

Reference: 2025-007

Thank you for your email in which you requested the following information under the Freedom of Information Act 2000 (FOIA):

I wish to request copies of the following:

- 1. Annual leave policy**
- 2. Maternity leave policy**
- 3. Travel, subsistence and expenses policy (including limits for accommodation and subsistence)**
- 4. Pay policy**
- 5. Working outside UK / International remote working policy.**

Response

Please see below our response to your questions in the order asked.

Question 1

Please see Annex A.

Question 2

Please see Annex B.

Questions 3 & 5

With regards to working outside the UK, all SFO staff are based in the UK and not overseas. We have informal hybrid working arrangements in place and staff are expected to attend the office regularly.

The SFO holds the information you have requested. However, this information is exempt by virtue of Section 31 of the FOIA.

Section 31(1) provides that:

Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the prevention or detection of crime,*
- (b) the apprehension or prosecution of offenders,*
- (c) the administration of justice.*

How the exemption is engaged

The SFO's policies relating to travel, expenses and working overseas contain information specific to our operations and the ways in which we conduct our investigations. This information, if disclosed, would risk revealing the internal rules governing aspects of live covert investigations, such as how we choose accommodation, undertake travel, or work when abroad. This information could in turn be used by those we investigate to prejudice open covert cases which would undermine our investigative functions. Therefore, this information is exempt from release under section 31 of the FOIA.

Public interest test

We acknowledge that there is public interest in understanding the general process the SFO uses to investigate fraud, the resourcing of our work, and how public money is spent. We publish details of our policies, including people management information, where possible, including through our vacancy listings on Civil Service Jobs. However, for the reasons set out above, releasing all the requested information would likely prejudice the prevention and detection of crime, the apprehension and prosecution of offenders and the administration of justice.

We therefore consider that the stronger public interest lies in maintaining the exemption at section 31(1) of the FOIA. The Information Commissioner has acknowledged that there is public interest in safeguarding the investigatory process and allowing a safe space for investigations to take place without the premature release of information. More information about the FOIA and its exemptions can be found on the Information Commissioner's Office's website at: [Information Commissioner's Office \(ICO\)](#).

Question 4

The SFO does not hold this information.

Annex A - Leave Policy

The SFO recognises the importance of having an efficient and effective workforce to ensure it can meet business needs.

The policy takes account of employees' need to balance working life with personal responsibilities. This policy covers different types of leave including annual leave; public holidays and paid/unpaid Special Leave.

Records will be kept of all leave taken. All leave must be recorded in line with leave approval procedures. All Special Leave must be appropriately approved and will be recorded on the HR system. All records will be kept confidential and in accordance with the Data Protection Act 2018.

Scope

The Leave Policy applies to all permanent and fixed term employees within the SFO. All employees are expected to familiarise themselves with the contents of this Policy.

Roles and Responsibilities

All employees are responsible for managing their own time and personal commitments. Requests for leave should be made in advance and should have due regard to the needs of the team and of the business.

Employees are responsible for accurately recording annual and special leave.

Line Managers should ensure that all staff make appropriate use of their full annual leave entitlement and, when agreeing to leave requests, should take steps to balance the needs of the individual with the needs of the business. Line managers should ensure that employees are properly recording annual leave.

Professional advice and support is available at all stages from Human Resources (HR). HR are responsible for monitoring the implementation of the policy and confirming leave entitlement.

Annual Leave

Entitlements

Employees appointed on or prior to 31 December 2015		
Grade	Length of Service	Entitlement
AO-G6	On entry	26.5
	5+ years	32.5
Employees appointed on or after 1 January 2016		
Grade	Length of Service	Entitlement
AO-G6	On entry	25
	5+ years	30

SCS leave entitlements will be as set out in their contract.

Transferring Civil Servants

Individuals who are civil servants on or before 31st December 2015 but transfer to the SFO after 1st January 2016 join the SFO on their existing annual leave entitlement up to a maximum of 32.5 days.

Those who transfer to the SFO, with entrance into the Civil Service on or after 1st January 2016 will have the entitlements outlined in the above table.

Employees working less than 41 hours per week will be entitled to annual leave calculated on a pro-rata basis. Employees working 41 hours per week but in a compressed or annualised format will also have an hourly annual leave entitlement.

The formula for calculating the hourly annual leave entitlement is included in the Leave Guidance.

The annual leave year runs from the employee's start date with the SFO for a further 12 months, and thereafter at every anniversary of the employee joining. Employees on loan from another Government department will normally retain their existing leave year arrangements.

Annual leave continues to accrue during periods of sick leave, special leave with pay, paternity leave, maternity and adoption leave and during periods of secondments. During periods of unpaid sick leave that is either unpaid or at the SSP rate, leave is only accrued at the statutory rate.

Annual leave is not accrued during career breaks or any other periods of unpaid absence.

For details of entitlement to annual leave and public holiday accrual during Maternity Leave please refer to the Maternity, Paternity and Shared Parental Leave Policy.

Procedure for taking annual leave

Employees must request annual leave for approval via the system giving reasonable notice. The Line Manager should authorise the annual leave, after verifying that the employee has enough leave entitlement remaining and subject to sufficient cover within the team.

The Line Manager may reasonably turn down requests for annual leave if the employee is required to be at work due to the needs of the business.

Buying and Selling Annual Leave

The Buying and Selling of Annual Leave scheme allows employees to increase or decrease their annual leave entitlement in the course of the leave year.

Employees who have completed 6 months service may buy or sell their annual leave entitlement, subject to their Line Manager's agreement.

Employees may only buy or sell a maximum of 5 days in any leave year, and only full days can be bought or sold.

Employees are not permitted to sell annual leave if that would result in them taking less than 20 days annual leave per year (excluding public holidays).

Annual Leave may only be bought or sold during the final month of the employee's leave year. Employees who wish to buy or sell annual leave should gain authorisation from their Line Manager and submit any requests to HR during the final month of their leave year.

Requests may be submitted using the 'Application to Buy or Sell Annual Leave' form.

HR will make arrangements for additions or deductions to be made in the next monthly pay run. Guidance on how to calculate the cost of buying/selling leave is included in the Leave Guidance.

Carry over of annual leave

The SFO encourages all employees to take their annual leave entitlement each year however, there may be circumstances where employees are not able to take all of their accrued annual leave. In such instances, employees may be permitted to carry over annual leave from one leave year to the next.

A maximum of ten days may be carried over to the next annual leave year without prior approval subject to employees taking a minimum of 20 days within the current annual leave year. Part time workers are permitted to carry over the equivalent amount of leave proportionate to the hours they work (e.g. an employee working 3 days a week would be able to carry over a maximum of 6 days leave).

In exceptional circumstances, Line managers have discretion to agree to a higher level of leave carry over if an employee has not been able to take all their accrued annual leave. Where this does occur there must be a plan to ensure the full entitlement is taken during the following leave year. Employees will not be able to routinely carry over in excess of 10 days year on year and, except where leave has been refused for business reasons, if the full entitlement is not taken in future years the leave will be lost.

In exceptional circumstances, employees may bring annual leave forward from the upcoming annual leave year subject to approval. Heads of Division have discretion to authorise the request if the employee is still guaranteed to have at least 20 days annual leave in the next leave year (pro-rata for part-time staff) e.g. an employee with an entitlement of 25 days could only bring forward a maximum of 5 days. Allowing for 30 days paid leave in the current year and leaving 20 days for the upcoming leave year.

Any such request should only be approved if it is felt that the demands of the work will be met if the days brought forward will result in a long absence in the current year.

Annual leave entitlement upon leaving the SFO

Employees who leave the SFO mid-way through their annual leave year are entitled to pro rata annual leave (e.g. an employee with an entitlement of 25 days who leaves 6 months into their leave year will be entitled to 6/12 of their leave entitlement which would be 12.5 days).

If it is not possible for the employee to take their annual leave prior to their departure any outstanding annual leave will be paid to the employee in their final pay. If an employee has

taken more annual leave than they have accrued before they leave, deductions will be made in their final pay.

Public Holidays and the King's Birthday

- All full-time employees are entitled to paid leave for the standard 8 public holidays throughout the year in addition to their annual leave entitlement. This also applies to any additional public holidays that may be granted. The standard public holidays that apply are: New Year's Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday, Late Summer Bank Holiday, Christmas Day and Boxing Day.
- In addition to public holidays, all staff are entitled to 1 day per year for the King's Birthday. This is a floating day which can be taken at any time, between the end of May and the end of August.
- Employees who are contracted to work less than 41 hours per week (or who work compressed hours) are entitled to time off for public holidays and the King's Birthday on a pro-rata basis. These employees are expected to keep a record of their public holiday Leave entitlement along with their normal annual leave recording. Further guidance on how to calculate entitlements for those employees is included in the Leave Guidance.
- If for any reason an employee is required to work on a public holiday, they will be entitled to a day off in lieu of the holiday as soon as possible after the event. In certain circumstances an employee may, instead, be entitled to paid overtime for working a public holiday. This will only be in cases where overtime payments have been authorised in advance. Where overtime is paid the employee will not be entitled to time off in lieu.

Special Leave

As outlined in Section three 'Roles and Responsibilities' all employees are responsible for managing their own time and personal commitments. However, the SFO recognises that there will be occasions where an employee may not have sufficient annual or flexi leave to cover unexpected personal commitments. In these circumstances Special Leave, with or without pay, is available as a benefit to support employees.

Special leave is also available as a benefit to cover a number of other activities.

There is, however, no right to special leave and agreement is always at the discretion of Line managers and subject to the needs of the business.

In some circumstances, Flexible Working arrangements may be a more beneficial solution. Refer to the Flexible Working Policy for further guidance.

Procedure

The employee will submit an email/letter to their Line Manager, giving as much notice as possible, requesting Special Leave and explaining in as much detail as possible the reasons for requesting the leave. The Line Manager will give serious consideration to the request and, if appropriate, will grant Special Leave. The Line Manager will confirm how long Special Leave is granted for and whether it is paid or unpaid.

The Line Manager will forward the request and the written reply to HR to ensure payroll and the employee's file is updated. In exceptional circumstances where time is limited, the Line Manager will email HR immediately upon granting a Special Leave request.

In considering Special Leave requests, Line Managers look at factors relating to the reasonableness of the request, the length of time required, remaining annual leave entitlement, attendance and performance record and the needs of the business.

When they receive a request for special leave they will:

- Consider the request reasonably;
- Think about the length of time required and, if appropriate, the remaining annual leave entitlement;
- Consider the employee's previous attendance record;
- Meet with the employee to discuss the request and potential impact on the business;

The Line Manager's decision is final and there is no right of appeal. Line Managers should consult HR before communicating the decision to ensure consistency is being applied across the organisation.

If employees need further time off work to deal with any of the situations below, they should discuss flexible working arrangements with their Line Manager as soon as possible.

If employees take special leave with pay to work for another organisation, they are not permitted to accept or claim attendance fees or any compensation other than for travel and subsistence. The only exemption from this rule is for members of the Reserve Forces, Territorial Army and Cadet Forces who are permitted to accept payments which result from such service.

Types of Special Leave

Domestic reasons

Line Managers have discretion to grant paid special leave to deal with the following unforeseen circumstances:

Within a 12 month period:

1. Up to 2 days paid special leave may be authorised to allow an employee to deal with flood, fire or burglary in the family home.
2. Up to 5 days paid special leave may be authorised in the case of bereavement at the death of a close relative, partner or dependant.

Leave for reasons relating to maternity, paternity or parental leave are dealt with under the Maternity, Paternity and Shared Parental Leave Policy.

Caring for close relative or dependent

Definitions for caring relationships are:

Close Relative – A close relative is someone who is considered immediate family, whether that be by blood or adoption. For example mother, father, sibling, children, grandparents, or is someone with whom the employee has a close emotional relationship, this could include parents-in-law, sister/brother-in law, stepchildren, step-parents, aunts and uncles.

Partner – A partner is someone with whom the employee has a close stable relationship. This would include people who are married or in a civil partnership, or individuals who are living

together, including same sex partners, though they are not related by blood or marriage/ civil partnership.

Dependant – A dependant is a partner, child or parent, or someone who lives with the employee as part of the family, for example an elderly relative, and who relies on the employee for assistance as a primary carer.

Parental Bereavement Leave

In the incredibly sad event that an employee should lose a child the government has introduced a legal right to parental bereavement leave which is intended to support parents who lose a child under the age of 18 or who suffer a still-birth from 24 weeks of pregnancy. This change is effective from 6 April 2020.

- You are entitled to take two weeks paid bereavement leave. (Pro rata for employees who work reduced hours).
- You can choose to take your two weeks together, or in two separate blocks of one week each.
- You can take your leave at any time that is most beneficial for you and your wellbeing within a timeframe of 56 weeks of your child's death or stillbirth.

For further details please contact +HR. You are also reminded of other forms of support and guidance that are available to you during this difficult time such as the Employee Assistance Programme.

Line managers have discretion to grant paid special leave to deal with the following unforeseen circumstances:

- Up to 5 days paid special leave may be authorised to allow the employee to deal with problems and to arrange longer term care arrangements if a dependent, close relative or partner is involved in an accident, falls seriously ill, or if permanent care arrangements fail.
- Additional unpaid Special Leave may also be granted to deal with the above situations at the discretion of the Line Manager and Head of Division.

Education

Employees supported by the SFO to undertake further education studies will be notified of their entitlement to special leave on an annual basis.

Up to 5 days special leave with pay may be authorised in a 12 month period for employees who are funding their own further education studies. The subject being studied must have some relevance to SFO business and the employee may be required to explain the benefit of the study to their Line Manager.

Employees should also refer to the Professional Qualifications and Supplemental Training Policy for further information on how SFO supports continued education.

Volunteering

Employees are encouraged to participate in voluntary social/community activity and are therefore permitted to apply for Special Leave in the following circumstances:

Up to 6 days paid special leave may be authorised each year for voluntary public service such as employees who are School Governors, Local Councillors, Magistrates, Special Constables,

the Auxiliary Coastguard or RNLI and Civil Service Societies. Employees will be required to show original documentation that confirms this activity.

All civil servants have the opportunity to take three days paid special during any rolling one year period to undertake volunteering activities in their local community. Employees will be required to show original documentation that confirms the voluntary work and will also be required to show evidence that the work does not conflict or appear to conflict with the work of the SFO. Please discuss any volunteering opportunities you may wish to apply for paid time off to undertake with your line manager in the first instance.

Sporting Events

Up to 5 days Special Leave with pay each year may be granted to employees who have been selected to participate in international events such as the Olympics/Paralympics and Commonwealth Games.

Employees are expected to use their own annual leave/flexi-leave or to make an application for Special Unpaid Leave to participate in other sporting events including the Civil Service Sports Day.

Reserve Forces, Territorial Army and Cadet Forces

The SFO promotes and encourages Reserve Service by:

- Providing a minimum of 15 days paid special leave per year for employees to attend mandatory training.
- Dealing positively with requests for other types of leave to undertake additional Reservists activities.
- Offering support to employees before, during and after mobilisation, in consideration of individual circumstances.
- Recognising the transferrable skills and benefits to both the Department and society.

Further detailed guidance for Reservists and their Line Managers, including pre and post mobilisation, is available from the HR Team.

Trade Unions

Employees who are members of a recognised trade union are allowed reasonable time off for trade union activities covered by the facility time agreement.

Jury Service

All employees are eligible to serve on juries. As a juror, an employee is required to notify the court immediately if they know someone on the trial to which they are assigned. Additionally, employees would need to notify the court if they have any other connection with the trial, which might, or could appear to, threaten its fairness, if they were to sit as a juror. Employees need to apply to the Jury Central Summoning Bureau for their jury service to be transferred to another court, if they think there is a reason they should not serve.

Employees required for jury service will be allowed special leave with pay for the entire period they attend court. Please notify HR with the dates. Employees released early from jury service must inform their line manager and return to work at the earliest opportunity.

Line Managers must seek advice from HR when considering requests for special paid leave in excess of the limits set out above. Final approval from Head of Division or equivalent is required for all applications approved in excess of these prescribed limits.

Other Eventualities

Applications for Special Leave without pay in situations not described above will be given favourable consideration by Line Managers and Heads of Division where possible. Long term special unpaid leave for periods of 1 month or more is covered by the Career Break policy.

Flexi Leave

Employees can take up to one and a half days off each accounting period in respect of credit hours carried-over, subject to their line manager's approval. However employees cannot take Flexi leave if they are already in debit or if it means that they will go into debit. For further guidance refer to the Flexible Working Policy.

Abuse of leave/special leave

Deliberate abuse of leave or special leave could result in disciplinary action which may lead to dismissal. The SFO policy on Managing Misconduct provides for zero tolerance to dishonesty.

Leave Guidance

The purpose of this guidance is to help staff and managers calculate annual leave/public holiday entitlements for those working non-standard working patterns/hours or those interested in buying or selling annual leave.

Calculating Annual leave

Converting Annual leave entitlement into hours

Convert full time annual leave in days to hours as follows:

Full-time annual leave x full-time hours per day = full-time annual leave entitlement in hours

Example

25 days annual leave entitlement: 25 days x 7.2 hours per day = 180 hours per annum

Part-time workers – calculating annual leave entitlement

We use the following equation to pro-rata annual leave entitlement:

Net full time annual leave hrs ÷ Net full time weekly hrs x net weekly hrs worked = pro-rata entitlement

Note: Net = weekly hours worked minus lunch hours)

Compressed hours

Where an employee works compressed hours, they should convert their annual leave entitlement into hours, and should book their annual leave in hours.

Example

Employee works 36 hours per week over a 4 day period (9 hours net per day) with Monday as a non-working day, and with annual leave entitlement of 31 days per year 1.

1. Calculation of leave in hours: 31 days x 7.2 (working hours per day) = 223.20 hours per year.

2. Each day 9 hours needs to be booked (as per table below)

Dates		Hours booked	Running Total	Starting Balance:
From	To			223.2
05-Aug-15	07-Aug-15	27	27	196.2
08-Sep-15	11-Sep-15	36	63	160.2
14-Oct-15	16-Oct-15	27	90	133.2

Calculating Public Holidays for non-standard working patterns

Employees who are contracted to work less than 36 hours per week are entitled to a pro-rata hourly amount of time off for public holidays/King's Birthday proportionate normally worked on a weekly basis.

Public holiday/the King's Birthday entitlement in hours

Public holiday/privilege leave/King's Birthday entitlement amounts to 9 days per annum in addition to annual leave. Part time workers are entitled to a pro rata amount of public holiday/King's Birthday leave entitlement.

9 days = 64.8 hours per annum (9 days x 7.2 hours per day). When calculating pro rata the public holiday/King's Birthday leave entitlement for part time workers, we use the following equation:

Net full time public holiday/King's Birthday ÷ Net full time weekly hrs x net weekly hrs worked = pro-rata entitlement

Public holiday/King's Birthday leave entitlement runs from January to December.

Example 1

When an employee joins the SFO on 1 January, working 20 hours per week, they are entitled to an hourly Public holiday/King's Birthday leave entitlement as below:

$64.8 \div 36 \times 20 = 42$ hrs pro-rata

Example 2

Employee joins the SFO in mid-May working 30 hours per week (Mon-Thurs 7.5 hours per day net), they are only entitled to 4 days public holidays and 1 day for the King's Birthday. This is because 4 days public holidays have already passed before the employee joined the SFO. Therefore, to covert for part-time:

1. Calculate the full time equivalent: 4 public holidays + 1 King's Birthday x 7.2 hours = 36 hours.
2. Calculate pro-rata allowance: $36 \div 36 \times 30 = 30$ hours entitlement between mid-May and to end of year

Buying and selling annual leave

Employees may buy or sell annual leave using the following formula:

Basic daily salary ÷ 365 x number of days bought/sold = rounded to the nearest pound

Example

Employee with annual salary of £25,500 per annum. Calculation as follows:

$£25,000 \text{ per annum} \div 365 = £68 \text{ per day}$

$£68 \text{ per day} \times 5 \text{ days} = £340$

1. The cost of buying 5 days would be £340 or
2. The price for selling 5 days would be £340

Annex B – Maternity Leave Policy

The SFO is committed to being an employer of choice and acknowledges that becoming a parent can be a challenging as well as joyous time. We recognise that colleagues who feel supported through significant life changes remain committed to the SFO and the success of the organisation. The Maternity Leave Policy therefore takes account of an employees' need to balance their working life with parental and caring responsibilities.

Records will be kept of all maternity leave taken. This information may include: copies of MATB1 forms, notes of any meetings, and request forms. All records will be kept confidential and held in accordance with the principles of the GDPR and Data Protection Act 2018.

Scope

The policy applies to all Permanent and Fixed Term Contract staff ("employees") within the SFO.

All benefits and entitlements referred to in this policy apply to all partners including same-sex partners. References to the terms "mother" and "woman" refer to the parent who gives birth to the child regardless of their gender identity. Managers and employees and all parties involved in operating this policy are expected to maintain confidentiality. If an employee breaches another employees right to confidentiality this may be treated as a disciplinary offence depending on the circumstances.

Roles and responsibilities

All staff are responsible for managing their own welfare, for ensuring a work-life balance and for notifying their Line Manager and the HR team of applications for Maternity leave within a reasonable timeframe.

Where possible all employees will be reasonable, flexible and timely in their requests for leave under this policy and managers will do the same in return with their responses to requests for leave. Professional advice and support is available at all stages from the HR team. HR is responsible for monitoring the implementation of the policy and keeping data in connection with any leave. Managers and employees are encouraged to refer to the parental leave toolkit and associated checklists to help make plans and facilitate discussions before, during and after leave.

Checklists and guidance

Planning the Parental Leave Journey, a toolkit for managers and employees

Employee Maternity Leave Checklist

Managers Maternity Leave Checklist

Maternity Procedure

Definitions

EWC – Expected Week of Confinement: The week, starting on a Sunday, during which the employee's doctor or midwife expects them to give birth.

OML – Ordinary Maternity Leave: The first 26 weeks of Maternity Leave and can commence on any day of the week.

AML – Additional Maternity Leave: An additional 26 weeks Maternity Leave which must, if taken, directly follow OML without a break. This, when added to OML means that a pregnant employee can take up to 52 weeks leave around the birth of a child.

SML – Statutory Maternity Leave: Eligible employees can take up to 52 weeks' maternity leave.

The first 26 weeks known as 'Ordinary Maternity Leave', the remaining 26 weeks as 'Additional Maternity Leave'.

SMP – Statutory Maternity Pay: For eligible employees can be paid for up to 39 weeks.

OMP – Occupational Maternity Pay: An employee, who has one year's continuous paid service by the start of the expected week of childbirth, will also be entitled to full pay for the first 26 weeks of maternity leave. This is inclusive of Statutory Maternity Pay.

MA- Maternity Allowance: Maternity Allowance is usually paid to those that do not qualify for SMP.

MATB1: A certificate issued by a certified Midwife or registered Medical Practitioner confirming the EWC and issued after the 20th week of pregnancy.

QW- Qualifying Week: The 15th week before the EWC. This is calculated by counting back 15 weeks from the start of the week the baby is due and is shown on the MATB1.

Qualifying Period: The eight-week period that ends in the qualifying week, that is, the 15th week before the EWC. This period is used to calculate an employee's average weekly earnings.

Miscarriage: Is the loss of a pregnancy during the first 24 weeks.

Stillbirth: A stillborn baby is born after the 24th week of pregnancy

Notification of Pregnancy

The employee should notify their Line Manager as soon as possible that they are pregnant. This is important as there are Health and Safety considerations which are covered off later on in this policy. The employee is required to notify their Manager and the HR team in writing of the following by the end of the Qualifying Week, or sooner if possible:

- The fact that they are pregnant;
- Their expected week of childbirth; and
- The date on which they intend to start their maternity leave.

The employee must also provide HR with a certificate stating their expected week of childbirth (MATB1), which they will receive from their midwife or doctor. The certificate must also provide the name and address of the doctor, or the midwife's name and registration number. The employee may bring forward their maternity leave date, provided they do so in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their maternity leave start date, provided they do so in writing at least 28 days before the original start date or, if that is not possible, as soon as reasonably practicable.

HR will respond in writing to the employee's notification of their leave plans within 10 days confirming the date on which they are expected to return to work if they take their full 52 week entitlement to maternity leave.

Time off for Antenatal care

The employee is entitled to take reasonable time off work to attend antenatal appointments as advised by their doctor, midwife or registered health visitor. In order to do so, the employee should notify their Line Manager as soon as is practicable that they have appointments to attend, and should, where possible, arrange these with as little impact on their normal working day. Employees should normally arrange antenatal classes (such as parent craft and relaxation sessions) either in their own time (where possible) or at a time which has least impact on their work/team. However time off will be allowed if this is not possible and you are advised by your midwife, doctor or registered health visitor to attend. Expectant partners are entitled to unpaid time off work to attend up to two ante-natal appointments. In order to do so, the employee should notify their Line Manager as soon as is practicable.

Health and Safety

The SFO is required to protect the Health & Safety of new and expectant mothers. In the case of a pregnant employee this responsibility also extends to their unborn child. An employee who is pregnant, who has recently given birth or who is breastfeeding should take part in a risk assessment. The assessment is conducted by the employee's Line Manager with the support of an adviser from the Facilities Management team. Ideally the risk assessment should take place as soon as the employee is comfortable sharing the news of their pregnancy so that the appropriate health and safety measures can be put in place. A copy of the risk assessment should be retained by the employee and the Line Manager reviewed regularly, and updated where needed.

Sickness Absence

Employees who are pregnant and are absent from work due to sickness will receive normal statutory or contractual sick pay in the same manner as would any other employee, as per the Sickness Absence Policy. Pregnancy-related sickness absence will be recorded separately and will not be taken into account when looking at trigger points but will be counted for the purposes of contractual sick pay. However, if the absence is after the beginning of the fourth week before their expected week of childbirth, and is wholly or partly pregnancy-related, maternity leave will start automatically. If this is the case, the employee must notify their Line Manager and HR must be notified as soon as is reasonably practicable.

Maternity Leave

Maternity Leave Descriptor:

- Eligible employees can take up to 52 weeks' maternity leave. This is made up of Ordinary Maternity Leave for up to the first 26 weeks followed immediately by Additional Maternity Leave for up to a further 26 weeks. There can be no break between Additional and Ordinary Maternity leave.
- To qualify for Maternity Leave an employee must notify their Line Manager no later than the end of the 15th week before their Expected Week of confinement (EWC) or as soon as is reasonably practical. They should include when they expect to commence maternity leave (which can be no earlier than the 11th week before the EWC).
- If the employee's child is born prematurely, ordinary maternity leave (OML) will begin from the date of birth. In this instance, the employee should notify HR as soon as is practicable.

Ordinary Maternity Leave (OML)

- All employees are required to take a minimum of two weeks' Maternity Leave immediately after the birth of the child.
- During the 26 weeks of Ordinary Maternity Leave, employees will retain their contract of employment and will be entitled to all contractual benefits, except for salary. This includes pension and annual leave entitlements, including public and privilege days.

Additional Maternity Leave (AML)

- During the 26 weeks of Additional Maternity Leave, employees will retain their contract of employment and will be entitled to all contractual benefits, except for salary. This includes pension and annual leave entitlements, including public and privilege days.
- Annual leave will accrue at employee's contractual rate during their full period of leave taken including in any Additional Maternity Leave. In addition employees are entitled to accrue any Public /Privilege leave days that fall during both Ordinary and Additional Maternity Leave. Part-time employees will accrue both annual and public/privilege days on a pro-rata basis.

Annual Leave

Ideally the carry forward of annual leave should be in line with Leave Policy which states that a maximum of ten days may be carried forward without prior approval to the next annual leave year. Part time workers are permitted to carry over the equivalent amount of leave proportionate to the hours they work (e.g. an employee working 3 days a week would be able to carry over a maximum of 6 days leave).

In exceptional circumstances, line managers have discretion to agree to a higher level of leave carry over if an employee has not been able to take all their accrued annual leave. Where this does occur there must be a plan to ensure the full entitlement is taken during the following leave year and this should be signed off by the countersigning officer. Employees will not be able to routinely carry over in excess of 10 days year on year and, except where leave has been refused for business reasons, if the full entitlement is not taken in future years the leave will be lost. For further details please refer to the Leave Policy.

Before starting Maternity Leave

A member of the HR Team will write to the employee to confirm the intended Maternity Leave dates within 10 days of receiving notification of the pregnancy. We will also offer to meet with you to go through any aspects of the policy that you are unsure of and answer questions that you have. Part of this process will include confirmation of any outstanding annual leave to be taken.

Keeping in Touch (KIT) days

It is important for employees and their managers to keep in touch during maternity leave as this supports the employee's intention of returning to work and the manager and organisations commitment to the employee.

Managers are responsible for ensuring that employees on maternity leave receive appropriate information including:

- Sending information and news in connection with work as part of an agreed KIT plan (template plan available in the parental leave toolkit).
- Inviting them to general training and social events being arranged for the team as agreed within the KIT plan.
- Letting the employee know about any significant changes to the organisation.

Employees are responsible for:

- Keep in contact with their line manager as part of an agreed KIT plan.
- Informing their manager of any changes in their personal circumstances – especially anything that could compromise their contractual terms and conditions of service.
- Informing their manager of any change to their intended return to work pattern.
- Maintaining any professional membership if applicable and keeping up to date with any changes within their profession.
- Employees are entitled to work for the SFO for up to ten days during ordinary or additional maternity leave. These days are known as Keeping in Touch (KIT) days and employees who do agree to work (or to attend a training course) will be entitled to a day's pay at normal salary rates (any part of a day worked constitutes a day's work).

The SFO has no right to require the employee to work during Maternity Leave, and the employee has no obligation to undertake any work. Any work undertaken by the employee will be done only in agreement with both employee and the SFO.

Maternity Pay

Statutory Maternity Pay

Statutory Maternity Pay is payable for up to 39 weeks during Maternity Leave.

Pregnant employees are entitled to receive Statutory Maternity Pay for the full 39 weeks during maternity leave subject to the following conditions:

- Employees who have been employed continuously by the SFO for at least 26 weeks before the qualifying week and are still employed by the end of that.
- Employees whose average weekly earnings in the 8 weeks up to and including the qualifying week are not less than the lower earnings limit for NI Contributions.
- Employees who are still pregnant 11 weeks before the start of the expected week of childbirth.
- Employees who provide a MAT B1 form stating the week of confinement.

Statutory Maternity Pay equates to 90% of average weekly earnings for the first 6 weeks, followed by 33 weeks paid at the Government rate (check www.gov.uk for current rate). Please email HR for further information or go to www.direct.gov.uk. Occupational Maternity Pay: An employee, who has one year's continuous paid service by the start of the expected week of childbirth, will also be entitled to full pay for the first 26 weeks of maternity leave. This is inclusive of Statutory Maternity Pay.

If the employee does not have one year's continuous paid service at the start of the expected week of childbirth, they will not be entitled to full pay for the first 26 weeks of Maternity Leave. They will only be entitled to Statutory Maternity Pay, assuming they meet the criteria stated above.

Employees are expected to return to work after their Maternity Leave. If the employee decides not to return to work after their Maternity Leave (or after a Career Break if they choose to take further leave), they will be required to repay any payment made during the Maternity Leave period over and above any Statutory Maternity Pay to which they are entitled.

Maternity Allowance: Employees who are not eligible for Statutory Maternity Pay may be eligible for Maternity Allowance for up to 39 weeks. For further information on Maternity Allowance, employees should contact their local JobCentre Plus or look at the DWP website.

Further Pregnancies

If two pregnancies fall close together and another period of Maternity Leave starts before the end of the last one or where Maternity Leave would start within one month of the end of the last one then a consecutive period of Maternity Leave will be allowed. However if the employee does not earn above the lower earnings limit for National Insurance during the qualifying period (the eight weeks that end in the 15th week before the EWC) the second spell of Maternity Leave will be unpaid as the employee would not be entitled to Occupational or Statutory Maternity Pay. In this situation employees should seek advice from DWP regarding what benefits may be available to them.

Returning to work from Maternity Leave

The employee is expected to return to work on the date previously agreed in writing.

If the employee is unable to attend work on the agreed date due to sickness or injury, the Attendance Management Policy will apply. If the employee wishes to return to work earlier than the expected return date, they must give at least eight weeks' notice in writing of the preferred return date. If the employee fails to give eight weeks' notice, the SFO may delay their return to work to allow for eight weeks' notice.

If the employee does not wish to return to work after Maternity Leave, they have the option to apply for a career break (please see the Career Break Policy) or they must give a notice of resignation as soon as possible and in accordance with their contractual terms. If an employee returns to work after Ordinary Maternity Leave they are entitled to return to the same post they had before commencing this leave on the same terms and conditions of employment as if they had not been absent.

If an employee returns to work after Additional Maternity Leave and it is not reasonably practicable to allow them to return to the same post they had before commencing Maternity Leave, they are entitled to return to a similar post on terms and conditions that are no less favourable than would have applied if they had not been absent.

An employee who worked full time before commencing Maternity Leave has no automatic right to return to work on a different working pattern, i.e. part-time but they do have the right to make a formal request to do so. If the employee wishes to make changes to their working pattern upon their return to work, they should consider the guidance and refer to the Flexible Working Policy.

Upon the employee's return to work, they should arrive at an agreed time and their Line Manager will meet with them to welcome them back and share any key information i.e.

changes on the areas of work, any changes in the team and work through what has been agreed as part of discussions prior to the return.

Miscarriage and Stillbirth

Miscarriage

This guidance is intended to help managers provide practical and emotional support to an employee affected by miscarriage, ectopic or molar pregnancy (which is the loss of a pregnancy before 24 weeks gestation) and Stillbirth (the loss of a baby after the 24th week of pregnancy). It is based on a guidance provided by the Miscarriage Association.

For ease, the word 'miscarriage' has been used to refer to all these types of loss in this document. When referring to the person experiencing miscarriage, we use 'woman', 'her', 'she' or 'employee'.

Miscarriage can be a frightening, lonely and traumatic experience for both women and men. It is often both physically and emotionally painful, with effects that can last for a very long time.

It is important to remember that support will be different for each person. Some people may feel that they can continue to work as normal and find that this helps them, while others may need to take some time away from work. Everyone will experience their loss differently, and it's important not to make any assumptions about how they feel or how they want to be treated.

If the loss occurs at work

A pregnancy loss may happen at work. You may not be aware that an employee is pregnant: she is not obliged to tell her manager of her pregnancy until 15 weeks before her estimated due date, or as soon as is reasonably practicable after then (approximately 6 months pregnant).

If an employee suspects that she has started to lose her baby she may have bleeding, severe abdominal pain, and may be faint or collapse. She may be very distressed and panicked, embarrassed and frightened. You can help by ensuring that she has very quick access to a toilet, and you may need to help her by calling her preferred contact or colleague to assist her in getting home or to hospital or a first aid room. In severe cases you may need to call an ambulance. If a woman's partner, relative or close friend is told of the loss while at work, they may need to leave at short notice to provide practical and emotional support.

Communicating the news

You will need to consider carefully how to explain the sudden absence of your employee in order to respect their privacy, especially as they might not want others to know the details. You should consider who needs to know and where possible wait until you can have a conversation with the employee and let them tell you what they feel comfortable with.

Recording leave and absence

Time off during and after a miscarriage is recorded as 'pregnancy-related' leave. If an employee has suffered an early or late miscarriage, any sick leave should be recorded as sickness absence in the 'pregnancy-related' category. Any period of sick leave will not count towards sickness absence trigger points. For periods of absence longer than seven days, the employee will need to obtain a Fitness for Work statement from her doctor or relevant health professional.

If the employee is not the woman who has experienced the physical loss – i.e. their partner – and they need to take time off work following the loss, you should be sympathetic to the request and work with the employee to explore the options that are available such as annual leave, flexi leave, special leave with or without pay or a combination of these. Women who have had a miscarriage may need time off to attend appointments related to their loss. These appointments should be accommodated in the same way that we allow reasonable time off for antenatal care (refer to back to the main policy for details).

Talking about miscarriage

It's important to acknowledge the loss with your employee and to allow them to lead the way in deciding how much they want to discuss (or not). You should bear in mind that the shock and upset of losing a pregnancy may make initial contact difficult for them and talking about it will be distressing. You may need to take the lead on this and it's important to let them know that you are there to listen and support and that they should not feel pressured into sharing anything that they do not want to.

At an appropriate point you should ask them what (if anything) they would like to tell their team mates and other colleagues. If colleagues were aware of the pregnancy, sharing information can help them to understand what has happened, what the effects of this might be, and how to be supportive.

Facilitating a return to work

When an employee is ready to return to work you should arrange to meet with them to discuss what support is needed. This might include a temporary workplace adjustment, which is aimed at enabling a person to remain at work rather than taking sick leave – for example home working, or a phased return to work. This can be particularly important if an employee has ongoing hospital appointments to attend.

Employees

The following section provides information for employees who experience a miscarriage, ectopic pregnancy, or molar pregnancy.

We understand that after experiencing a miscarriage work will be the last thing on your mind however we have put together some information that you may find helpful when you are in a position to consider it. This is based on guidance supplied by the Miscarriage Association.

Sick leave

Sick Leave after a miscarriage, ectopic or molar pregnancy is protected as 'pregnancy related' and while it will be a recorded absence it will not count towards any sick absence 'trigger points'.

You are able to self-certify for seven days. After this, you will need to get a 'fit note' or Fitness for Work statement from your GP that confirms your absence is pregnancy related.

Returning to Work

Your manager will contact you to arrange a meeting to discuss what support is available and what you would find helpful. This may include a phased return or other temporary reasonable adjustments.

You have a right to keep your miscarriage private if you choose. Your manager will ask you what, if anything, you would like other people at work to know. Sharing information can help colleagues to understand what has happened and how to be supportive. Some people find it helpful to talk and others not so much. You should do what is right for you.

For partners

If you are the partner of someone who has experienced a miscarriage, you may understandably, wish to take leave to support your partner. You should speak to your line manager who will be sympathetic to your request and will work with you to explore the options that are available – Annual leave, flexi leave, special leave with or without pay – or combination of these.

Stillbirth

The above guidance regarding actions and support should be applied in the same way for employees who sadly experience a stillbirth, however, there are some key differences for employees in terms of leave entitlement which are detailed below:

- Maternity Leave – If you suffer the loss of your baby after 24 weeks of pregnancy or your baby is born alive at any point during your pregnancy but later passes away, you will be entitled to take maternity leave. You will also be able to receive statutory and occupational maternity pay if you are eligible.
- Parental Bereavement Leave – With effect from 6 April 2020 the government introduced a legal right to parental bereavement leave which is intended to support parents who lose a child under the age of 18 or who suffer a still-birth from 24 weeks of pregnancy.
- You are entitled to take two weeks paid bereavement leave. (Pro rata for employees who work reduced hours).
- You can choose to take your two weeks together, or in two separate blocks of one week each.
- You can take your leave at any time that is most beneficial for you and your wellbeing within a timeframe of 56 weeks of your child's death or stillbirth.

Internal and External Support Groups Employee Assistance Programme

Miscarriage Association

www.miscarriageassociation.org.uk | 01924200799 | info@miscarriageassociation.org.uk

Ectopic Pregnancy Trust

www.ectopic.org.uk | 020 7733 2653

Maternity Action

www.maternityaction.org.uk | 020 7253 2288

Mind

www.mind.org.uk

Sands

www.sands.org.uk | 0808 164 3332 | helpline@sands.org.uk