

Family Leave & Reproductive Rights Policy

Scope

This policy applies to employees of Ort Gallery.

Introduction

At Ort Gallery our ethos of Warmth and care underpins all of our work. We support the individuals we work with through empathy and care, and we do this by listening to the individual, hearing their story and finding solutions to problems. We bring this approach to our family leave policy.

We recognise that everyone's stories are different, and there will be a wide diversity of experiences among birthing and non-birthing parents as they prepare to bring a new child into their lives. We choose to use the language of 'birthing parent' and 'non-birthing parent' as part of our commitment to inclusivity, and to ensure we all understand that these entitlements apply regardless of the characteristics or circumstances of your family. This policy applies equally to all individuals, to same sex couples, same gender couples and those involved in adoption, fostering and surrogacy arrangements.

We are aware that the arrival of a new child, when secondary adopters/non-birthing parents do not have the same access to leave as primary adopters/ birthing parents, can reinforce a dynamic in which parenting responsibilities reproduce structural gender inequalities, while also leaving secondary adopters/ non-birthing partners without access to the same opportunity to bond deeply with their child. For this reason, we offer enhanced entitlement to paid leave for Partner Leave and Adoption Leave.

We have established ourselves as an organisation that represents the voices of Black and Brown artists, artists with disabilities, from the LGBTQI+ community and the working class. We are interested in the intersections of these characteristics, and we take this intersectional approach when considering the differing needs of parents. We recognise that intersecting protected characteristics can create additional support needs. In this policy, we have considered each of the protected characteristics covered by the Equality Act 2010.

Protected Characteristic & Reasons why additional flexibility and support may be required:

Age - Younger birthing parents may face societal judgement or lack of support networks. Older birthing parents may face societal judgement and are more at risk of health-related complications

Disability - Disabled birthing and non-birthing parents may face many additional complications related or not to their existing conditions and including difficulty in accessing pregnancy-related care tailored to disability needs.

Gender Reassignment - Stress of stigma and harmful assumptions and lack of medical and social support in navigating pregnancy which can lead to societal misunderstanding and lack of tailored medical care.

Marriage and civil partnership - Individuals who are married or in a civil partnership who have children, unfairly perceived as less committed to their careers, potentially affecting their opportunities for promotion or advancement.

Pregnancy and maternity - Potential for being overlooked for promotions or important projects due to pregnancy or recent maternity. Need for adjustments in the workplace during pregnancy. Race Pregnancy outcomes and risks vary significantly, including higher mortality risks due to systemic healthcare and socio-economic disparities. Experiencing racial bias in healthcare and workplace support during pregnancy.

Religion or belief - Balancing religious or cultural practices and dietary laws within the workplace setting during pregnancy.

Sex - Facing traditional stereotypes about pregnancy and parenting roles. Discrimination on the grounds of nursing.

Sexual orientation - Potential for facing discrimination or lack of understanding, particularly in environments less accepting of non-heteronormative family structures.

Definitions

The main terms used in this policy:

- **AML** - Additional Maternity Leave
- **AWE** - Average Weekly Earnings
- **EWC** - Expected Week of Childbirth: the week beginning on the Sunday in which it is expected that your baby will be born. For example, if the baby is due on Tuesday 26 March, the EWC starts on Sunday 24 March.
- **Birthing parent** - the expectant biological (birth) parent of a child. Birthing parents may be of any gender (including trans, non-binary, agender, gender nonconforming, genderqueer and gender fluid individuals).
- **Nursing** - the process of feeding by breastfeeding/chestfeeding or bottle feeding.
- **OML** - Ordinary Maternity Leave
- **Parent** - a person who will have or share the main responsibility for the child's care at the time of the birth/adoption/fostering and therefore can be defined as a primary caregiver. This is inclusive of cases of adoption, fostering and surrogacy.
- **Non-birthing parent / Partner** - spouse, civil partner or someone living with

another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, or any other form of extended family member. Partners may be of any gender (including trans, non-binary, agender, gender nonconforming, genderqueer and gender fluid individuals).

- **Qualifying week** - the 15th week before the expected week of childbirth
- **SMP** – Statutory Maternity Pay

Pregnancy

Please let us know as soon as you are comfortable to share the news with us, so that we can start supporting you and planning your leave. Your legal obligation is to inform us in writing no later than 15 weeks before the baby is due. You must send your MAT B1 certificate to the Artistic Lead or a Director on the Board as soon as it is available. This is issued by a midwife or doctor not more than 20 weeks before your baby is due.

Supporting you

We will support you in every way that we can. Our support will include:

- A risk assessment of your work and workspace
- Scheduling regular discussions with you to talk about your needs and how we can best support you
- Reviewing your work plan with you to make sure it's achievable and allows you sufficient time to rest when you need to
- If you encounter health issues resulting from a difficult or complicated pregnancy, we will discuss potential solutions with you. For example, this may include an occupational health assessment. We will do everything we reasonably can to be flexible and support you to remain in work.

Sickness absence during pregnancy

Sick leave during pregnancy will be treated in the same way as any other sickness absence, so just let us know in the normal way. It is paid in line with your contract. Pregnancy-related sick leave during the four weeks immediately preceding your expected week of childbirth automatically triggers maternity leave, which will start on the second day of absence. From this point you will be paid maternity pay rather than sick pay.

Antenatal Care

You are entitled to paid time off for antenatal care taken on the advice of a registered medical practitioner, registered midwife or registered health visitor.

Health and Safety

Your health and safety during pregnancy is very important. We'll create a Pregnancy Risk Assessment with you, which we'll review regularly throughout your pregnancy and update as necessary

Below is a link to a guide for pregnancy at work from the Health and Safety Executive. If you have any concerns about your working environment, please let us know asap. <https://www.hse.gov.uk/mothers/worker/index.htm>

IVF

If you are undergoing IVF treatment you may attend all your appointments on a paid basis. We will be as flexible as possible to accommodate leave requests. If the embryo transfer is reached, from a legal perspective you are considered to be pregnant. From this stage you have the same rights as any pregnant person (including leave, pay, and protection from discrimination because of pregnancy or maternity).

Maternity Leave and Pay

Entitlement to Maternity Leave

All birthing parents are entitled to 52 weeks of maternity leave: 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave, regardless of the length of time you have been employed by Ort Gallery. You can start your maternity leave at any time from 11 weeks before the expected week of childbirth.

Maternity leave will start on the day of the birth if your baby is born early. If you are absent wholly or in part due to pregnancy or childbirth (i.e. due to an illness related to your pregnancy) in the four weeks before your baby is due, you will be considered to have started your maternity leave.

All employees who have given birth are required by law to take maternity leave for at least two weeks after the birth.

We will write to you within 28 days of receiving written confirmation of your pregnancy and maternity leave start date, to confirm the end date of your maternity leave and what you will be paid while you are on leave. You can change the start date of your maternity leave by giving us 28 days' notice.

Maternity Pay

Your entitlement to maternity pay is dependent on your length of service at the 15th week before your baby is due (known as the qualifying week).

If you have less than 26 weeks of continuous employment with Ort Gallery by the end of the qualifying week, you are not entitled to Statutory Maternity Pay (SMP). You may qualify for maternity allowance from the Government. If this is the case, we will provide you with an SMP1 form so that you are able to pursue a claim for maternity allowance. Please refer to the latest government guidance in this area at www.gov.uk/maternity-allowance.

If you have more than 26 weeks of continuous employment with Ort Gallery by the end of the qualifying week, you are entitled to Statutory Maternity Pay.

As of April 2024, Statutory Maternity Pay is 90% of your Average Weekly Earnings (AWE) for the first six weeks, followed by £184.03 or 90% of AWE (whichever is lower) for the remaining 33 weeks. Maternity payments are subject to tax and National Insurance deductions. See <https://www.gov.uk/maternity-pay-leave/pay> for the current rate.

If you have at least one year's active and continuous employment with Ort Gallery by the end of the qualifying week, or have been back in active and continuous employment following a previous period of maternity leave for 26 weeks at the end of your qualifying week, and you qualify for SMP, you are entitled to Enhanced Maternity Pay.

We enhance the statutory minimum entitlement so that you will receive:

- 12 weeks at full pay (your normal salary)
- 27 weeks Maternity or Shared Parental Leave paid at the equivalent current rate of SMP
- 13 weeks unpaid Additional Maternity Leave (AML)

Payment of enhanced maternity pay includes any entitlement to statutory maternity pay that may be due to you for the same period. This will be paid through payroll and subject to all deductions in the normal way.

If you are employed with us on a fixed term contract and the funding for your role comes to an end during your maternity leave, your employment may be terminated by reason of redundancy. In this situation, your enhanced maternity pay will end on the date your employment ends with us. You will continue to receive Statutory Maternity Pay if this date falls within the first 39 weeks of your maternity leave when statutory payments apply. If the end of your employment falls after the 39-week period in which statutory payments are available, no further payment will be made for the remainder of the 52 weeks.

We will continue to pay pension contributions during the 39 weeks of your maternity pay.

Returning to Work from Maternity Leave

We will usually talk to you about when you plan to return to work before your leave starts to help us plan cover for your absence. We understand that you may wish to change this and you can do so at any point by letting us know in writing with at least 8 weeks' notice, more if this is possible.

If you return to work during, or at the end of, Ordinary Maternity Leave (26 weeks) you are entitled to return to the same job with the same terms and conditions, unless the post has been made redundant (see below).

If you return to work after or during additional maternity leave (26-52 weeks), you are entitled to the same job, but if this is not practicable, to a suitable alternative.

Feeding your baby

Once you've confirmed when you'll be returning to work, we'll start by making time to talk with you about any specific arrangements you'd like us to consider to facilitate this transition including anything you'd like us to support you with in relation to feeding your baby.

The more notice you can give us the better, so we can review our arrangements and do everything we can to put your requests into action, providing a safe and welcoming space for you when you come back to work.

Flexible working

If, following a period of maternity leave, you feel that you would benefit from a change to your working arrangements, you should speak to the Artistic Lead or a Director on the board about making a request for flexible working.

Partner Leave and Pay

Entitlement to Partner Leave

You are entitled to take Partner Leave as long as any of the following apply to you:

- You are the parent of the child;
- You are the partner or spouse of the birthing parent or primary adopter;
- You are the intended parent (if you are having a baby through a surrogacy arrangement);
- You are adopting the child.

Partner Leave Pay

You are entitled to 12 weeks' of paid Partner Leave, regardless of the length of your service. This can be taken either as one continuous block or as several blocks of up to two weeks at a time.

The earliest that Partner Leave can be taken is the actual day the baby is born, the date of placement, or the date the child enters the UK (for overseas adoptions).

The latest that Partner Leave can be taken is one year after the actual day the baby is born or enters the UK.

If you are taking Partner Leave, at least two weeks of this must be taken within 56 days of the actual day the baby is born, the date of placement, or the date the child enters the UK (for overseas adoptions).

You are also entitled to paid time off to attend all antenatal or adoption appointments.

Requesting Partner Leave

Please notify XXXXXXXX (Artistic Lead) or a Director on the board as soon as possible if you wish to take partner leave, and no later than 15 weeks before the

beginning of the expected week of childbirth. At the time of notification you are not required to provide a precise date for the start of your leave, but you should provide an approximate window in which your first block of leave is likely to start. If you are taking leave in more than one block, the dates for subsequent blocks should be agreed at least one month in advance.

In the case of adoption, please let us know within 7 days of being notified by an approved adoption agency that you have been matched with a child (or 28 days for overseas adoptions). You should tell us the date you received your notification, when the placement is expected to start, and when you would like to take your partner leave.

Adoption Leave and Pay

Entitlement to Adoption Leave

Either parent (but only one) of a newly adopted child is entitled to adoption leave. If you are not the primary adopter, you may take Partner Leave instead (see above). You are entitled to 52 weeks of adoption leave: 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave, regardless of the length of your service. You must notify us as soon as possible if you wish to take adoption leave. For UK adoptions, please tell us within 7 days of being notified of a match. For overseas adoptions, please tell us within 28 days of being notified of a match, or as soon as is reasonably practicable after you have received official notification about an overseas placement.

At the time of notification you will need to confirm:

- The date you would like adoption leave to start. Adoption leave may commence up to 14 days before the child is placed with you. You can change the start date as long as you provide us with at least 28 days' notice.
- The date on which the child is expected to be placed with you.
- The adoption certificate (issued for UK adoptions) or the official notification (provided for overseas adoptions by or on behalf of the relevant domestic authority).
- For overseas adoptions you will also need to confirm the date on which the child is expected to enter the UK and later provide the actual date.

You are entitled to paid time off to attend all adoption appointments.

If a placement is unsuccessful you may continue with your Adoption Leave for a period of 8 weeks or to the end of your Ordinary Adoption Leave, whichever finishes earliest.

Adoption Leave Pay

Your entitlement to adoption pay is dependent on your length of service at the week you are matched with a child.

If you have less than 26 weeks of continuous employment with Ort Gallery by the week you are matched with a child, you are not entitled to Statutory Adoption Pay (SAP).

If you have more than 26 weeks of continuous employment with Ort Gallery by the week you are matched with a child, you are entitled to Statutory Adoption Pay. As of April 2024, Statutory Adoption Pay is 90% of your Average Weekly Earnings (AWE) for the first six weeks, followed by £184.03 or 90% of AWE (whichever is lower) for the remaining 33 weeks. See <https://www.gov.uk/adoption-pay-leave/pay> for the current rate.

If you have more than one year of continuous employment with us by the week you are matched with a child, you are entitled to enhanced adoption pay. We enhance the statutory minimum entitlement so that you will receive:

- 12 weeks at full pay
- 27 weeks Adoption or Shared Parental Leave paid at the equivalent current rate of SAP.

If you are employed with us on a fixed term contract and the funding for your role comes to an end during your adoption leave, your employment may be terminated by reason of redundancy. In this situation, your enhanced adoption pay will end on the date your employment ends with us. You will continue to receive Statutory Adoption Pay if this date falls within the first 39 weeks of your adoption leave when statutory payments apply. If the end of your employment falls after the 39-week period in which statutory payments are available, no further payment will be made for the remainder of the 52 weeks.

We will continue to pay pension contributions during the 52 weeks of your adoption pay.

Returning to Work from Adoption Leave

We will usually talk to you about when you plan to return to work before your leave starts to help us plan cover for your absence. We understand that you may wish to change this and you can do so at any point by letting us know in writing with at least 8 weeks' notice, more if this is possible. If you return to work during, or at the end of, Ordinary Adoption Leave (26 weeks) you are entitled to return to the same job with the same terms and conditions, unless the post has been made redundant (see below).

If you return to work after or during Additional Adoption Leave (26-52 weeks), you are entitled to the same job, but if this is not practicable, to a suitable alternative. Flexible working arrangements after Adoption Leave If, following a period of adoption leave, you feel that you would benefit from a change to your working arrangements, you should speak to the Artistic Lead or Director on the board about making a request for flexible working.

Shared Parental Leave and Pay

Entitlement to Shared Parental Leave

Shared Parental Leave is designed to give parents more flexibility in how they share the care of their child in the first year after birth or adoption. Parents can opt to share a 'pot' of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

Both parents must be working and meet government earnings requirements. For more information visit: www.gov.uk/shared-parental-leave-and-pay

You are entitled to share up to 50 weeks of leave between you, if you have worked for Ort Gallery for at least 26 weeks at the end of the 15th week before the week in the child is due (or at the week in which you were notified of being matched with a child for adoption), and if you are still employed in the first week that Shared Parental Leave is to be taken. You must both also share the responsibility for the care of the child at the time of the birth or placement.

The Shared Parental Leave entitlement depends on how much Maternity or Adoption leave the birthing parent or primary adopter is taking. Currently, a birthing parent must take at least two weeks Maternity Leave after giving birth. Combined with 50 weeks Shared Parental Leave, this gives a total 'leave' entitlement of 52 weeks. So if the birthing parent or primary adopter takes three weeks maternity or adoption leave, there will be 49 weeks of Shared Parental Leave remaining to share between you.

Similarly, Shared Parental Leave can only begin once the birthing parent or primary adopter gives notice to end their entitlement to maternity or adoption leave. Shared Parental Leave must be taken in complete weeks and can be taken either as a continuous period or in up to three separate blocks.

Requesting Shared Parental Leave

If you would like to take Shared Parental Leave, you must notify the Artistic Lead or a director on the board at least 8 weeks before you intend to take any block of Shared Parental Leave.

Shared Parental Pay

As of April 2024, Statutory Shared Parental Pay is paid at £184.03 per week or 90% of your Average Weekly earnings (whichever is lower). See <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get> for the current rate.

If the birthing parent or primary adopter of the child curtails their own entitlement to maternity or adoption pay before they have used their full statutory entitlement, Statutory Shared Parental Pay can be claimed for any remaining weeks. So, for example, if the primary parent has only taken 10 weeks (out of a 39 week statutory entitlement) of paid maternity or adoption leave, there are 29 weeks of paid Shared Parental Leave to share.

Returning to work from Shared Parental Leave

We will usually talk to you about when you plan to return to work before your leave starts to help us plan cover for your absence. We understand that you may wish to change this and you can do so at any point by letting us know in writing with at least 8 weeks' notice, more if this is possible.

If your maternity/partner/adoption leave and SPL combined amounts to less than 26 weeks or more in total, you are entitled to return to the same job with the same terms and conditions.

If your maternity/partner/adoption leave and SPL amounts to 26 weeks or more in total, you are entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

Flexible working arrangements

If, following a period of shared parental leave, you feel that you would benefit from a change to your working arrangements, you should speak to the Artistic Lead or a director on the board about making a request for flexible working.

Redundancy and Family Leave

We are a grant-funded organisation and this means that your employment with us may be terminated by reason of redundancy if the funding for your role comes to an end during your family leave. If you are selected for redundancy whilst you are pregnant (from the date we have been informed of the pregnancy), and while on maternity or adoption or shared parental leave, you have statutory protection which gives you the right to be offered any suitable alternative job vacancies. This right extends for a 6-month period following your return to work from maternity, adoption or shared parental leave (up to 18 months from the birth of your child).

Your right to be offered any suitable alternative role is in priority to other employees who do not have this statutory protection.

Communication during Family Leave

Before you go on maternity, partner, parental or adoption leave we will discuss with you what level of contact you want with Ort Gallery while you are away. We will contact you whilst you are on family leave about any issues which may affect the future of your post or the organisation. We may also contact you to discuss your future plans.

Keeping in Touch (KIT) Days

You are entitled to take up to ten 'keeping in touch (KIT) days' if you are on maternity, shared parental or adoption leave. These enable you to come into the

office and work or attend training courses or meetings for up to 10 working days, without forfeiting the right to maternity leave or pay.

You are under no obligation to work KIT days. You should contact the Artistic Lead or a director on the board if you wish to arrange a KIT day and we will do our best to accommodate your request. KIT days may not be worked by a new birthing parent in the first two weeks following childbirth.

Payment for KIT days will be your normal daily rate of pay, minus any maternity/partner/adoption pay provisions you are still receiving, and no less than the National Minimum Wage per working hour.

Shared Parental Leave In Touch (SPLIT) Days

You can work up to 20 days during SPL without bringing it to an end. These are called 'shared parental leave in touch' (or SPLIT) days. These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.

Family Leave and Annual Leave

You will continue to accrue your holiday entitlement whilst on maternity/partner/adoption leave. If you are on leave when the annual leave year ends, your entitlement can be carried over in full to the next leave year.

Family Leave and your Contract of Employment

Your contract of employment remains in place during family leave and all contractual benefits except for entitlements to pay will be maintained as if you were not absent.

Neonatal Leave and Pay

If your baby is admitted into hospital up to the age of 28 days, and has a continuous stay in hospital of 7 full days or more, you are entitled to take neonatal leave for up to 12 weeks (while your child remains in hospital). This is regardless of your length of service.

Statutory neonatal care pay is available to employees with 26 weeks of service.

Neonatal leave and pay is available in addition to other family leave entitlements, such as maternity leave.

Pregnancy Loss and Stillbirth

We recognise the devastating impact of losing a baby at any time, during pregnancy, birth or during infancy. We will offer as much support as we can. You may find Tommy's website helpful, which includes details of their helpline for anyone who has had any type of pregnancy loss, including miscarriage, stillbirth, ectopic pregnancy, molar pregnancy or termination for medical reasons.
<https://www.tommys.org/baby-loss-support>

If you suffer a miscarriage you will be entitled to four weeks' paid leave. If your child is stillborn after the 24th week of pregnancy, or if your baby is born at any stage of pregnancy and later dies, all maternity and partner leave and pay rights apply.

Parental bereavement leave of twelve weeks is available to anyone who has parental responsibility and suffers the loss of a child under the age of 18, including adoptive parents and the partner of the child's parent.

Unpaid Parental Leave

Employees with at least a year's continuous service have the right to take up to 18 weeks' unpaid leave for each child under 18 years of age. This leave must be taken in blocks or multiples of one week and you may take up to four weeks of this leave in a year.

If you wish to take parental leave you should discuss this with the Artistic Lead or a director on the board at least 28 days before you wish to take parental leave, and make this request in the same way as an annual leave request.

Please note that this entitlement is different from 'Shared Parental Leave'.

The statutory right to parental leave is available only to Foster Carers when they have parental responsibility for the child/children concerned. It is normally the case that Foster Carers will not have parental responsibility, since this will usually be with the local authority if the child/children has been placed under an interim or full care order.

Time Off for Dependents

You are entitled to take reasonable time off to deal with unexpected or sudden emergencies involving dependents and to make any necessary longer-term arrangements. In circumstances such as illness or hospital treatment of a child, close relative, or other extenuating circumstances, you may take an additional 2 weeks' paid leave in a leave year. You should discuss this with the Artistic Lead or a director on the board as early as possible before taking any leave.

All employees are entitled to take one week (pro rata) of unpaid carer's leave per year. This is designed to be used for planned caring commitments and may be taken in full or half days, or as a block of one week.

Foster Care Leave

We seek to be supportive of all types of families, and we wish to support employees who are undertaking the care of a child/children under a foster-care arrangement with a local authority.

If you are intending to foster a child/children, please speak to the Artistic Lead or a director on the board as soon as possible, and no later than four weeks before the start of the placement. This is to ensure that we can provide any support, and if you are requesting leave, there is time to make necessary arrangements.

You are entitled to a continuous period of two weeks' paid leave per eligible fostering arrangement, and up to four weeks additional unpaid leave, in order to:

- make the necessary arrangements to receive the child/children being fostered;
- help the child/children to settle into their new environment and family home;
- attend training courses;
- attend meetings with professionals;
- attend appointments with the child/children.

Foster Care Leave will not normally be available in relation to the short or long-term care of a child/children who are family members.

If you are a local authority foster parent who has been approved as a prospective adopter, and a child is placed with you in a "foster to adopt" situation, you will be entitled to adoption leave and pay, or shared parental leave and pay.

If you decide not to return to work

If you decide not to return to work at the end of your period of family leave you will need to provide us with the correct notice outlined in your Contract of Employment. Your decision will not affect your entitlement to any statutory pay.

If you do not return to work at the end of your family leave period, and don't let us know, your absence will be treated as unauthorised leave.

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Author: People Support Co-op & Ort Gallery

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