



## **Fierce Festival Leave Policies**

### **March 2024**

#### **Introduction**

This policy outlines Fierce's philosophy and procedures for leave for staff on payroll. It is based on our core values:

- Trust: we trust our employees to do their jobs and take the leave that they need in order to be able to work effectively.
- Joy: we want our employees to enjoy working for Fierce which includes having the time off they need for aspects of their lives outside of work.
- Disruption: we recognise that legislation is not inclusive and aim to do better, creating more equitable working environment.
- Rigour: we have procedures and policies in place designed to help people take the leave they are entitled to.

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#### **1. Compassionate Leave**

Compassionate leave allows employees paid time off to deal with their personal distress and related practical arrangements, for example when a family member dies. Fierce recognise that 'family' looks different to everyone and this term is therefore flexible; no one is expected to prove or justify a relationship in order to qualify for Compassionate Leave.

You should notify your line manager as soon as is reasonably possible of your need to take compassionate leave, giving the reason for your absence and how long you expect to be absent for. Leave days do not have to be taken consecutively but where possible you should agree with your line manager when leave will be taken.

Each request will be considered on its merits without reference to any precedent and the agreement of the line manager shall not be unreasonably withheld. The Board must be informed of any requests for such leave that are likely to exceed 10 working days.

Fierce acknowledge that compassionate leave is intended to support employees in the immediate period around the death of a relative but that the process of grief and adjustment to loss may take a significant time and be personal to each individual. If you have any concerns about the grieving process impacting on your work you should discuss this in confidence with your line manager to ensure that reasonable adjustments are put in place to support you



including a phased return to work or reduced hours where practicable. Employees should also make use of the Employee Assistance Programme if this can be helpful.

## **2. Dependents Leave**

Dependents leave allows employees to take time off to deal with unexpected events affecting their dependents such as a dependent falling ill or being injured, unexpected disruption or termination of care arrangements or to deal with an incident involving your child whilst they are at school or nursery. Time off should be limited to what is necessary to deal with the immediate emergency and, where necessary, to make appropriate ongoing arrangements. Where you need to take time off in relation to a dependent, but it is not an emergency, you may apply for annual leave, parental leave or compassionate leave.

The company will pay you your normal basic salary for up to a total of 5 days in any 12-month period in respect of leave taken under this policy.

You should notify your line manager as soon as is reasonably practicable of your reason for taking dependents leave and how long you expect to be absent for.

## **3. Holiday Leave**

Fierce's holiday year runs from 1<sup>st</sup> April – 31<sup>st</sup> March.

Employees are entitled to 6 weeks holiday (pro rata for employees who are not full time) which includes 2 weeks during which the office is closed for the winter break. Public and Bank Holidays are in addition to this allowance; if employees are required to work on a bank holiday, they will be entitled to time off in lieu.

Holiday must be booked and approved with an employee's Line Manager or other Co-Director with at least 2 weeks' notice for holiday of less than 1 week and 1 months' notice for holiday of 1 week and longer.

Holiday must be taken at times to be mutually agreed between the employee and their line manager, where possible holiday requests will be accommodated but employees are asked to remain flexible and not book anything until leave has been agreed.

If you become sick or injured during holiday leave, or prior to a pre-booked period of holiday, you are permitted to treat the period of incapacity as sick leave instead, provided the total period of incapacity is certified by a qualified medical practitioner. You may also take holiday whilst on sick leave for which you will be paid at your normal rate.

Holiday Leave that has not been taken before the end of the holiday year cannot be carried into the following year.

## **4. Parenting Leave**

Maternity', 'paternity' 'adoption' and 'shared parental leave' are areas covered by legislation; whilst Fierce welcomes the improvements made to this legislation to make workplaces more family-friendly, we wish to go further, particularly in supporting parents in less traditional situations. We will therefore try to be flexible and accommodating within what is possible with the resource and budget constraints under which we work.

We also recognise that the current legislation is worded in quite gendered ways and with these policies we attempt to move away from that language. This is not always possible as we need to refer back to the legislation and we know that not everyone will agree with the terms we use but felt it was important to make steps toward making the language more gender neutral.

### **4.1 Common Areas for All Types of Parenting Leave**

Before taking leave: as soon as practicable after the employee has notified Fierce that they intend to take leave, they will have an informal meeting with their Line Manager or other Co-Director the purpose of which is to confirm that:



- They understand their rights to leave and the requirements to give appropriate notice;
- Their rights to return to work are explained together with potential opportunities for flexible working;
- Arrangements for time off are known and any possible health and safety concerns are discussed;
- They are aware what the entitlements are in their specific situation regarding pay.

Time off for ante-natal appointments: Fierce will enhance the statutory entitlement so that all parents may take paid leave for ante-natal appointments.

Contractual benefits and obligations: employees are entitled to their normal terms and conditions of employment (except for those relating to salary) throughout their leave; they will remain bound by any obligations arising under their contract of employment.

Holidays: whilst employees are on any kind of parental leave their contractual holiday entitlement continues to accrue. They should discuss arrangements for taking this leave with their Line Manager or other Co-Director which may include taking holidays immediately before and/or after their other leave.

During leave: arrangements will be made to cover employees' workload and they will be kept in touch with any important work developments. They should discuss with their Line Manager or other Co-Director how they wish to be communicated with and what they wish to be communicated with about whilst they are on leave.

Return to work: The right to return to the same job depends on the type of leave taken and the length of time employees were away from work. In some circumstances they are entitled to return to the same job, in other situations they are only entitled to return to a similar job which has the same or better status, terms and conditions as the old job.

If employees are entitled to return to the same job, that means a right to return with the seniority, pension rights and similar rights, and on terms and conditions no less favourable than those which would have been applied if the employee had not been absent.

Employees will not be subject to any detriment because they took or sought to take leave.

Fierce will deal with any requests by an employee to change their working patterns (such as working part-time) after leave on a case-by-case basis, in accordance with the organisation's Flexible Working policy. Fierce will try to accommodate their wishes unless there is a justifiable reason for refusal based on the needs of the organisation. It is helpful if requests are made as early as possible.

If employees do not intend to return to work or are unsure, it is helpful if they discuss this with their Line Manager or other Co-Director as early as possible. If they decide not to return they should submit their resignation in accordance with the contract of employment. Once the employee has done so the employee will be unable to change their mind without Fierce's agreement.

At least two weeks before employees are due to return to work, they will be invited for an informal meeting with their Line Manager or other Co-Director. This is in order to discuss any material points concerning the employee's return to work including:

- updating employees on developments at work



- considering whether any training needs have arisen; it is our aim to ensure that parenting leave does not put employees at a disadvantage in relation to skills or other training needs
- confirming the details of any agreed flexible working arrangements
- providing employees with an opportunity to discuss and explain any necessary and unavoidable changes to their work.

Redundancy or reduction in hours: it is never desirable to make an employee redundant or reduce their working hours during leave however due to the uncertain nature of fundraising in the sector, this may be necessary. Being on any kind of parenting leave will not be a reason for being made redundant or being asked to reduce hours, equally this will not be the reason to avoid such measures. All situations will be handled openly, transparently and in consultation with employees.

#### **4.2 Adoption Leave**

Any employee is entitled to take paid time off to attend adoption appointments on up to 5 occasions.

You are entitled to adoption leave if:

- You have been matched with a child for adoption by a UK adoption agency;
- You have notified the agency that you agree the child should be placed with you and you have agreed on the date of placement;
- You have not already taken ordinary adoption leave in relation to this child as a result of a 'fostering to adopt' arrangement.

You may choose to begin your Ordinary Adoption Leave (OAL) on the date the child is placed with you for adoption or up to 14 days before this.

Statutory Adoption Pay (SAP) is available for up to 39 weeks of adoption leave; if you decide to return to work prior to the expiry of the 39-week period you will stop receiving SAP and will have no further entitlement to it. You cannot elect to take SAP if another person is taking it in relation to the same child.

#### **4.3 Leave for Pregnant Parents**

All pregnant employees are entitled to 52 weeks' maternity leave comprising 26 weeks ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML) which must be taken directly following OML. Pregnant employees must take at least 2 weeks compulsory maternity leave starting on the day their baby is born.

You must notify your Line Manager as soon as is reasonably practicable of your expected week of childbirth (EWC), the length of leave you wish to take and the date on which you wish your maternity leave to start which must be no earlier than the beginning of the 11<sup>th</sup> week before your EWC.

You will be eligible for sick pay for any periods of pregnancy-related sickness absence in the same manner as applies for other types of sickness (see Sick Leave Policy below), however if you are absent from work for a pregnancy-related reason at any time in the 4 weeks immediately before your EWC, your maternity leave will start automatically. Similarly, if you give birth before your planned start date, your maternity leave will start the day after you give birth.

#### **4.4 Leave for non-Pregnant Parents**

Any employee who is about to become a parent but is not pregnant is entitled to paternity leave comprising 2 weeks' ordinary paternity leave (OPL) and 2 weeks additional paternity leave (APL) which must be taken directly following OPL.



You must notify your Line Manager as soon as is reasonably practicable, specifying the expected week of childbirth (EWC) or date the child is expected to be placed with you, the length of leave you wish to take and when you wish your leave to start.

#### **4.5 Shared Parental Leave**

Shared Parental Leave (SPL) allows working parents to share periods of leave or pay entitlement following the birth or placement for adoption of a child. Up to 50 weeks statutory Maternity or Adoption leave and up to 37 weeks' statutory maternity pay, or adoption pay may be available to be shared, it can be taken at the same time as your partner or at different times. The amount of leave and pay available to be shared depends on how much Maternity or Adoption Leave has been used by the parent who was pregnant, or the parent taking adoption leave. For Shared Parental Leave to be taken, this person must bring their entitlement to maternity or adoption leave to an end. Shared Parental Leave is in addition to any entitlement to statutory paternity leave and pay.

If you are the person taking Maternity or Adoption Leave, you must give a curtailment of leave notice, not less than 8 weeks before you want SPL to start. If you are the other partner, you will only be eligible to take Shared Parental Leave once the person taking Maternity or Adoption Leave has given their employer a curtailment notice to end their leave.

Shared Parental Leave can be taken any time until 12 month months after the baby is born or placed with you; it cannot be taken in the first 2 weeks after the birth. It must be taken in complete weeks but can be either a continuous block or up to three discontinuous blocks.

#### **4.6 Co-Parenting Leave**

There is currently no legislation concerning co-parenting arrangements but Fierce recognises that this is an increasingly common form of parenting and want to recognise it in our policies. Therefore, any person entering a co-parenting arrangement where they are not the pregnant person or immediate, co-habiting partner of the pregnant person will also be entitled to the same leave as a non-pregnant partner.

You must notify you Line Manager as soon as is reasonably practicable, specifying the expected week of childbirth (EWC), the length of leave you wish to take and when you wish your leave to start.

#### **4.7 Parental Leave**

Parental Leave is available to any employee with responsibility for a child under the age of 18. Each employee is entitled to 18 weeks of unpaid parental leave for each child for whom they have responsibility, up to a maximum of four weeks in any year. Any period of parental leave taken whilst working for another employer counts towards your total parental leave entitlement.

#### **4.8 Legal Framework**

The legal framework states that;

- **Maternity leave** 52 weeks Statutory Maternity Leave (**SML**) of which 2 weeks Compulsory Maternity Leave (**CML**). Paid at 90% of average weekly earnings for 6 weeks then 33 weeks Statutory Maternity Pay (**SMP**) – there is no qualification requirements for the leave but there is for the SMP.
- **Paternity leave** 2 weeks Ordinary Paternity Leave (**OPL**) paid as Statutory Paternity Pay (**SPP**) - qualification period and pay level as for SMP.
- **Adoption leave** 52 weeks Adoption leave of which 39 weeks are paid Statutory Adoption Pay (**SAP**). Rate is the same as for SMP with similar qualification periods.
- **Shared Parental leave** 52 weeks maternity leave can be shared flexibly (after 2 weeks CML) between the pregnant parent and their partner (**SPL**). The pay rate remains as for SMP. Qualification requirements apply.



- **Parental Leave** 18 weeks leave for a child under 5 (or under 18 if a child is disabled), this is unpaid.
- **Time off for dependants** A reasonable time off to deal with family emergencies, (this is unpaid).

The relevant legislation for the various provisions is covered in the Employment Rights Act 1996, the Employment Relations Act 1999, the Employment Act 2002 and the Work and Families Act 2006. The new shared parental leave (SPL) arrangements are contained in the Children and Families Act 2014.

#### 4.9 Fierce Provision

Fierce has developed the following additional provision with the aim of creating some equality for different kinds of parenting relationships. Where Fierce pay provision is above the statutory it includes statutory pay for that period, and following this, employees will be entitled to statutory pay relevant to their situation. To qualify for Fierce additional provision, we require employees to have worked for the organisation for at least 6 months and to have passed their probationary period, this does not affect eligibility for statutory provision. If an employee chooses not to return from leave, Fierce may require them to repay any additional provision they have taken; the full amount if they resign without returning to work, and 50% if they resign within 6 months of returning. This does not apply if they do not return due to their own or the child's ill health.

	Statutory		Fierce	
	Leave	Pay	Leave	Pay
<b>Policy covering pregnant parent including surrogates</b> (aka Maternity)	52 weeks SML (2 weeks CML)	90% for 6 weeks 33 weeks at SMP	52 weeks (2 weeks compulsory)	4 weeks full pay (includes SMP)
<b>Policy covering non- pregnant parent</b> (aka Paternity)	2 weeks OPL	2 weeks SPP	4 weeks	4 weeks full pay (includes SPP)
<b>Shared parental</b>	52 weeks	Same as SMP	52 weeks	4 weeks full pay (includes other statutory pay)
<b>Adoption</b>	52 weeks AL	39 weeks SAP (same as SMP)	52 weeks	4 weeks full pay (includes SMP)
<b>Co- parenting: two non-cohabiting parents /three parents who may or may not be co- habiting/ in relationships</b>	None	None	4 weeks	4 weeks full pay



<b>Parental leave</b>	18 weeks	Unpaid	-	-
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### 5. Sabbatical

Sabbaticals are granted at the absolute discretion of the Board of Trustees and the Board's decision is final. Any employee with at least 5 years' continuous service with Fierce is eligible to apply for a sabbatical lasting from 2-6 months. The factors the Board will take into consideration in deciding whether a sabbatical can be granted and if so, for how long include:

- The operational needs of the business including the need to retain your particular skills, knowledge and experience;
- The ability to manage your workloads and relationships in your absence including whether temporary staff will need to be employed;
- The length of leave you are requesting;
- Whether other staff are expected to be absent at the time you wish to take your leave;
- Whether you have taken a sabbatical previously;
- Your length of service;
- The purpose of your sabbatical and any benefits for Fierce that may arise as a result.

Other considerations may be relevant depending on the circumstances.

If you are granted a sabbatical, your contract of employment will continue, you will not be entitled to receive a salary or to contractual holiday entitlement but will continue to accrue statutory basic holiday. You will not be entitled to sick pay; you will be entitled to statutory family leave but not to any enhanced contractual birth or adoption-related leave or pay. Unless agreed by the Board you are not permitted to undertake work for any other employer during your sabbatical.

You will be entitled to return to work in the position you held before starting your sabbatical on the same terms of employment.

To apply for a sabbatical, you should first speak to your Line Manager or other Co-Directors and then write to the Chair of the Board not less than 3 months before you would like your sabbatical to start, setting out your reasons, the dates you wish your leave to start and end and any other relevant information. The Board will respond within 4 weeks of receipt, you should not make any plans or bookings until you have received confirmation that your sabbatical has been agreed. There is no right to appeal if your application is refused.

### 6. Sick Leave

Any employee who becomes ill must notify their Line Manager or other Co-Director that they will be absent from work at the earliest opportunity and should keep this person informed throughout the period of absence if it extends beyond one day.

You may be asked to provide details of the nature of the illness and an indication of the anticipated length of absence. For an absence of more than 7 consecutive days, you must provide a Statement of Fitness for Work from your GP or other treating doctor.

All employees will receive full pay for the first 5 consecutive days of absence from work due to sickness, up to a maximum of 30 working days in any 52-week period. Subsequently they will be paid statutory sick pay (SSP) for up to 28 weeks of absence from work due to sickness at the rate prescribed by the prevailing regulations for days on which they would normally be working. Sick pay may be withheld if Fierce has reasonable grounds to believe that you are fit to work and are making misrepresentations with regard to your ability to work, or if you fail to cooperate with Fierce in implementing advice from a medical or occupational health practitioner to facilitate your return to work.

If your ill health or injury is the result of an accident caused by a third party in respect of which damages are recoverable then you must notify Fierce and give us all relevant information



about any claim, compromise, judgement or settlement made or awarded in connection with it. If required to do so, you must refund to Fierce any amount received by you from such third party, up to the amount you have recovered in respect of sick pay which you have received from us.

Fierce understand that there will be times employees need to attend dental and medical appointments during normal workings hours and will allow employees paid time off to attend a reasonable number of such appointments.

If you wish to take holiday during long-term sickness you should book this in the usual way; sick pay will not be paid in respect of any period taken as holiday. The usual restrictions on carrying over holiday apply.

When you return to work following a period of absence longer than 7 consecutive days, your Line Manager or another Co-Director may conduct a return to work interview to establish the cause of the absence and whether you are fit to return to work. For long-term absence this may involve obtaining advice from your medical practitioner and putting in place a return to work programme, putting in reasonable adjustments to enable you to continue in your role.

There may be times when your Line Manager or other Co-Director asks to have a wellbeing check-in to understand your situation better and put plans in place to support you and the rest of the team when frequent absences are impacting their workload.

Fierce will comply with our obligations under the Equality Act 2010, making reasonable adjustments to enable disabled employees to return or assist them at work on advice from the employee and, where appropriate, their doctor. This could include a reduction in hours, transfer of some duties to other employees or physical adjustments which may be on a temporary or permanent basis.

#### **7. Time off for Jury Service or Court Attendance**

Fierce acknowledge that any employee summoned for jury service is under a legal obligation to serve and as such we are legally obliged to allow time off for this. You are expected to work with us to ensure that serving on a jury does not adversely affect Fierce, its business or its staff. You may also be required to attend court for other reasons.

If you are summoned to service on a jury, you must notify your Line Manager or other Co-Directors as soon as possible of the dates you are required to attend and the duration (where known) and may be asked to provide a copy of the Confirmation of Jury Service letter and Certificate of Loss of Earnings. Leave will be granted unless exemption or deferral has been secured.

Fierce will cease to pay your salary during jury service, however you are able to claim an allowance for loss of earnings from the Courts and Tribunals Service, you must give the Certificate of Loss of Earnings from the court to Fierce for completion.

If jury service is cancelled or completed earlier than expected, you should return to work as soon as possible and ensure the leave request is cancelled.

If you are required to attend court as a witness or character witness, this time off will be unpaid but you are able to claim for loss of earnings as above or through the relevant solicitor. If you are required to attend court on your own behalf, you should use annual leave and/or work flexibly to make time up; authorised unpaid leave will be granted if you have insufficient annual leave entitlement or cannot make time up.

#### **8. Time off to Attend Protests and Campaigning**

Fierce recognises its civic responsibilities to allow employees to attend political protests or undertake political campaigning that align with the company's values (including anti-racism, trans rights and climate change).

We will usually grant paid leave for up to 1 day per week, not exceeding 5 days in any financial year, pro-rata for part-time employees.





Leave should be requested in advance with your Line Manager or other Co-Directors and it at their discretion. It may be refused if the leave is requested for activity not deemed to align with Fierce's values, or if it interferes with our business needs or relationships.