above, employees will also be offered the facility to apply for temporary negotiated hours. This facility allows employees to vary their hours in order that they can cope with difficult or changed personal circumstances. See policy [part E for green book](#) or [part F for grey book](#).

Human Resources – Flexible Working Policy

PART B – FLEXIBLE WORKING SCHEME (GREEN & GREY)

Part B – Flexible Working Scheme – Green & Grey Book Employees

1 Introduction

The flexible working scheme applies to all Green Book employees (except for some customer facing roles where set hours are required due to the nature of the role) and Grey book employees working Monday to Friday. The scheme is based on a 37 hour week, pro rata, and operates on an eight-weekly cycle.

2 Scheme Details

Bandwidth None (recommended minimum/maximum bandwidth 7.00 am to 7.00 pm)

Core Time None

Lunch/Break Period To be taken at any point during the working day providing this meets organisational requirements

Employees must take a minimum break of 20 minutes if working continuously for more than 6 hours as determined by the Working Time Regulations.

Maximum Debit 7 hours 30 minutes (pro-rata for part time employees)

Maximum Credit 15 hours (pro-rata for part time employees)

The actual bandwidth worked will be agreed between the employee and their line manager taking into account the requirements of both the individual and the department. There will be an expectation that office staff will work a normal working day. If there is a requirement to regularly work outside office hours then the manager's permission should be sought in advance, but this will not be unreasonably refused. Although the flexi scheme will apply, start and finish times may be set in certain departments on a rota basis to ensure adequate cover during office hours.

Once the bandwidth has been agreed, any pre-authorized working outside of this bandwidth will attract overtime (either for payment or time off in lieu) at the normal rates as set out in the NJC Conditions of Service or the Grey Book. Time off in lieu must be taken within 12 months of the date accrued.

If more than 15 hours have been accrued at the end of the accounting period employees will need to seek the permission of their Director to have their balance uncapped. If hours are uncapped for more than three consecutive periods, the Director should consider whether it is appropriate to pay the individual for the excess hours accrued.

If, for any reason, an individual should exceed the maximum debit allowed, this should be offset by the deduction of annual leave entitlement, to bring the figure below the maximum permitted.

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PART B – FLEXIBLE WORKING SCHEME (GREEN & GREY)

3 Other Considerations

- 3.1 Employees should endeavour to arrange appointments, such as visits to the doctors and dentist, on a pre-planned basis in their own time unless associated with a known disability (where reasonable time will be credited).
- 3.2 Hospital and consultant appointments (including reasonable travel time) will be allowed to count as time spent on duty up to a maximum of 4 hours in any one day (pro-rata for part time employees), subject to prior approval by the line manager. Additional time may be credited in consultation with HR if an employee is required to have frequent hospital/consultant appointments or if they are attending appointments related to a known disability and which are adversely affecting any employee's working times. In these situations, managers should consult with HR around what is reasonable time to be credited on duty.
- 3.3 Employees attending Training Courses should be credited a standard day unless this involves excessive travel outside of the County, in which case the hours worked including travel time will be credited.
- 3.4 Antenatal appointments, cancer-screening and blood donating appointments will count as time spent on duty upon the production of an appointment card or some other appropriate documentation to the line manager.
- 3.5 The recording of flexi-time should be undertaken via the computerised HR system. Employees need to be aware that any falsification of time recorded is gross misconduct and will be dealt with accordingly through the Authority's Disciplinary Procedure.
- 3.6 Employees are advised that working unnecessarily long hours solely to accrue credit is not acceptable. It is only necessary to work long hours if workloads demand and only in agreement with the line manager. It is the line manager's responsibility to ensure that employee's hours are monitored on a regular basis.

Human Resources – Flexible Working Policy

PART C - JOB SHARING SCHEME (GREEN)

Part C - Job Sharing Scheme – Green Book Employees

1. Introduction & Definition

- 1.1 The Authority has a general commitment to job sharing which is based upon the philosophy of mutual benefit to employee/potential employee and the Authority itself, but recognises also that, in some cases, job sharing may not be appropriate e.g. where a post requires standby or an on-call element.
- 1.2 Job sharing is the sharing of one full-time post by two people with comparable skills and experience. The responsibilities and duties of the post may be divided on an hourly, daily or weekly basis. Both sharers would, however, be capable of undertaking all the duties entailed in the post, although sharers may have complementary skills and experience to contribute to the post.
- 1.3 The remuneration and other benefits are shared between the two post holders on a pro-rata basis and, where management consider it necessary, a degree of overlap may be built into the work periods in order to facilitate effective liaison and communication.
- 1.4 Job sharing is quite distinct from part-time work. Part-time work occurs when a particular function which the employer requires to be carried out does not amount to thirty-seven hours, and one person is employed on reduced hours to undertake the duties entailed. Job share entails the post holders assuming responsibility for the complete range of duties entailed in a full-time post.

2. Posts Covered By the Job Share Scheme

- 2.1 All full-time Green Book posts, apart from those officers who provide advice to committees on a regular basis, which will include the Chief Legal and Governance Officer, Chief Finance Officer, would be available for job share. [See Section D](#) for further guidance. Consultation will take place as appropriate about the suitability of posts for job share within the uniformed service.
- 2.2 Unless exceptional cases are agreed as agreed in paragraph 2.1 above, all posts will be advertised as available to job share. Present employees will also be able to request that their existing post is converted to a job share.

3. Methods of Working

- 3.1 The Line Manager, in conjunction with the Corporate Human Resources Manager must agree detailed working arrangements with the job sharers and this must be approved by the employee's Director.

The following time splits are most usual:

- (i) Split day - one sharer works morning every day, the other works afternoons
- (ii) Split week - one sharer works the first half of the week, the other works the second half of the week
- (iii) Alternate Days

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PART C - JOB SHARING SCHEME (GREEN)

- 3.2 Other arrangements may suit the needs of the particular post or the individuals concerned, particularly those, for example, who work on a shift or seasonal basis. Arrangements, other than those mentioned in 3.1 above, would need to be agreed between the job sharers and appropriate Managers with advice from Human Resources.
- 3.3 The nature of the work will determine how the duties and responsibilities can be shared. Some jobs will require greater communication between the sharers, and between them and their line managers and/or those they supervise, with the result that a short overlap of working hours will be necessary. It is important that the method of working and division of duties is clear and acceptable to all concerned.

4. Pension Implications

- 4.1 Job sharers should be fully informed by Human Resources of the implications of job share upon their occupational pension provision.

5. Circumstances Where Job Share May Arise

Job sharing may arise in the following situations:

- 5.1 When job applicants apply for an advertised vacancy on a job share basis, this may entail a joint application from two sharers, each applicant must complete an application form and submit both forms together indicating that they are submitted on a job share basis; An application may be made by one applicant on a job share basis which will require the recruiting panel to identify a suitable partner. A suitable partner may be identified from other applicants who have indicated that they wish to be considered on a job share basis.
- 5.2 When an existing employee indicates that they wish to share their present post - this will entail advertising half the post.

6. Recruitment & Selection

- 6.1 Unless it has been agreed in the manner indicated in Paragraph 2.1 above that a post is not suitable for job share, all posts will be advertised as available to job share applicants.
- 6.2 Applications which are submitted on a job share basis are assessed in relation to the person specification in the same manner as full-time applications. Job share applicants who meet the person specification will, therefore, be short listed for interview. Both applicants in a joint application must meet the requirements of the person specification.
- 6.3 If a job share application is successful, one of the recruiting officers (and/or a representative of Human Resources where appropriate) should meet both job sharers to clarify detailed working arrangements which will be incorporated into the offer of appointment. If it is not possible to reach an agreement, the post should be referred to the next best applicant(s) or re-advertised.
- 6.4 Where an existing employee indicates that they wish to job share and the half post attracts internal applicants, salary protection is not afforded if the successful applicant is an existing employee on a higher-graded post.

Human Resources – Flexible Working Policy

PART C - JOB SHARING SCHEME (GREEN)

6.5 Job share applicants will be interviewed separately and, as indicated, both must meet the Person Specification. When making the final assessment of the job share applicants, recruitment officers should consider the individual and combined capabilities of the applicants in much the same way as the overall capabilities of a full-time applicant would be assessed against the person specification for the post.

7. When Job Sharers Leave

7.1 Because the duties of the post have been undertaken by job sharers, it does not mean that the post must continue to be filled in that way. Therefore, if both job sharers leave (or obtain another post within the Authority), one full time employee may replace them.

7.2 In the event of one job sharer leaving, the post should firstly be offered to the other job sharer on a full-time basis. If this is not acceptable, the half-post should be advertised in the usual way. Occasions such as this may prove opportune for a review of the working arrangements of the job share.

7.3 Pending a new appointment Managers should consider, in consultation with the remaining job sharer, what alternative arrangements should be made to ensure adequate cover of the duties and responsibilities of the post. The remaining job sharer may agree to undertake all or some of the additional duties or a temporary appointment may be required.

Part D - Job Sharing Scheme - Grey Book Employees

1. Introduction & Definition

- 1.1 The Authority has a general commitment to job sharing which is based upon the philosophy of mutual benefit to employee and the Authority.
- 1.2 Job sharing is the sharing of one full-time post by two people with comparable skills and experience. The responsibilities and duties of the post may be divided on an hourly, daily or weekly basis. Both sharers would, however, be capable of undertaking all the duties entailed in the post, although sharers may have complementary skills and experience to contribute to the post.
- 1.3 The remuneration and other benefits are shared between the two post holders on a pro-rata basis and, where management consider it necessary, a degree of overlap may be built into the work periods in order to facilitate effective liaison and communication.
- 1.4 Job sharing is quite distinct from part-time work. Part-time work occurs when a particular function which the employer requires to be carried out does not amount to forty two hours and one person is employed on reduced hours to undertake the duties entailed. Job Share entails the post holders assuming responsibility for the complete range of duties entailed in a full-time post.
- 1.5 Present employees will also be able to request that their existing post is converted to a Job Share.

2. Methods of Working

The nature of the work will determine how the duties and responsibilities can be shared. Some jobs will require greater communication between the Sharers and between them and their line managers and/or those they supervise, with the result that a short overlap of working hours may be necessary.

3. Pension Arrangements

Job Sharers should be fully informed of the implications of Job Share upon their occupational pension provision by Human Resources.

4. Circumstances Where Job Share May Arise

- 4.1 Job Sharing may arise in the following situation:
 - When an existing employee indicates that they wish to share their present post – this will entail advertising half the post or introducing another method of covering that part of the post
 - In the case of Wholetime Firefighters, job share will only be available to those who have demonstrated competence in their role.

5. When Job Sharers Leave

- 5.1 Because the duties of the post have been undertaken by Job Sharers, it does not mean that the post must continue to be filled in that way. Therefore, if both Sharers leave (or obtain another post within the Authority), one full time employee may replace them.

Human Resources – Flexible Working Policy

PART D - JOB SHARING SCHEME (GREY)

- 5.2 In the event of one sharer leaving, the post should firstly be offered to the other Sharer on a full-time basis. If this is not acceptable, the half post should be advertised in the usual way. Occasions such as this may prove opportune for a review of the working arrangements of the Job Share.
- 5.3 Pending a new appointment, Managers should consider, in consultation with the remaining Sharer, what alternative arrangements should be made to ensure adequate cover of the duties and responsibilities of the post. The remaining Sharer may agree to undertake all or some of the additional duties or a temporary appointment may be required.

PART E - TEMPORARY NEGOTIATED HOURS (GREEN)

Part E - Temporary Negotiated Hours - Green Book Employees

1. Introduction

- 1.1 This scheme formally recognises a practice, which may have been taking place informally for some time, which allows employees and their managers to agree working hours and patterns suitable to both parties.
- 1.2 The reason for varying hours must be mutually agreed and an explanation provided by the employee to substantiate the request.
- 1.3 There will be no permanent change to the employee's contract but remuneration will reflect the variation of hours worked. The variation will only be permissible for a period of up to six months unless there is a mutual agreement between the employees and management that this should be extended. The Corporate Human Resources Manager should be notified of all extensions beyond 6 months.

2. Pension Implications

- 2.1 Human Resources will provide the employee with full details of how the change of hours may affect pensions etc.
- 2.2 Variation in hours may also affect annual leave entitlement and flexi-leave entitlement.

3. The Process

- 2.1 The employee must complete the application form for variation of hours and pass to their line manager/unit head for approval. (If the reason for the request is confidential, please pass application form to the Corporate Human Resources Manager under confidential cover).
- 2.2 The form is then passed to the Corporate Human Resources Manager for authorisation. Human Resources will then take the appropriate action.
- 2.3 Variation in hours may be for example from 37 hours to 30 hours per week, or working mornings only. As cited in 1.2 all changes must be agreed with management and are subject to review during the period of change depending upon changes in circumstance.
- 2.4 At the end of the agreed period of variation, the employee will revert to their original contract.
- 2.5 The application form ([ERFRM202](#)) is available via the "[Forms](#)" index on the Human Resources Intranet site.

Human Resources – Flexible Working Policy
PART F - TEMPORARY NEGOTIATED HOURS (GREY)

Part F - Temporary Negotiated Hours – Grey Book Employees

1. Introduction & Definition

- 1.1 This scheme formally allows employees and their managers to vary working hours and patterns.
- 1.2 The reason for varying hours must be mutually agreed and an explanation provided by the employee to substantiate the request.
- 1.3 There will be no permanent change to the employee's contract but remuneration will reflect the variation in hours worked. The variation will only be permissible for a period of up to six months unless there is a mutual agreement between employee and management that this should be extended. The Corporate Human Resources Manager should be notified of all extensions beyond six months.

2. Pension Implications

- 2.1 Human Resources will provide the employee with full details of how the change of hours may affect pensions etc.
- 2.2 Variation in hours will also affect annual leave entitlement. Details of these implications will be provided by Human Resources.

3. The Process

- 3.1 The employee must complete the application form and pass it initially to his/her line manager for approval. The form will then go to the appropriate Area Manager for final approval.
- 3.2 The application form ([HRFRM202](#)) is available via the "[Forms](#)" page on the Human Resources intranet site.
- 3.3 The form is then passed to Human Resources for the appropriate action.
- 3.4 Variation in hours may be for example from 42 hours to 37 hours per week, or working some other variation. As cited in 1.2 all changes must be agreed with management and are subject to review during the period of change depending upon changes in circumstance.
- 3.5 At the end of the agreed period of variation, the employee will revert to their original contract.

Human Resources – Flexible Working Policy
PART G – WORK AND PARENTS (GREEN & GREY)

Part G – Work and Parents - Green & Grey Employees

1. The Working Time Regulations 1998

The above regulations introduced a right for "UNPAID" parental leave" of 18 weeks (4 weeks per year, in one week blocks) for each child up to the age of 5.

2. The Employment Act 2002 and the Work and Families Act 2006

The above acts have made major changes to the rights of employees.

2.1 Fixed term Contracts

A fixed-term employee has the right not to be treated less favourably than a comparable permanent employee with regards to terms and conditions or suffering any other detriment, unless the treatment can be justified on objective grounds.

Successive fixed-term contracts are defined as a series of two or more contracts that do not break continuity of employment as defined by the Employment Rights Act 1996.

Further information can be obtained from Human Resources.

2.2 Flexible Working Hours.

The Authority currently has in place policies on "Job Share", "Temporary Negotiated Hours" and "Flexible Working". The Authority on merit considers requests by individuals for career breaks. The above Acts place requirements on the Authority in respect of flexible working and employees should refer to the attached document for further advice.

2.3 Statutory Maternity Leave/Pay

From 6 April 2003 the following changes become effective in respect of statutory maternity leave/pay for female employees (Full details are available on the Human Resources Intranet site).

Changes to leave entitlement

- (1) 26 weeks ordinary maternity leave
- (2) 26 weeks additional maternity leave depending on length of service
- (3) Changes to Maternity Pay
- (4) 6 weeks at 90% of weekly wage, plus 33 weeks at the lower rates.

2.4 Contractual Maternity Pay

The NJC for Local Authorities' Fire Brigades Scheme of Conditions of Service (Grey Book) and NJC for Local Government Services Conditions of Service (Green Book) also provide an entitlement to maternity leave/pay. This is based on a minimum service of one year. The main difference is that female employees electing to return to work will qualify for 6 weeks at 90% of their weekly wage (which in most cases will be the same as the higher rate Statutory Maternity Pay) and 33 weeks at half pay plus the lower rate statutory maternity pay (as long as the combined payments do not exceed normal full pay).

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PART G – WORK AND PARENTS (GREEN & GREY)

2.5 Statutory Paternity Leave (Maternity Support Leave)

From 6 April 2003 employees are entitled to 2 weeks statutory paternity leave. The paternity leave payment is set by the Government and is in line with the weekly statutory rate for maternity pay. To qualify the person must have a prescribed relationship with the child and mother.

The "Green" and "Grey" book conditions of service refer to "paternity leave " as " maternity support leave" and currently provide for of either 4 or 5 working days depending on the working pattern of the employee. Payment for each day is based on the individual's salary. The person nominated can be a family member.

From the 6 April 2003 employees who qualify will therefore be entitled to one week's leave based on their contractual conditions of service and one week based on their statutory entitlement. In all cases the number of days leave will be based on working days.

Leave can only be taken in periods of a week and cannot be taken after the 56th day after the baby is born.

Employees Requiring Further Advice or Information Should Contact Human Resources.