

# Staff Handbook

## Chapter 10

# Leave

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Information on Annual Leave is now available in the Annual Leave and Public / Privilege Holiday Policy and Procedure located in the Staff Handbook.

#### PUBLIC / PRIVILEGE HOLIDAYS

Information on Public / Privilege Holidays is now available in the Annual Leave and Public / Privilege Holiday Policy and Procedure located in the Staff Handbook.

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## Chapter 10

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### ANNUAL LEAVE

Information on Annual Leave is now available in the Annual Leave and Public / Privilege Holiday Policy and Procedure located in the Staff Handbook.

10000 - 10025 Unallocated.

### PUBLIC / PRIVILEGE HOLIDAYS

Information on Public / Privilege Holidays is now available in the Annual Leave and Public / Privilege Holiday Policy and Procedure located in the Staff Handbook.

10026 - 10032 Unallocated.

## SPECIAL LEAVE (PAID / UNPAID)

### General Principles

10033 The purpose of special leave (which may be paid or unpaid) is to permit an individual to take additional periods of absence from work, over and above normal annual leave, for a number of recognised and permissible reasons. The specified reasons are within the two sections on special paid and unpaid leave below. Cost Centre Managers have responsibility for deciding on the merits of an application for special leave.

10034 Special leave is a concession and not an entitlement. Whilst managers will treat applications as sympathetically as possible, they will take account of your untaken annual leave and also satisfy themselves that the circumstances of the case justify granting special leave. Managers should, however, enable a reasonable amount of annual leave to be used for holidays.

10035 In the following paragraphs, where a limit or guidance is provided on the number of days appropriate for specific types of special paid / unpaid leave, these amounts should be pro-rata for part-time employees, as appropriate. For example, where it is stated that an employee would be granted 5 days special paid leave, a part-time employee working 2.5 days a week may be granted 2.5 days special paid leave as this would allow them the equivalent period of special paid leave as a full-time employee.

10036 If special leave has to be taken in an emergency, then formal authorisation may be given when you return to work. However, you must make every effort to contact your line manager so that the manager is kept closely in touch with developments. Line managers must ensure that all authorised special leave is recorded on the applicant's Annual Leave slip (E7A).

10037 Special paid leave counts for pension purposes. Special unpaid leave does not reckon for pension purposes, except where it is granted:

- for training in one of the Reserve Forces according to the approved scale;
- for call out in the Reserve Forces; or
- for certain types of unpaid voluntary service. Such unpaid special leave which is granted under paragraph 10066 will be both qualifying and reckonable service for pension purposes.

For further information on special unpaid leave and the affect on your pension, please contact HR Services.

### Holidays falling during a period of Special Leave

10038 The following will not reckon as part of the period of special leave (whether this is with or without pay):

- public and privilege holidays;
- Saturdays and Sundays occurring at the beginning or end of paid or unpaid leave (where weekends are not normally worked).

No pay will be given for public or privilege holidays falling within a period of special unpaid leave. Staff are not entitled to a day's absence in lieu of the public or privilege holiday on return to duty, even when the special leave is paid.

## SPECIAL PAID LEAVE

### Delegated Authority

10039 Staff must formally request special paid leave in writing, explaining the circumstances and enclosing their E7A (Annual Leave record). Authority to approve special paid leave is delegated to Cost Centre Managers. Cost Centre Managers who themselves wish to request special paid leave should apply in writing to their line manager. You must retain written approval of any period of special paid leave, as provided by your Cost Centre Manager, with your E7A.

10040 Special paid leave will normally be granted in the following circumstances or for the following reasons:

- Domestic reasons;
- Adoption;
- Business of Civil Service Societies;
- Transfer and resettlement;
- Attendance at Civil Service, European Commission or Certificate of Education examinations;
- Reserve Forces training;
- Cadet Forces training;
- Civil Defence Courses;
- Training courses in youth leadership;
- The Duke of Edinburgh's Gold Award presentation;
- Participation in significant sporting events or official sports days;
- Attendance in Court as a witness or juror;
- Voluntary Public Service;
- Training Courses – Voluntary Public Service;
- Candidates for Parliament;
- Contact with infectious diseases.
- Volunteering

Details explaining the above circumstances are given below.

### **Domestic Reasons**

10041 Up to 5 days special paid leave may be granted to enable an individual to deal with short-term domestic emergencies or to make satisfactory longer-term arrangements for coping with them. Up to 10 days may be granted for home nursing of a dependant relative. (There are also statutory rights to unpaid leave for some emergencies - see paragraph 11091).

10042 In determining whether special paid leave will be granted, managers take account of the nature of the problem, the particular circumstances and the degree of distress suffered by the individual concerned. The nature of the relationship of a sick or deceased relative or dependant will be a major consideration. Although in most cases it would be expected that the relative or dependant will be closely related to the individual by blood or marriage, equal distress may be suffered where, for example, an established relationship exists between two individuals who reside together but they are not related by blood or marriage.

10043 Some examples of domestic circumstances (these are not exhaustive) and the probable periods of special paid leave that may be granted are:

- a. Domestic crisis, such as an emergency, like flooding, fire or burglary, requiring the individual's immediate presence at home : 0.5 - 1 day to deal with the emergency, but not the resulting repairs; which should be covered by annual leave.

b. Managers may allow up to 10 days special paid leave for home nursing in the following circumstances:

- to staff who are required to be immediately on hand to nurse a near relative or dependant who is seriously ill or recovering from an operation;
- to fathers, where there are difficulties at the time of confinement due to medical complications for the mother and/or baby; or
- where the wife/husband/partner is ill and the individual's presence is required to care for young children in the family (where no other arrangements can be made).

c. Bereavement involving a near relative or dependant. Near relative covers spouse, child, parent, foster-parent, stepparent, parent-in-law, sister, brother, grandparent but may in special circumstances include other relatives or non-relatives:

- where the individual is the executor or is fully responsible for the funeral and other bereavement related arrangements - up to 5 days may be allowed;
- where the individual has no responsibility for the funeral and other related arrangements but wishes to attend the funeral – normally 1 day to attend the funeral will be granted but account can be taken of travelling time.

d. Inability to return from detached duty due to severe transport difficulties – 1 day. Will only be granted where the manager is notified on the day the difficulties are encountered.

10044-10045 Unallocated.

### **Civil Service Societies**

10046 Special leave may be granted for attendance at meetings or conferences of Civil Service societies as follows:

a. **Limit of special leave: special leave with pay for meetings.**

- Civil Service Council for Further Education;
- Council and Committee for Management of the Civil Service Benevolent Fund;
- Council and Committee of Management of the Civil Service Retirement Fellowship;
- Committee of Management of the Post Office and the Civil Service Sanatorium Society;
- Management Committee of Civil Service Sports Council.
- Committee of Management of the Civil Service Medical Aid Association.

b. **Limit of special leave: time off for quarterly meetings.**

- Local Committee of the Civil Service Benevolent Fund and the Civil Service Retirement Fellowship;
- Departmental Committees of the Post Office and Civil Service Sanatorium Society;
- Regional Councils and Regional Executive Committees of the Civil Service Sports Council.

c. **Limit of special leave: up to 3 days special leave with pay plus a fourth day if the time spent in travelling necessitates an absence from the office.**

- Conferences of the Post Office and Civil Service Sanatorium Society;

- Conferences of the Civil Service Sports Council.

Other special leave granted for the business of these societies will be without pay.

## **Paid Leave for Transfer and Resettlement from Overseas Posting**

10047 Where, on permanent transfer in the interests of the service, an individual is allowed assistance under the terms of the Permanent Transfer Allowances Section in Chapter 14, then special paid leave may be allowed. Details of the special paid leave permitted in these circumstances are set out in Chapter 14.

10048 Managers may allow one week's special paid leave for resettlement to staff immediately after they return to this country from an overseas posting. Resettlement leave cannot be 'saved' for use in the future.

## **Paid Leave for Civil Service Examinations**

10049 Managers may grant special paid leave for attendance at a civil service examination, a GCSE (or Scottish equivalent) examination in order to qualify for a civil service post, or for an EU interview or examination, and for any necessary travelling time. Travelling expenses and subsistence in connection with the EU post will not be borne by the Commission but should be claimed from the relevant EU institution.

## **Paid Leave for Reserve Forces Training**

10050 The Forestry Commission supports staff involved in the Reserved Forces (see list at Annex 1) by allowing staff special leave with or without pay to allow them to undertake annual training.

10051 Staff must seek their line manager's consent before enrolment or re-engagement in the Reserve Forces. Special paid leave may be granted for periods of training to all staff who have consent for membership. Part-time staff may be allowed special paid leave, but pay received during the period of training will not exceed the pay due for their contractual hours.

10052 Special paid leave may be granted by the Unit Manager for the following periods of reserve training:

<b>Number of Annual Training Days</b>	<b>Special Paid Leave Allowed</b>
15 days or more	8 days
14 days or less	Proportionate (e.g. 10 training days = 5 days, 5 training days = 3 days)

The individual will be expected to apply for annual leave or special unpaid leave for the days not covered by special paid leave. The total amount of annual and other leave taken in any year will be subject to management agreement and the needs of the job.

10053 Staff whose full-time annual leave allowance is less than 30 days and who, in addition to normal annual training, attend special courses or exercises, or may be required to carry out additional training, may be allowed up to a further one week's special paid leave in any one leave year (pro rata for P/T staff) subject to management discretion. .

## **Call Out of Volunteer Reserves**

10054 The Cabinet Office normally issues guidance when the call out of employees who are members of the Reserve Forces is planned. Individuals affected should contact HR Services in Silvan House for up to date guidance but the arrangements will normally include:

The Forces pay a salary during call out; FC pay ceases;

- special unpaid leave is granted for the entire period of the call-out;
- the Reservist will accrue leave during the period of the call-out and will be allowed to take this leave before re-joining the employer. The period of call-out is therefore treated as non reckonable for FC annual leave;
- the Principal Civil Service Pension Scheme (PCSPS) allows members to continue to accrue reckonable service during periods of call-out;
- employers must take Reservists back on the same or equivalent terms to those they had prior to the period of military service.

### **Paid Leave for Civil Defence Courses**

10055 Staff who are either voluntary members of the United Kingdom Warning and Monitoring Organisation or have been nominated by local authorities as Scientific Intelligence Officers, may be granted special paid leave to attend home defence training courses of up to 10 days. Staff employed on a casual basis and those on fixed term appointments with less than 6 months' completed service may not be granted special paid leave for these purposes.

Part-time staff may also be granted special paid leave on this scale, but pay received during the training period will not exceed the pay for the equivalent period of part-time employment.

Where the special paid leave does not cover the whole duration of the course, then the balance of the time required should be taken as annual leave. Special unpaid leave to cover the balance will be allowed only in the most exceptional circumstances.

### **Paid Leave for Training Courses in Youth Leadership**

10056 One week's special paid leave (either as a complete week or separate days) may be granted by Cost Centre Managers to part-time youth leaders and assistant youth leaders who undertake courses in youth leadership run by the national voluntary organisations listed in Annex 2. Courses which qualify for this purpose are those run at national or regional centres by local authorities, regional youth leadership training bodies, University Departments, Institutes of Education, Regional Advisory Councils for Further Education, and by organisations such as the Central Council for Physical Recreation and the Scottish Community Drama Association. Special paid leave will not be granted more frequently than once in 3 years, although applications for such leave once every 2 years may be considered on their merits.

### **Duke of Edinburgh's Gold Award**

10057 Managers may grant special paid leave to young civil servants to enable them to be presented with the Duke of Edinburgh's Gold Award.

### **Paid Leave for Participation in Sports Events**

10058 Cost Centre Managers may authorise special paid leave to staff:

- a. Who are selected by their country to participate in international events, including the Olympic and Commonwealth Games, or the equivalent paraplegic games;
- b. Who are selected to represent the Civil Service in international and other representative events;
- c. Who qualify for a final of individual Civil Service sports championships;
- d. Who are selected to represent the Forestry Commission in Civil Service competitions.

10059-10062 Unallocated.

### **Attendance in Court as a Witness or Juror**

10063 Staff who are called upon in their official capacity either to:

- a. give evidence in criminal and civil proceedings and in coroners' courts; or
- b. to attend other outside bodies as witnesses or in other capacities;

should be regarded as being on official duty. In addition to normal pay they are entitled to payment for travelling time, and to travelling and subsistence allowances. Any sums recovered from the outside sources should be handed over to the Commission.



10064 For staff who appear in court in a private capacity, including special constables, the following provisions apply:

- a. Managers may grant special paid leave to staff appearing either as witnesses for the prosecution or the defence in criminal proceedings, or appearing as witnesses in coroners' courts, and to those necessarily absent for jury service. In these circumstances staff may retain any travelling or subsistence allowance received from the court. Staff should not claim from the court, or accept, any compensation for loss of earnings that has not in fact been lost;
- b. Special unpaid leave, or annual leave, may be granted to staff appearing as witnesses in civil proceedings.

**Jury Service and Excusal**

10065 Staff should, without fail, inform their line manager as soon as possible if they have been summoned for jury service unless they are clearly ineligible or disqualified (as explained on the summons) and have notified the summoning officer accordingly). Managers at Pay Band 2 or above may seek excusal from jury service for their staff if the individual's absence seriously affects the business of the Commission. Advice in this situation can be provided by HR Services in Silvan House.

**Paid Leave for Voluntary Public Service**

10066 Line managers may grant special paid leave within the following limits for voluntary public service.

	<b>ANNUAL LIMIT</b>
<b>A Magistrate:</b>	
Justice of the Peace (plus reasonable time for travelling, to permit up to 26 attendances)	18 days
<b>B Local Government work:</b>	
Lord Mayor and Lord Provost Elected member of a local authority: Including Mayors in their Mayoral year and Chairman of Councils. This total may be increased to 24 days if the duties equate to those of a Lord Mayor.	24 days in Mayoral year 18 days
<b>C Attendance at meetings and other essential business of:</b>	
Children's Panel (Scotland)	18 days
Water Authorities	12 days
<b>D National Health Service, Education, etc:</b>	
Regional/District/Area Health Authorities	6 days
Health Boards	"
Boards of Governors of Post-graduate teaching hospitals	"
Family Practitioner Committees	"
Local Health Councils	"
Prescription Pricing Authorities	"
Local Review Committee (Parole)	"
Local Valuation Panels	"
National Insurance Local Tribunals	"
Prison Visiting Committees and Boards of Visitors	"
River Purification Boards	"
School Board, Board of Management of Self-Governing School College	"
Council of Governing Body of Central Institution or College of Education (Scotland)	"
Committees of Local Authorities	3 days
Supplementary Benefit Appeal Tribunals	"
War Pensions Committees	"
Internal Drainage Boards	"

10067 Special paid leave may be granted for “public service” other than on the bodies listed at A, B and C above. HR Services in Silvan House should be consulted if in doubt. Special paid leave may be granted to enable staff to participate in the activities of non-statutory, voluntary aid bodies. Managers have discretion to grant up to 5 days a year for this purpose.

10068 Any member of staff who is also a member of a local authority and a member of other authorities, e.g. Regional, District or Area Health Authority, Community Health Council, etc may be allowed an overall maximum of 24 days special paid leave in any leave year.

### **Special Leave for Training Courses – Voluntary Public Service**

10069 Managers may grant one week’s special paid leave for an initial training course to members of the Special Constabulary, Auxiliary Coastguard Service and the RN Lifeboat Institution.

### **Parliamentary Candidates**

10070 A member of staff who is free to stand for Parliament (see Chapter 4), may be granted one month’s special paid leave at the period of an election. The special leave must not continue beyond the date on which resignation takes effect.

### **Contact with Infectious Diseases**

- 10071
- a. An individual who has been in contact with scarlet fever, measles, German measles, whooping cough, chicken pox or mumps should stay away from the office;
  - b. An individual who has been in contact with any other infectious disease should consult the Local Medical Officer of Health and then report for duty, if given clearance to do so. If, however, the Medical Officer of Health advises against a return to duty the individual should notify his/her line manager. Absence will be treated as special paid leave. If the Medical Officer of Health issues a certificate covering the absence, the individual will qualify for sickness benefit and his/her pay will be adjusted as if it were sick pay;
  - c. Staff who report that they have been in contact with an infectious disease should avoid further contact with the infected person wherever possible.

### **Volunteering**

10072 Managers have the discretion to grant up to two days paid leave per year (pro-rata for part-time staff) to allow an employee to undertake volunteering activities. It is anticipated that the activity will provide the employee with the opportunity to contribute to their local community or wider society. Staff must discuss their request and seek approval for time off with their Manager. If time off is approved it should be recorded on the Annual Leave slip (E7A) including a brief description of the volunteering activity type in the comments section.

10073 The leave must also be recorded to allow for monitoring and evaluation. Staff using the eConnect OR2 Absence form should notify the absence with the reason ‘Paid Volunteering Leave’, other staff should notify their ‘Yourself’ local administrator.

### **Employee Relations Duties and Trade Union Activities**

10074 These matters are dealt with in the Departmental Facilities Agreement and staff should consult HR Services, or the Secretary of the Committee for further information.

10075– 10077 Unallocated.

## SPECIAL UNPAID LEAVE

### Introduction

10078 Special Unpaid Leave is leave of absence from work granted by management under written consent for which there will be no payments. It is not a right but is granted at the Commission's discretion, for a specific purpose and is subject to important rules and conditions. Any member of staff may apply for special unpaid leave, except probationers\* or others on any form of a trial period. Special unpaid leave can be given for a wide number of reasons such as voluntary service overseas, personal reasons or reasons explained below. While on special unpaid leave you remain eligible to apply for FC vacancies.

\* *Probationers may be allowed special unpaid leave for exceptional reasons, such as honouring holiday arrangements made prior to their employment, provided they show evidence of booking arrangements.*

10079 You should give as much notice as possible when applying for special unpaid leave. You should submit your application in writing to your Cost Centre Manager who will pass it to HR Services with his/her recommendation.

### Types Of Special Unpaid Leave

10080 The rules governing special unpaid leave vary according to the length and circumstance under which it is granted. There are, therefore, basically 5 different types of special unpaid leave, namely:

- Short Breaks (20 days or less).
- Breaks to Visit Overseas Relatives (40 days or less).
- Longer Fixed Term Breaks.
- Open Ended Breaks.
- Career Breaks.

### Short Break

10081 A specific period will be agreed in advance with your Cost Centre Manager.

### Visiting Overseas Relatives

10082 You may apply for special unpaid leave, for a longer period than 20 days, to travel overseas to visit close relatives, whom you have not visited for more than 3 years. You may use a combination of annual leave and special unpaid leave but the total period must not exceed 40 working days. You will not be granted this type of special unpaid leave until you have completed at least one year's service. After an overseas visit you may only re-apply after 3 years. You must, of course, apply before you make any travel arrangements and get your manager's approval for the period of absence. If you will not be returning to the same job, a new post must be arranged before you go on special unpaid leave. Provided that your return date was agreed in advance you do not need to confirm in writing your intention of returning from special unpaid leave. If, however, you fail to return to work on the agreed date without good reason, the Commission may regard you as being absent without leave and may dismiss you. Any overseas visits lasting more than 40 working days will only be considered under the Longer Fixed Term arrangements.

### Longer Fixed Term

10083 Fixed Term special unpaid leave is intended for a period longer than 40 days and must have an agreed return date.

Since this is a longer period of absence you are required to confirm to your line manager in writing that you will be returning to work on the agreed date at least 4 weeks before the due date of return. If you fail to return to work on the agreed date you may be regarded as being absent without leave and the Commission may

dismiss you. If you wish to return earlier than the agreed date write to your manager at the earliest opportunity and not less than the period given in paragraph 10085.

### **Open Ended**

10084 Open Ended special unpaid leave is granted without a fixed date of return being agreed between the Commission and the applicant. Even if the exact date is not known, you should try to give an approximate return date when completing the application. It is an important condition of this kind of special unpaid leave that you give the appropriate written confirmation of your wish to return to work, to your manager. Managers must not authorise open-ended special unpaid leave without seeking the advice of HR Services.

### **The Career Break Scheme**

10085 A Career Break is a long period of special unpaid leave intended to help you deal with “caring” domestic responsibilities. You remain a member of staff during your absence and you are expected to undertake two weeks a year work experience or developmental training. The Career Break scheme is designed to ensure that you retain the momentum of your career and to help the Commission retain skilled and experienced staff, who can return to work and contribute to the Commission in the future. The scheme is described more fully in Annex 3 following this section.

### **Confirming your Return**

10086 You must write to your line manager well in advance of returning to work if you have been absent on open-ended special unpaid leave. If the date of return was fixed before you went on special unpaid leave, you will still need to confirm in writing that you will indeed be returning on that date.

The minimum period of Confirmation or Notification required by the Commission is 3 months if the special unpaid leave has lasted for a year or more. If you can give more than 3 months notice, so much the better.

If you wish to return from special unpaid leave sooner than originally agreed, you must write to your line manager at the earliest opportunity.

### **Managers’ Responsibilities when Authorising Special Unpaid Leave**

10087 Cost Centre Managers receiving an application for special unpaid leave should note their approval/non-approval and inform the applicant. Where the request is approved, they should attach a minute explaining their decision and send these to HR Services in Silvan House for payroll action. Where a replacement member of staff is required, the manager must make this clear.

### **Reasons for Special Unpaid Leave**

10088 The following are common reasons for granting special unpaid leave. This list is not exhaustive.

#### **a. Family Related**

You may be granted special unpaid leave for pressing domestic needs, such as:

- accompanying your partner when he/she is transferred to a job in a different area. Up to 3 years may be allowed where it is realistic for the Commission to be able to offer you a posting in the new area within this timescale;
- looking after children (including adopted or fostered children) during school holidays. (See also the section on unpaid parental leave.)

It may be possible for you to work part-time as an alternative to special unpaid leave in some circumstances. You should discuss the matter with your Cost Centre Manager.

#### **b. Voluntary Transfer**

You may be granted up to 3 days special unpaid leave for a voluntary transfer which involves you moving your home.

c. Sports Events

You may be allowed special unpaid leave to take part in certain international events for which special paid leave is not allowed.

d. Acting as a Witness

You may be allowed special unpaid leave to attend Court as a witness in a private capacity in civil proceedings. You will not be allowed travel or subsistence by the Commission. You may, therefore, claim and retain any sums offered either by the court or by a party to the action in respect of travel and subsistence reimbursement; and any sums payable for loss of earnings.

e. Acting as a Political Agent

You may be allowed up to 6 weeks special unpaid leave to serve as a political agent for a bona fide prospective candidate in a parliamentary election, provided that you are not in the politically restricted classes. You should read the paragraph dealing with Political Activities.

### 10089 **Combinations of Different Types of Leave**

a. Civil Defence Courses

Special unpaid leave to attend civil defence courses will only be granted in the most exceptional circumstances. Normally special paid leave will not cover the whole course and so you must take the balance from your annual leave.

b. Voluntary Public Service

You may be granted up to 36 working days per year for the purpose of voluntary public service. This may consist of a combination of paid and unpaid leave. The annual limit for days taken as special paid leave is laid out under Paid Leave for Voluntary Service. The remainder may be taken as special unpaid leave. If you take special unpaid leave for any of the kind of voluntary services listed in that paragraph it still counts as reckonable service for pension purposes.

10090 It is important to abide by all the rules set out above if you are granted special unpaid leave. Take a copy of the rules with you as reference when you go on leave.

### **Statutory Unpaid Parental Leave and Unpaid Time Off for Emergencies involving Dependants**

10091 The Employment Relations Act 1999 introduced new statutory rights to unpaid parental leave and unpaid time to deal with emergencies involving dependants.

Full guidance is contained in Annex 4. The ability of staff to apply for short periods of special paid leave for family emergencies is not affected by the second of these statutory rights, but paid leave is discretionary and the factors that a manager is entitled to consider before granting paid leave are set out in paragraph 26 of Annex 4.

### **Effect on Terms of Conditions of Unpaid Leave**

10092 Unpaid leave does not count as 'service' for pension reckonability, (but see paragraph 10037) annual leave increases, or pay progression. Accrual of annual leave entitlement will cease during a period of special unpaid leave and an adjustment must be made by HR Services to an individual's E7A record of annual leave form. Separate arrangements apply to periods of maternity leave, covered in paragraphs 10100 onwards.

## **Return to Payroll**

10093 You will only be put back on the payroll when you actually start work. You will be assimilated onto the same point in the pay range you were on when you left (subject to any restructuring of the pay scales).

Staff in pay bands with a mobility obligation are warned that it might not be possible to find them a post in the area in which they were previously employed.

## **Temporary Jobs while on Special Paid Leave**

10094 You may take a temporary job outside the Commission while on special unpaid leave, provided that it does not conflict with your loyalty or duty to the Commission (see the paragraphs dealing with “Principles of Conduct” and “Business Interests and Outside Occupations” listed in Chapter 4). However, since you remain a member of staff you may not be eligible for state benefits. You should contact the Department of Social Security and Benefits Agency as appropriate to find out your position.

10095-10099 Unallocated.

## LIST OF RESERVE FORCES

These forces include the following:

- Royal Naval Reserve
- Royal Marines Reserve
- \*Royal Naval Auxiliary Service
- \*Regular Army Reserve of Officers
- \*Army Officers Emergency Reserve
- Regular Reserve – Sections D, PF and PG
- Long Term Reserve
- \*Territorial and Army Volunteer Reserve
- Royal Auxiliary Air Force
- Royal Air Force Volunteer Reserve
- Royal Air Force Reserve of Officers
- Royal Observer Corps
- Women's Royal Naval Reserve
- Queen Alexandra's Royal Naval Nursing Service Reserve
- VAD (National Reserve)
- Women's Royal Auxiliary Air Force
- Women's Royal Air Force Volunteer Reserve
- Princess Mary's Nursing Service Reserve
- Ulster Defence Regiment
- Civil Contingency Reaction Force

\*Including the Women's Services

**SOME NATIONAL VOLUNTARY YOUTH ORGANISATIONS OFFERING TRAINING COURSES IN YOUTH LEADERSHIP FOR PART TIME YOUTH LEADERS AND ASSISTANTS**

Army Cadet Force Association  
Boy's Brigade  
British Council of Churches (Youth Unit)  
British Red Cross Society  
Catholic Youth Services  
Church Army  
Churches' Youth Service Council (Northern Ireland)  
Duke of Edinburgh's Award Scheme  
Education and Library Boards (Northern Ireland)  
Girl's Brigade  
Girl Guides Association  
Girls Venture Corps  
National Association of Boys Club  
National Association of Muslim Youth  
National Association of Youth Clubs  
National Federation of Young Farmers Clubs  
Outward Bound Trust  
St John Ambulance Brigade  
Salvation Army (Youth Department)  
Scottish Schoolboys Club  
Scout Association  
Sea Cadet Association  
United Reformed Church  
Youth Hostels Association

## CAREER BREAK SCHEME

### Who Can Apply?

1. Any permanent member of staff, in any grade or location who wishes to take unpaid leave to assume homecare responsibilities for a dependent is able to apply providing they fulfil the following criteria:
  - a. Have satisfactorily completed a probationary period, and have served for at least 3 years.
  - b. Have an overall 'Good' or 'Top' performance mark in their last Performance Appraisal prior to joining the scheme;
  - c. Have a satisfactory attendance record; and
  - d. Agree to undertake a minimum of 2 weeks paid work or developmental training in the Commission each year.
2. Staff who qualify for the Career Break Scheme but prefer to resign should be invited to join the Keep In Touch Scheme. This scheme in no way alters arrangements whereby staff who resign for domestic reasons are given sympathetic consideration when applying for reinstatement. Reinstatement cannot be guaranteed, however.

### When and How Long

3. A Career Break may begin at any time and cover a specific period of between 6 months and 5 years although extensions will be considered sympathetically. If required a Career Break can be taken in two parts. If the Career Break follows maternity leave staff may take:
  - a. The full entitlement of 52 weeks paid and unpaid maternity leave followed by;
  - b. Up to five years special unpaid leave.

The annual work experience will count for the purpose of satisfying the need to return for one month for maternity pay purposes. If staff are unable to undertake work experience during their Career Break and subsequently resign they will of course remain liable to repay their maternity pay.

### How will it Affect Terms and Conditions

4. The general rules governing special unpaid leave will apply during a Career Break. In general, unpaid leave does not count as effective service for the purposes of pension, pay progression, sick absences or annual leave. A "Stop the Clock" principle is operated such that although unpaid leave does not accrue benefits, those already accumulated are preserved and built upon when staff return to work. The effect of unpaid leave on individual conditions of service are summarised below:
  - a. Pension
    - i. The Career Break will neither qualify nor reckon for pension purposes. However, if you have at least 2 years qualifying service:
      - your pension rights accrued up to the start of the Career Break are preserved; and
      - you can add to these accrued pension rights on return;
    - ii. You can also improve your pension rights on return:
      - by making additional voluntary contributions;
      - by buying added years.

Staff with less than 2 years' qualifying service are advised to consult Pensions in Silvan House.

b. Sick Absence Leave

A Career Break does not count towards re-qualifying for paid sick absence under the "1 year in 4" rule.

c. Annual Leave

A Career Break will not count as qualifying service for higher annual leave allowance but qualifying years which have been served before the break are added to those which are served on return.

d. Maternity Pay

If you become pregnant during a Career Break, you are not normally eligible for paid maternity leave. HR Services should be consulted about entitlements.

e. Additional Housing Allowances

Housing allowances will not be paid during the Career Break. Payments will be resumed on return. The period of time over which any housing allowance is paid is not extended by the length of time spent on a Career Break.

f. Promotion

You remain eligible to apply for vacancies advertised during a Career Break if you wish to return to work.

g. Performance Pay

You cannot receive performance bonuses whilst on unpaid leave. You will rejoin the pay scale on the re-valourised point you received on departure.

### **Work Experience/Development Training**

5. Career Break participants are expected to undertake a minimum of 2 weeks' paid work experience or developmental training each year, either on a full or part-time basis. If it is mutually convenient, this period can be extended. In cases of difficult domestic circumstances the possibility of homeworking should be considered sympathetically. If training needs have been identified, development training may be offered.

### **What about Annual Leave for Work Experience?**

6. The 2 weeks' paid work experience or developmental training will be reckonable for annual leave. Calculations will be based on the number of days/hours worked a week during the 2 weeks' experience and HR Services should be consulted to calculate the entitlement.

For example:

a. If you work full-time and your leave entitlement is 25 days a year, then HR Services calculate your entitlement as follows:

$$\frac{2}{52} \times 25 = 1$$

b. If you work part-time, HR Services first calculate your leave entitlement (in hours) for the year. If, for example, you are working 20 hours a week and your leave allowance is 25 days a year, your leave entitlement would be 100 hours a year. HR would therefore calculate your leave entitlement for the 2 weeks' work experience as follows:

$$\frac{2}{52} \times 100 = 4 \text{ hours}$$

If you work for more than the specified 2 weeks, then you will, of course, be entitled to more annual leave. This leave can be taken during work experience or can be paid with salary following completion of the work experience. However, you should let your manager know before completing the work experience which option you intend to choose.

### **Taking Another Job during a Career Break**

7. The purpose of a Career Break is to help staff cope with domestic responsibilities until they can return to work. If an individual wishes to take up paid or unpaid employment which may involve a conflict of interest with the Commission they should consult their line manager.

### **Returning to Work**

8. HR Services will consult Career Break participants about any changes in the Commission that may affect the availability of work and will contact you 3 months before your agreed date of return to discuss:

- possible postings;
- your preferred working hours; and
- any training needs.

You should confirm your intentions in writing to HR Services 6 weeks before your due return date.

### **Returning to Work Early**

9. You can return to work early providing you give a minimum of 3 months' notice of your intentions and a suitable vacancy exists.

### **Contact Arrangements**

10. An important feature of the scheme is that regular contact between the person who is on special unpaid leave and local management must be maintained. Participants should be given the first opportunity of taking up any casual posts which arise in the locality within the relevant staff group. They must receive information packs containing, for example, copies of press notices and any other relevant notices and circulars. They should also be invited to attend social events organised for other members of staff.

11. Participants must normally be offered a short period of paid employment or training of 10 days or more a year either on a full or part-time basis or, if possible, from home. These arrangements should be made at times which are mutually convenient to the member of staff and the Commission. Work experience is particularly important for those in specialist grades and could take the form of:

- reviewing procedures or research papers
- providing comments on research proposals or
- undertaking literature reviews.

Payment for relative work experience will be at the rate commensurate with the employee's substantive grade and pay.

12. Staff will also be invited for periodic interviews with local management as appropriate and in the case of Silvan House staff with HR. These should take place at least once a year. Managers should maintain a record of the action taken during the Career Break. Any important written communication with the individual should be copied on to the personal file at Silvan House.

### **NOTES**

1. Career Breaks may be authorised for a period of between 6 months and 5 years. However, if you have another child during the career break you may apply to extend the unpaid leave period by up to 2 years.

2. Your Manager/HR Services, Silvan House will contact you 6 months before your expected date of return.

## **STATUTORY RIGHTS: UNPAID PARENTAL LEAVE AND UNPAID TIME OFF FOR EMERGENCIES INVOLVING DEPENDANTS**

### **STATUTORY UNPAID PARENTAL LEAVE**

1. The right applies as follows:

- In January 2002, the right was extended to apply to parents whose children were under 5 at 15 December 1999. To qualify you must either be named on the child's birth certificate or have parental responsibility under the law for the child (as conferred by the Children Act 1989 or the Children (Scotland) Act 1995). In some cases, someone other than the natural or adoptive parent may have been given legal responsibility for looking after the child, such as a guardian. Provided the qualifying conditions are met, parental leave can be taken. A parent does not have to be living with the child in order to qualify.
- Under the statutory scheme, in order to qualify for parental leave you must have worked continuously for the Commission for at least one-year. (Service with another Government Department, which is continuous with Forestry Commission employment, will count.)
- The entitlement is to a maximum of 13 weeks unpaid leave for each child falling into the above category; or 18 weeks for parents of disabled children;
- The leave must be taken in the period up to the child's 5th birthday or, in the case of adoption, until 5 years have elapsed following placement of the child with the parents (or until the adopted child's 18th birthday if that comes sooner).
- The entitlement is an individual right so each parent can take 13 weeks' unpaid leave for each child (18 weeks for a disabled child). The leave cannot be transferred between parents;
- Parents of a disabled child (defined as a child for whom Disability Living Allowance has been awarded) may take the same amount of leave over a longer period- up to the child's 18th birthday.

#### **Caring for a Child**

2. The purpose of parental leave is to take time off work to look after the child or to make arrangements for the child's welfare. However, the leave can simply be used by parents to enable them to spend more time with their young children.

Examples of ways in which the leave can be used are:

- to spend more time with a child during the early years;
- checking out new schools or settling a child into school
- settling a child into childcare arrangements
- taking a child to visit grandparents

#### **The Statutory 'Fallback Scheme'**

3. The statutory regulations provide rules that will apply to all employers and these are described as the 'Fallback Scheme'.

#### **Applications for Leave**

4. Applications for leave must be made to the Cost Centre Manager, who is also responsible for approving special paid leave in the Forestry Commission.

#### **What Counts As a Week?**

5. One week's parental leave is equal to the length of time that an employee is normally required to work in a week. This means that if you usually work from Monday to Friday (or another 5 days), a week is equal to 5 days, while for a part time employee who works, for example, on Mondays, Tuesdays and Wednesdays only, a week is equal to 3 days (giving a total entitlement of  $13 \times 3 = 39$  days).

6. Where working weeks vary from week to week, an average working week will be calculated over a year.

### **How much leave can be taken?**

7. Under the 'fallback scheme', the leave must be taken in blocks of at least one week (as defined above) except for parents of disabled children, who can take shorter periods of leave.

### **How much leave can be taken each year?**

8. Under the 'fallback scheme' a maximum of 4 weeks' leave is allowed each year. In the Commission, however, flexible arrangements such as term time working are already considered. Applications for longer periods of leave will, therefore, be considered, subject to the ability of the management unit to accommodate this (see paragraph following). Where it is not feasible to allow a longer period of leave, a shorter period may be agreed, subject to the deferment restriction set out below.

### **Notice Requirements**

9. You must give 21 days' notice if you wish to take parental leave, stating the proposed starting and finishing dates. If longer than 4 weeks' leave is requested, a period of notice at least equivalent to the proposed length of absence must be given.

### **Can leave be postponed by a manager?**

10. Under the 'fallback' scheme, the employer can postpone leave for up to 6 months if it is not convenient for the business for the employee to be absent at the time proposed. However, leave cannot be postponed when an employee gives 21 days' notice to take unpaid leave immediately after the child is born or is placed with the family for adoption.

11. Managers will discuss all postponements with you and will record the reason for the postponement in writing to you within 7 days of the notice of request for leave.

### **Terms and Conditions of Service on Unpaid Leave**

12. Terms and conditions applying to other forms of unpaid leave will apply during parental leave. Unpaid leave does not qualify as pensionable service.

### **Notification to HR Division**

13. Parental leave is unpaid and has implications for pay and pension records. **All approved parental leave must be notified by the Cost Centre Manager to HR Services (or to the local Payroll Officer responsible for staff paid locally) as soon as it has been approved.**

### **Record Keeping**

14. Records of leave taken will be required to be kept by the individual officer so that successive managers or a new employer will be aware of how much leave has been taken. A record form has been drawn up and will be issued to staff who take paid maternity or paternity leave. Other staff who qualify, e.g. following an adoption, should contact HR Services to obtain a record form.

15. The Cost Centre Manager must sign the form when leave is approved and ensure that the period of unpaid leave is notified for pay purposes. The form should be retained by the individual member of staff for the whole period during which parental leave can be taken.

16. Parental leave must be used for the purposes for which it is intended. Absences taken as parental leave but not used for parental care purposes will be treated as a disciplinary offence.

## **Income Support**

17. Income Support can be paid to people who have a low income, provided they meet the qualifying conditions. For further information on this, staff should contact their local Benefits Agency office.

## **Working Families' and Disabled Person's Tax Credits**

18. Information on these tax credits was issued by e-mail on 18 October 1999 and was enclosed in the pay packets of locally paid staff that month. Tax credits are fixed and last for 26 weeks regardless of whether the employee takes parental leave while the credit is being paid.

## **TIME OFF FOR EMERGENCIES INVOLVING DEPENDANTS**

19. The Employment Relations Act 1999 also introduces a new right to reasonable unpaid time off to deal with certain unexpected or sudden emergencies involving a dependant of the employee, and to make any necessary longer term arrangements.

20. A dependent is the husband, wife, child, or parent of the employee. It also includes someone living in the same household who is not his/her employee, tenant, lodger or boarder.

21. In cases of illness, injury or where care arrangements break down, it may also be a person who reasonably relies on the employee for assistance, for example, where the employee is the primary carer or he/she is the only person who can respond in an emergency.

22. The right is to cover genuine emergencies, not known about in advance, such as:

- if a dependent falls ill, is assaulted or has been injured;
- to make care arrangements for a dependant who is ill or injured. This might mean making arrangements to employ a temporary carer or taking a sick child to stay with relatives;
- to deal with the consequences of the death of a dependant;
- to deal with unexpected disruption or breakdown of care arrangements for a dependent;
- to deal with an unexpected incident involving the employee's child when the child is at school (e.g. injury);

23. The legislation does not specify an amount of unpaid leave that can be taken, but generally one or two days unpaid leave is envisaged in the guidance on the Act.

## **How does unpaid parental leave and unpaid family emergency leave fit in with annual leave and special paid leave provisions in the FC?**

24. Staff can and should continue to use some of their annual leave entitlement to meet their parental and domestic responsibilities. Alongside this, the Commission has existing provisions for special paid leave, which is given at management discretion to deal with emergencies related to family crises or problems.

25. The scope of the Commission's special paid leave will remain as it is at the moment. It is granted at the discretion of a Cost Centre Manager, to deal with short term and urgent family problems, such as bereavement of a close relative, illness in the family that requires the officer's attendance at home to carry out or make arrangements for nursing care.

26. Applications for special paid leave will continue to be considered under existing rules. Factors that a manager is entitled to take into account when considering an application for special paid leave include the number of days of annual leave that an officer has at his/her disposal and the amount of special paid leave already approved during the year.

27. Staff can, if they wish, decide instead to exercise the new statutory right to unpaid leave for dependants or unpaid parental leave detailed in this Notice.

28. Staff who want to take the new statutory unpaid leave for a family emergency, are required to notify their manager as soon as possible of the reason for the absence and how long they expect to be away from work.

**29. Managers must notify HR Services (or their local Payroll Officer for staff paid locally) of any unpaid leave taken in order that the pay deductions can be made. Absences must be recorded as unpaid leave.**

30. Any individual who applies for paid or unpaid leave for a family emergency, but uses it for another purpose, will be subject to disciplinary action.

## MATERNITY LEAVE/PATERNITY LEAVE/ADOPTION LEAVE

10100 A summary of payment entitlements (contractual and statutory) for maternity, paternity and adoption is provided at Annex 1. The contractual maternity, paternity and adoption leave/pay terms offered by the FC 'fulfil' and include the statutory provisions. The majority of staff will be covered by the FC's contractual arrangements and these are detailed in the following paragraphs.

10101 If you don't qualify for the FC's contractual arrangements the statutory provisions are covered in Annex 1 and further information is available from HR Services. Full details of statutory rights are also set out in the [Department of Trade & Industry Booklet – Pregnancy & Work](#).

### Maternity Leave

10102 All pregnant employees, regardless of length of time worked with the employer, will be entitled to take up to 52 weeks maternity leave, provided the contract of employment is due to continue.

#### Forestry Commission Contractual Maternity Leave

10103 The Forestry Commission offers contractual maternity leave arrangements and pay which are better than the statutory provisions subject to certain qualifying conditions. However, where you are eligible under both the statutory and the Forestry Commission Scheme, you are entitled to choose the option which is most beneficial. A summary of maternity entitlements is provided at Annex 1, but detailed below.

10104 You qualify for the FC's **contractual maternity** leave provided you;

- state that you intend to return to work in the FC after maternity leave and sign an undertaking to repay any payment to which you are entitled if you fail to return **and**
- produce for inspection a MATB1 from a doctor or certified midwife giving the expected week of childbirth\* (EWC) **and**
- are in paid service when you start maternity leave and have completed at least one year's paid service, which need not be continuous (sick pay at pension rate does not count as paid service) **and**
- are not fee paid.

\*Childbirth means the birth of a child, or a still birth, after a pregnancy lasting at least 24 weeks.

10105 Staff on short-term (temporary) and fixed term appointments, where eligible, can receive contractual maternity leave up to the end date of their contract provided they meet the qualifying criteria. Thereafter, any statutory entitlements take effect.

10106 If you qualify for the FC's contractual maternity leave you are allowed:

- 26 weeks paid maternity leave at your normal rate of pay; **plus**
- 13 weeks at standard Statutory Maternity Pay (SMP) rate **or** 90% of average weekly earnings if these are lower than SMP.

This can be followed by a further 13 weeks unpaid maternity leave, giving 52 weeks in total. You decide how much of this time to take, though the law requires that a minimum of 2 weeks must be taken after the birth for health/safety reasons.

#### Statutory Payments

10107 If you do not qualify for the FC's contractual maternity leave you may be eligible for 39 weeks Statutory Maternity Pay (SMP) which will be paid to you by the FC. If you are not eligible for SMP you are likely to be eligible for Maternity Allowance (MA) which is a benefit paid weekly by Jobcentre Plus. See Annex 1 for further details on SMP and MA.

## **Notification of Pregnancy**

10108 You are required to notify your manager and HR Services of your intention to take maternity leave by the 15th week before your expected week of childbirth (EWC), unless this is not reasonably practical. You will need to provide the following information:

- the week your baby is expected to be born; and
- when you want your maternity leave to start.

Should you wish to amend the start date of your maternity leave, you are required to provide written notification 28 days before either the original or new start date, whichever is the sooner, or if that is not possible, as soon as reasonably practical.

10109 Your GP will issue a MATBI form which should be sent to HR Services, Silvan House as quickly as possible.

## **Ante-Natal Appointments**

10110 When pregnant you are entitled to time off to attend antenatal classes or appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or health visitor. All time off will be at your normal rate of pay. There may also be an entitlement for time off to attend relaxation classes or parentcraft lessons if you provide evidence of enrolment such as an appointment card and these are advised by a medical practitioner, midwife or health visitor.

## **Keep in Touch Days During Maternity Leave**

10111 You can work for up to 10 days during your maternity leave period, as long as you and your manager agree for this to happen and agree what work is to be done. Keep in touch days can be used for normal work, work-related training or conferences/seminars. These working days will be paid at the normal rate of pay but will not extend the maternity leave period. If you work a keep in touch day while you are in receipt of SMP, MA or are on unpaid maternity leave, your line manager will need to notify HR Services in order for you to be paid at your normal rate for that day.

## **Return to Work**

10112 If you wish to return early, before the end of ordinary or additional maternity leave, you will need to give us 8 weeks notice of the date on which you wish to return.

10113 Unallocated

10114 If you exercise your right to return to work after ordinary maternity leave, you are entitled to returned to the same job you occupied before commencing maternity leave, on the same terms and conditions of employment as if you had not been absent. If you exercise your right to return to work after additional maternity leave, you are entitled to returned to the same job you occupied before commencing maternity leave, on the same terms and conditions of employment as if you had not been absent, unless this is not reasonably practical. In these circumstances, you may be offered suitable alternative work, on terms and conditions that are no less favourable than would have applied had you not been absent. Requests for flexible working will be considered in line with statutory requirements.

10115 Where you resign because you do not intend to return to work but later wish to return because of a change in circumstances, you have no absolute right to return to work. However, in such circumstances, re-appointment will be considered if at all possible. If you return before the end of a period of 41 weeks beginning with the week in which the date of confinement falls then your resignation will be cancelled and the period of absence will be counted as paid and/or unpaid leave.

## **Protection from Dismissal and Detriment**

10116 Pregnant employees are protected from unfair treatment of work in connection with pregnancy, childbirth or taking maternity leave. If you believe you have been unfairly treated on any of these grounds you should contact the Commission's Diversity & Equality manager, or raise a grievance.

## Health and Safety

10117 Employers are required to protect the health and safety of all employees and particularly have to assess risks for new or expectant mothers. In the most extreme case, where a serious risk is established, this may require paid suspension from work on maternity grounds, though suitable alternative work will be offered, if available. If you are concerned about your health or safety during your pregnancy because of the nature of the work that you do, please raise this with your Unit Manager or the Departmental Health and Safety Officer.

## Career Breaks

10118 You can decide to apply for a career break following a period of maternity leave. Guidance on eligibility for career breaks is contained earlier in this chapter. The date of commencement of a career break will be the day after the entitlement to unpaid maternity leave runs out, irrespective of when the application is made.

## Maternity Leave in Relation to Pay and Pension

10119 If pay progression falls between the start of the relevant period for calculating SMP (8 weeks prior to the last normal pay day before the end of the 15<sup>th</sup> week before the expected week of childbirth) and the end of your period of maternity leave, any remaining contractual and/or statutory maternity pay you receive will be adjusted accordingly, as will your salary upon return to work.

10120 Periods of ordinary maternity leave, plus any paid periods of additional maternity leave (including SMP and keep in touch days), count as reckonable service for pension purposes. Periods of unpaid additional maternity leave count as qualifying, but not reckonable, service. Employee's contributions are deducted by reference to the level of pay actually received during the period, whether payment is at the contractual or SMP rate.

## Effect on other Terms/Conditions

10121 During a period of maternity leave the contract of employment continues and you are entitled to all the benefits which would have accrued had you not been absent, except pay as detailed in paragraphs 10103 to 10107. Maternity leave will also count towards your continuity of service for statutory rights such as redundancy rights. Entitlement to annual leave is not affected by maternity leave and you will continue to accrue your contractual annual leave entitlement for the duration of the maternity leave period, although you are not permitted to take annual leave within the period of maternity leave. Please note there is no entitlement to accrue public/privilege holidays that fall during periods of maternity leave.

10122 You have a right not to be dismissed or selected for redundancy, in preference to other employees, solely or mainly because you are pregnant, have given birth or for any reason connected with your pregnancy or childbirth.

## Paternity Leave

### Forestry Commission Contractual Arrangements

10123 The Forestry Commission provides 2 weeks leave at normal pay for fathers provided you;

- are the biological father of the child or the mother's husband or partner; and
- you have or expect to have responsibility for the child's upbringing.

A 'week' for part-time staff equals whatever hours you are contracted to work in a week (i.e. pro rata entitlements).

### Timing and Taking of Paternity Leave

10124 You should discuss paternity leave plans with you line manager, and complete the notification form, available on the [HR Intranet site](#) - Form E - Notification of Statutory/Contractual Paternity Leave Paternity (Adoption) Leave.

10125 Paternity leave cannot be taken earlier than the child's birth. It is usually taken in one-week periods or two consecutive weeks but can be taken for shorter periods (subject to agreement with the line manager) provided it is all taken within 8 weeks.

10126 Only one period of leave is available to an employee irrespective of whether more than one child is born as the result of the same pregnancy.

10127-10139 Unallocated

### **Adoption Leave**

10140 Adoption leave entitles eligible employees to take paid leave when a child is newly placed for adoption. Adoption leave and pay will be available to:

- an individual who adopts or
- one member of a couple where a couple adopt jointly (the couple will choose which partner takes adoption leave - only one is entitled to this, regardless of whether or not they work for different employers).

### **Forestry Commission Contractual Adoption Leave**

10141 The Forestry Commission's contractual adoption leave arrangements mirror the contractual maternity leave arrangements detailed in paragraphs 10103 to 10106 and summarised in Annex 1.

10142 Since only one parent of a couple adopting can, legally, take 52 weeks' adoption leave, the contractual/ statutory provision will be available to an FC employee only where the other parent (even where working for another employer) is not taking the 52 weeks' statutory leave from that employer.

### **Statutory Arrangements**

10143 If you do not qualify for FC contractual arrangements you may be entitled to the statutory arrangements provided you have been continuously employed with the FC for at least 26 weeks by the week in which you are notified of having been matched with the child. These arrangements allow you to take up to 52 weeks of adoption leave and receive Statutory Adoption Pay for 39 of those weeks. Full details of statutory rights are also set out in the [Department for Business, Innovation and Skills – Statutory Adoption Pay and Leave](#).

10144 If you do not qualify for any statutory adoption pay or leave arrangements, the FC will pay 2 weeks' special paid leave at normal pay rate, which mirrors the FC's paternity leave arrangements.

### **Applying for Adoption Leave**

10145 You will have to give the FC documentary evidence – a *'Matching Certificate'* – from your adoption agency as evidence of your entitlement to SAP, which will be used as proof of entitlement to adoption leave. An application for adoption leave form must also be completed. Both forms are available on the [HR Intranet site](#):

- Form D – Notification of Statutory/Contractual Adoption Leave
- Matching Certificate – Statutory Adoption Leave and Pay  
(*this form must be printed off, and authorised by the adoption agency*).

### **Keep in Touch Days During Adoption Leave**

10146 You can work for up to 10 days during your adoption leave period, as long as you and your manager agree for this to happen and agree what work is to be done. These working days will be paid at the normal rate of pay but will not extend the adoption leave period. They can be used for normal work, work-related training or conferences/seminars. If you work a keep in touch day while you are in receipt of SAP or are on unpaid adoption leave, your line manager will need to notify HR Services in order for you to be paid at your normal rate for that day.

### **Paternity Leave (Adoption)**

10147 The FC contractual provision for paid paternity leave will apply for the (male or female) partner of an adopter who is taking statutory adoption leave (whether this is with another employer or not). Leave will be given provided that the you are the adopter's spouse or partner and have or expect to have responsibility for the child's upbringing. If eligible for paternity leave (adoption) you should follow the guidance on paternity leave (paragraph 10123), provide details of the Adoption Agency and matching date and complete the application form for Paternity Leave (Adoption) available on the [HR Intranet site](#) – Form E Notification of Statutory/Contractual Paternity Leave/Paternity (Adoption) Leave.

10148 The effect of the adoption leave provisions is that, if a couple are adopting, one will be eligible for the full adoption leave (which may be with another employer) and one will be able to take paternity leave (adoption).

10149-10159 Unallocated

**SUMMARY OF PAYMENT ENTITLEMENTS (CONTRACTUAL AND STATUTORY) FOR MATERNITY, PATERNITY AND ADOPTION**

	<b>Maternity</b>	<b>Paternity</b>	<b>Adoption</b>
<p><u>FC Contractual</u></p> <p>**</p>	<p>If you have 1 year's service with the FC or another Civil Service department, are in paid service when you are due to begin maternity leave and intend to return to work:</p> <p>- 26 weeks' Contractual Maternity Leave at normal pay rate (which includes earnings' related SMP) and a further 13 weeks at standard SMP rate, followed by a further 13 weeks unpaid maternity leave.</p>	<p>No service requirement. Male employees can take Contractual Paternity Leave of 2 weeks (=10 working days for full time staff) at normal pay rates, which includes SPP. The leave must be taken within 8 weeks of the baby's birth.</p> <p>Pro rata entitlement for part time staff.</p> <p>Paternity leave (adoption) can be taken by one partner of a couple adopting, (or the partner/spouse of an adopter) where the other partner is taking Statutory Adoption Leave.</p>	<p>If you have 1 year's service with the FC or another Civil Service department, are in paid service when you are due to begin adoption leave and intend to return to work:</p> <p>- One partner of a couple adopting, or a single person adopting, can take 26 weeks' contractual Adoption Leave at normal pay rate (which includes earnings' related Statutory Adoption Pay) and a further 13 weeks at standard SAP rate, followed by a further 13 weeks unpaid leave.</p> <p>(NB. If your partner is taking Adoption Leave with the FC <b>or</b> another employer, you will be eligible <b>only</b> for paternity leave (adoption) from the FC.</p>
<p><u>Maximum Statutory</u></p> <p>If you have 26 weeks' continuous employment with the FC by the 15<sup>th</sup> week before the EWC or leading into the week in which you are notified of being matched with a child for adoption</p> <p>**</p>	<p>You will usually be entitled to Statutory Maternity Pay lasting 39 weeks with a further 13 weeks leave which is unpaid. Total of 52 weeks.</p>	<p>The statutory entitlements to SPP and leave apply. But Contractual Paternity Leave provisions (no service requirement) will apply to all fathers (see above).</p>	<p>Statutory Adoption Pay for 39 weeks with a further 13 weeks unpaid. Total of 52 weeks.</p>

<p><b>Minimum Statutory</b></p> <p>If you don't qualify for SMP/SAP</p> <p>**</p>	<p>All pregnant employees, regardless of length of time worked with the employer, will be entitled to take up to 52 weeks' maternity leave (ML), provided the contract of employment is due to continue.</p> <p>You are likely to qualify for Maternity Allowance provided your average earnings are above a certain limit. Contact your local Job Centre Plus/Social Security office for further information.</p> <p>In circumstances where only MA is paid, the FC will give you 2 weeks' special paid leave, which will cover 2 weeks of the maternity leave period. Part time staff will be eligible for a pro-rata provision.</p>	<p>Although there is no statutory right to Paternity Leave/Pay with less than 26 weeks service, the Contractual Paternity Leave provisions (2 weeks) will apply to you if your employment is due to continue. (See above).</p>	<p>There is no right to statutory adoption leave without 26 weeks qualifying service. The FC will, however, give you two weeks' special paid leave, which equates to the paternity leave provision. Part time staff will be eligible for a pro-rata provision.</p>
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SMP = Statutory Maternity Pay  
SAP = Statutory Adoption Pay  
SPP = Statutory Paternity Pay

\*\* If you are on a temporary, recurring temporary or part year permanent contract due to expire during a period of leave you should contact HR Services, Silvan House for advice on your entitlements, which are likely to differ from those shown.

**NB** For part time staff a week's paid leave equates to the normal contractual weekly working hours.

## SICK LEAVE

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## SICK LEAVE

### General

10160 This section sets out the conditions under which sick leave is granted. The Commission must maintain a record of sick absence and it is essential that you, as a member of staff, and your line manager, follow the procedures for notification of sick absence set out in paragraphs 10161-10163. All sick absences, whether self-certificated or certificated by a doctor, will count towards your sick absence record.

The Commission's policy for monitoring sick absence is shown in Chapter 4.

### Notification of Sick Absence

10161 You must normally inform your line manager by telephone, on the first working day on which you are unable to work because of illness. You should do this by the time that you would normally arrive at work. You are expected to make every effort to get somebody else to phone in on your behalf, if you cannot get to a phone yourself. If you fail to do so, your pay may be stopped. Where, exceptionally, you really were not able to let your line manager know and the Commission is satisfied that you have a genuine excuse, your pay will be restored. You must complete a certificate of incapacity (OR4) on return to duty (if the absence is 7 calendar days or less) or send a medical certificate to the Commission on the 8th day (see paragraphs 10165 and 10166).

10162 Your line manager will notify HR Services immediately of your absence on form OR2 and they will ensure that you complete a certificate of incapacity (OR4) on your return to work. If you fail to complete form OR4 for your absence, your pay can be stopped. The completion of these forms by both the manager and the employee acts as a safeguard against errors, ensures that all sick absence is quickly and accurately recorded and input into the salary system and that the reason for sick absence is properly recorded.

10163 Annual leave should not be taken instead of sick leave however, if you are ill whilst on annual leave you can phone your manager to let him/her know that you are sick. If you feel the period of incapacity seriously interrupts your annual leave then you should follow normal sickness notification and absence certification procedures if you want the period of sickness to be recorded as sick leave and not annual leave. Pay will then be at the appropriate sick rates.

### Evidence of Incapacity and Self-Certification

10164 To qualify for sick pay, you must produce evidence of incapacity and its cause throughout any period of sickness. The Commission will refuse sick pay if evidence is not provided. Evidence of incapacity may be either a self-certificate provided by you (OR4) or a medical certificate from a doctor. Certificates should be sent as soon as possible via your line manager to HR Services, Silvan House. In no circumstances should you send it directly to the Department of Social Security.

10165 For any period of incapacity lasting 7 calendar days or less you must certify your own inability to work by giving the duration and nature of your illness on a form OR4. Saturdays, Sundays (or your normal non-working days if you do work at weekends) and public and privilege holidays count towards the total of 7 days when the period of sickness bridges a weekend or public holiday.

10166 Once the absence exceeds 7 calendar days, you must produce medical evidence in the form of a statement of incapacity completed by a qualified medical practitioner. Doctor's statements and reports are treated strictly in confidence. Self-certificated sick leave cannot immediately follow a period of certificated absence. If you are still ill you need to obtain further doctor's certificate.

10167 If you consult your doctor during the first 7 days of your incapacity and he/she is satisfied that you will be unable to work for a longer period, he/she may issue a medical certificate which covers only a forward period from the date of consultation. In these circumstances you must certify your own absence for the period of illness PRIOR to the date the certificate is issued.

10168 Unless otherwise stated, a medical certificate will be taken as covering an absence of up to 7 days (including Saturdays, Sundays, and public and privilege holidays). Hospital in-patient certificates will be accepted as covering the stated period or one month, whichever is the shortest. You are not required to

provide a final or clearance certificate (except after an infectious disease) provided you resume duty within the time specified. If you are not fit to resume work a further certificate must be provided.

### **Medical/Dental Short Absence**

10169 If you need medical or dental treatment which is likely to involve a full day's absence, you should, where possible, produce an appointment card or letter and seek permission in advance from your line manager. Your absence will then be reported as though covered by a medical certificate. OR2/4 must be completed for full day absences.

### **Sick Absences of Less Than One Day**

10170 If, because of illness, you either arrive late or stop work during the course of the day, you may be regarded as having attended for the whole day provided your manager is satisfied that you were ill. Late arrival or absence during working hours because of the need to keep an appointment with a hospital, doctor or dentist may be excused provided it has been previously arranged with your line manager. Regular absence for a course of treatment not exceeding 4 hours a week may also be excused, if you produce your appointment card or other medical evidence. However, where absence exceeds 4 hours per week, the times of absence must be reported, aggregated and may be recorded as sick leave.

### **Abuse of Sick Leave Concession**

10171 It is the responsibility of your line manager to ensure that the concessions under the above paragraphs are not abused. Where abuse is suspected and appears to continue after due warning, the matter will be reported to your Head of Unit and disciplinary action may be taken.

### **Non Working Days Falling Within a Period of Sick Absence**

10172 Non-working days (e.g. Saturday and Sunday for staff working Monday-Friday), public and privilege holidays which occur within a period of sick absence are included as part of your sick absence. Non-working days which occur at the beginning or end of a sick absence do not count as part of the absence. Sick absence which occurs on a day which is partly a non-working day (e.g. Maundy Thursday) is treated as a whole day of sick absence. Where a public or privilege holiday occurs during a sick absence, if you are on reduced pay, then payment in respect of the holiday will continue to be at the rate you would be entitled to under sick leave regulations.

### **Continuity for Sick Leave Purposes**

10173 Any sick leave which you have taken during any previous service (for example with another Department) will be counted as reckonable when calculating the maximum limits of paid sick leave laid down in paragraphs 10177 and 10178.

### **Infectious and Other Diseases Involving Risk to Colleagues**

10174 If you are suffering from a notifiable infectious disease you must obtain a clearance statement before resuming duty. In this context 'infectious diseases' excludes scarlet fever, measles, german measles, whooping cough, chicken pox or mumps. If you have been in contact with any infectious disease you should not report for duty if either the Medical Officer of Environmental Health in England and Wales, or the Chief Administrative Medical Officer or designated officer of the Health Board of Scotland has so advised. You should inform your line manager of the position.

If you have been in contact with diphtheria and a swab has been taken, you should not return to duty until you have obtained a clearance certificate.

In either case your absence will be treated as special leave with pay. If either the Medical Officer for Environmental Health (Proper Officer) in England and Wales, or the Chief Administrative Officer in Scotland, issues a certificate covering your absence, you will qualify for sickness benefit under the Social Security Acts. Your pay will be adjusted as if it were sick pay. If you have been in contact with an infectious disease, you must avoid further contact wherever possible.

### **German Measles**

10175 If you are in close contact with a case of German measles (i.e. usually in the family) you should report the fact to your line manager where there is a likelihood of very close contact at the office with another member of staff who is in the first 16 weeks of their pregnancy. In such cases line managers are asked to ensure that either you or the pregnant woman is moved to another room on a temporary basis.

### **Illness Involving Risk to Others**

10176 Line managers must advise HR Services, Silvan House, who will refer to the Medical Adviser any case of illness which involves risk to you or to colleagues.

In particular:

- Respiratory (pulmonary) tuberculosis.
- Conditions causing unacceptable behaviour or performance of duty when you are not on sick leave e.g. suspected mental disease, alcoholism or drug addiction;
- Conditions liable to render you unfit to carry out your duties (such as driving) e.g. epilepsy, vertigo, angina pectoris, coronary thrombosis and other heart diseases.

### **Sick Pay**

10177 Subject to the rules set out in paragraphs 10160 to 10176, and provided that there is a reasonable prospect of your recovery and return to work, you may be allowed full pay followed by half pay for periods of sick absence within the maximum limits shown below. When your full or half pay has ceased it will not be restored during the same sick absence, even if the restriction ceases to apply, because of the passage of time (but see 10192 SPPR). These limits do not preclude management from taking action earlier where medical advice indicates that you are unlikely to return to work, or to return within a reasonable period.

### **Maximum Period for Full Pay, Half Pay and Statutory Sick Pay (SSP)**

The following are the maximum periods which may be allowed:

#### **Full Time Staff**

a. Not more than 182 days in all on full pay during any floating 12-month period. Thereafter, on half pay (subject to a maximum of 365 days sick absence in any floating 4-year period or less).

#### **Part Time Staff**

b. Proportionate number of days in the floating year or 4-year periods according to the number of days worked in each week.

Part-time staff who do not normally work on each day of the working week may be allowed sick leave up to the following limits.

a. In a one year period

A part-timer attending on:

1 day      2 days      3 days      4 days      each week

is entitled to full pay for up to:

26 days      52 days      78 days      104 days

b. In a 4 year period

A part-timer attending on:

1 day      2 days      3 days      4 days      each week

is subject to an overriding maximum in a floating 4 year period of:

52 days    104 days    156 days    208 days

### **Short Term Temporary Appointments (including Recurring Temporary Appointments)**

c. If an individual on a casual appointment is re-employed on another casual appointment, sick leave entitlement is reckoned from the date of re-employment - there is no continuity of sick leave between two periods of casual service. For periods of casual service to be treated as separate appointments there must be a break of at least one week between termination and resumption, otherwise the two periods will be treated as being continuous service. If the individual is given a permanent position their sick leave entitlement is reckoned from their date of entry into Commission employment provided there is no break in service between casual and permanent employment - i.e. casual service will count towards sick leave entitlement.

### **Permanent Part Year Appointments**

d. As per normal contract during the actual periods worked. Time not worked does not count as service for the accrual of sick pay entitlement under the '1 in 4' rule.

### **Short Notice Appointments**

e. No entitlement to paid sick leave.

### **Staff Working Alternate Weeks**

f. Entitled to the same paid sick leave as a full-time member of staff with only the working weeks being counted for sick leave entitlement purposes i.e. not more than 182 days in all on full pay during any floating 2 year period. Thereafter on half pay (subject to a maximum of 365 days sick absence in any floating 8-year period or less).

### **Staff Working a Fixed Pattern Spanning Two Weeks**

g. As for staff working alternate weeks.

### **Standby Appointments**

h. No entitlement to paid sick leave. If absence is due to an industrial injury or disease you must contact HR Services, Silvan House.

### **Reckonability of Service**

10178 The following do not count in reckoning towards the periods of service of 12 months and 4 years which govern the rate of allowable sick pay: secondment, special leave without pay, sabbatical leave and special leave for sandwich courses (but see Chapter 19 concerning absences due to an injury sustained or a disease contracted in circumstances which satisfy conditions for payment of injury benefits under the CSPS).

### **Exhausting Sick Pay**

10179 If you have exhausted your entitlement to full and half pay through absence due to ONE long illness or injury and then fall sick again after return to duty, you may be allowed further paid sick leave within a period of 12 months for:

- a. minor ailments unrelated to the original illness or injury;
- b. continuing treatment of the original illness or injury and the after effects.

## **Pregnancy**

10180 A woman who is absent from work due to illness will normally be able to take sick leave until she starts maternity leave on the date previously notified to HR Services. If the illness is unrelated to her pregnancy she can remain on sick leave and be entitled to Statutory Sick Pay right up to the date of the baby's birth, or until the date she has notified the Commission as the start date for maternity leave.

If however, the illness is pregnancy-related, the maternity leave period starts automatically on the first day of absence following the beginning of the fourth week before the expected week of childbirth. This applies even if the day of absence is before the date you have notified as the date on which you intend to leave to start (or before she has notified any date).

Odd days of pregnancy-related illness may be disregarded at the Commission's discretion if you wish to defer the start of her maternity leave period.

In order to preserve your rights, you must as soon as is reasonably practicable give notice (in writing if requested) of the reason for your absence.

The same arrangements apply if your absence is for some other pregnancy-related reason, such as pregnancy-related fatigue. This does not include time off for antenatal care, however.

## **Resignation During Sick Leave**

10181 If you give notice of resignation before or during a period of sick leave, then sick pay will normally be paid to you for the period of the notice, subject to a maximum of one month and provided you provide the usual certificate from a medical practitioner. This may be exceeded if you have a satisfactory attendance record and give notice over a longer period. Your pay (but not SSP) may be withheld from the date of receipt of your notice, if you have less than 6 months service. SSP may be payable up to the date when you cease to be employed.

## **Statutory Sick Pay (SSP)**

10182 Employers are required to pay SSP for days which form a period of incapacity to work for a maximum of 28 weeks (140 working days).

## **Action After Payment of Full SSP Entitlement**

10183 On expiry of your full statutory entitlement to SSP, the rules covering adjustment of sick pay to take account of Social Security Incapacity Benefit come into effect (see paragraphs 10200 to 10202).

## **Casual and Limited Period Appointments - SSP**

10184 With effect from 1 October 2002, short-term employees are entitled to statutory sick pay. There has to be, however, a period of incapacity for work lasting 4 or more consecutive days. SSP is not payable for the first 3 qualifying days. All other qualifying requirements for SSP have to be met.

10185-10189 Unallocated.

## **Re-employed Pensioners**

10190 You will be eligible for sick absence terms applicable to your status on re-employment provided either:

- a. you retire on grounds of age or ill-health with a pension and/or gratuity; or
- b. you are prematurely retired with a continuing annual compensation payment, and are re-employed with or without a break in service. All sick absences will be counted against sick absence allowances irrespective of whether sick pay and/or pension is paid.

10191 Unless you are re-employed on a casual basis, any sick absence taken before retirement will be taken into consideration in reckoning entitlement to paid sick absence. If you are on sick absence at the date of your retirement and the absence is likely to be lengthy then the Commission may withdraw its offer of continued employment. If long periods of sick absence occur or are expected, then termination of your service will be considered.

### **Payment of Sick Pay at Pension Rate**

10192 If you are superannuable under the Civil Service Pension Scheme and have exhausted your entitlement to paid sick leave, it may still be possible for you to continue to be paid at a reduced rate during further sick leave. However, the Commission must be satisfied that there is a reasonable prospect that you will recover and return to work. Accordingly the Medical Adviser will first be consulted. If it is concluded that your recovery is possible, reduced pay may then be allowed. Your rate of pay, however, will not exceed the amount of pension for which you would have qualified had you been retired on ill health grounds on the day when all your paid sick absence was exhausted. This day will be treated as your last day of service for the purpose of calculating your sick pay at pension rate. The rate will not be re-calculated (other than for pension increases proposed as explained in paragraph 10194) until you have returned to work, requalified for paid sick leave either on full or half pay and then again reverted to sick pay at pension rate.

10193 The Commission has discretion to extend such sick absence payment (continuously or in broken periods) for up to 12 months from the end of normal sick absence. Sick absence at this rate of pay may continue beyond the 12 months period only for so long as approved by the Commission's Medical Adviser.

10194 If you are on sick pay at pension rate you may receive a percentage increase equivalent to the percentage by which a pension which began on the same date as your period of sick pay at pension rate would be increased.

10195 Service will not accrue during any period whilst you are in receipt of SPPR. The period will accrue statutory holiday entitlement.

10196 If you are covered by another pension scheme which:

- a. provides for regular and continuing payment on retirement on medical grounds; and
- b. does not provide for sick absence paid at pension rate to be reckonable for pension purposes, then paid sick leave in addition to that allowed under paragraph 10177 may be granted. Such cases must be approved by HR Services, Silvan House.

10197-10199 Unallocated

### **Adjustment of Sick Pay to Take Account of Social Security Benefit**

10200 In general your sick pay will be adjusted to ensure that your ordinary pay is not exceeded by the sum of Social Security sickness benefit, invalidity benefit for your own incapacity (including allowances for adult and child dependants) or maternity allowance (if you are a woman) and sick pay.

10201 A married woman or a widow, who has elected to be exempted from liability to pay National Insurance Contributions, will have her sick pay adjusted:

- for any non-contributory invalidity pension to which she may be entitled; and
- for any sickness or invalidity benefits for which she may be eligible by previous insurance contributions; or
- for sickness/invalidity benefit when the incapacity is due to an industrial accident or a prescribed disease.

No adjustment will be made in the following circumstances:

- if you are a re-employed pensioner reverting to pension during sick absence; or

- if there is no entitlement to benefit; or
- for disablement benefit, special hardship allowance, invalidity benefit for the incapacity of a civil servant's wife or dependants, or for maternity grant or death grants.

10202 If you are receiving benefit you must produce the appropriate benefit statement from the DSS so that actual deductions may be made.

These certificates are:

- Sickness or invalidity benefit BS 12;
- Maternity allowance BM 9C or other official notification.

If you have not claimed the full benefit to which you are entitled, then the full deduction will nevertheless be made unless the Commission is satisfied with the explanation given. If the Commission is in doubt about your exact entitlement then a provisional deduction will be made.

10203-10204 Unallocated

### **Sick Pay Rate for Part-time Staff**

10205 Sick pay for part-time staff will be based on their normal rate of pay calculated as follows:

- For those who work regular hours, sick pay is calculated on the hours they have undertaken to work.
- For permanent staff who work irregular hours, calculation is based on the average weekly hours worked in the immediately preceding 13 weeks.
- For casual staff who work irregular hours, as b above based on the immediately preceding 4 weeks.

Social Security benefits will be deducted from the sick pay unless a certificate from another employer is produced stating that the amount of benefit is being deducted by them.

### **Re-employed Pensioners**

10206 To avoid the need for the rate of pension being paid to be adjusted when a re-employed pensioner goes on sick leave, payments are shown in the table below. HR Services, Silvan House will:

- obtain pension details in sufficient time to put the correct rate of sick pay into payment on the appropriate date; and
- inform Pensions staff of any sick pay at pension rate in issue immediately prior to cessation of re-employment.

References to pension include the continuing annual compensation payment awarded in cases of premature retirement other than on ill-health grounds.

### **Payments to be made by:**

<u>Rate of Sick Pay</u>	<u>Employing Department</u>	<u>Pension Department</u>
Full pay	Full re-employment pay less a deduction	

for Social Security benefit (sickness or invalidity) if there is no entitlement to SSP.

Half pay	1. Half re-employment pay adjusted if necessary to ensure that sick pay plus SSP (where appropriate) or sick pay plus Social Security benefits (sickness or invalidity) does not exceed full re-employment pay.	Pension at rate already in issue, i.e. full abated or nil.
pay	2. Additional sick pay as necessary to bring total payments excluding Social Security benefit (sickness or invalidity) to the full pension level including pension increases when applicable.	(A 'nil' pension applies if re-employment pay is equal to or greater than retiring in which case, nothing is paid by the pension paying department.
No pay	1. Special sick pay to bring payments, excluding Social Security benefit (sickness or invalidity) to the full pension level including pension increases where applicable.	
	2. Additional sick pay as necessary to bring total payments excluding Social Security benefit to the amount they would have received from a reassessment of their award had they ceased to work on the day of paid sick leave (authorised or determined as in paragraph 10192).	

### Part-time Attendance on Medical Grounds

10207 You may, on resuming duty after sick absence, work part-time on medical grounds, to help you become fit for full-time duty. This concession is allowed only on the recommendation of the Commission's Medical Adviser for a period not normally exceeding three months. The aim throughout the period of part-time attendance is to progressively increase your hours. You must attend on each normal working day and your attendance must amount to at least 15 hours (net of lunch breaks) each week. Part-time attendance on medical grounds is regarded strictly as an alternative to sickness absence and the hours that you do not work will accrue as sickness absence. If annual leave is granted during this period, payment will be made at the normal daily rate of pay (including sick pay) that you would have been due had you not taken annual leave.

10208 If during the period of part-time employment you are in receipt of SPPR then time worked will reckon for that year's annual leave allowance all other time will accrue statutory holiday entitlement.

10209 Your pay whilst attending part-time on medical grounds will be calculated on the basis of proportionate pay for the (net) hours worked.

Example: Conditioned hours 37 (net) a week.

Attendance 25 (net) a week (i.e. 5 hours net a day).

The individual would receive:

$\frac{25}{37}$  x full pay plus  $\frac{12}{37}$  x appropriate sick pay.

### Calculation of Sick Absence whilst Working P/T on Medical Grounds

10210 The following formula is used to calculate sick absence if you are working part-time on medical grounds. The (net) hours not worked (including normal non-working days Bank and privilege holidays) will be aggregated and recorded as certificated sick leave. The total will be rounded to the nearest half day at the end of the period of attendance.

For example, if the sick pay is 12/37ths of the appropriate rate then the sick absence to be recorded is:

$\frac{12}{37} \times 7 \text{ hours } 24 \text{ mins} = 2 \frac{1}{2} \text{ days sick absence each week.}$

10211 Where the Medical Adviser recommends period of part-time service longer than 3 months (or the initial period of 3 months is extended on their recommendation) you will be told that you may continue to work part-time but service will reckon as full-time service only while you remain eligible for sick leave at full or half pay. Once this is exhausted, your part-time service will be treated in accordance with paragraph 10208.

#### **Repayment of Sick Pay when Claiming against Third Parties (e.g. Traffic Accidents)**

10212 If you have an accident in a private vehicle (either on or off duty) which causes a period of sick leave you should inform your HR Services contact prior to making a claim against a Third Party. Any claim should include an amount to repay the sick pay paid to you during your absence and your HR Services contact will notify you of the appropriate amount. If the claim is successful you must arrange to repay the amount of sick pay immediately to the Forestry Commission. If you decide not to claim damages or the claim is unsuccessful you will not be required to repay the sick pay and the Commission will not pursue the claim.

10213 Any member of staff who is in an accident involving an FC vehicle, a CAPES vehicle or a hired car should refer to Staff Notice 12 – Traffic Accidents and Prosecutions for guidance.

10214-10220 Unallocated

**EXCLUSIONS FROM SSP**

The Social Security and Housing Benefits Act 1982, as amended by the Health and Social Security Act 1984 and the Social Security Act 1985, provided for the payment of SSP for up to 28 weeks in any period of incapacity for work (PIW) to all employees except those who, at the commencement of the period of (PIW) (unlinked or linked):

- a. have average weekly earnings which are less than the lower weekly earnings limit for national insurance contributions (NIC) for SSP purposes average weekly earnings include any wage, bonus or other payment which is treated as earnings for NIC purposes;
- b. are women who are pregnant and whose maternity leave period has begun;
- c. report sick during a stoppage of work at the place of employment due to a trade dispute, unless he/she has not taken part in the trade dispute and has no direct interest in it;
- d. have already been due 28 weeks of SSP from their previous employer(s).