

SUBMISSION FROM FIRSTGROUP PLC

FIRSTGROUP OVERVIEW

FirstGroup plc is the leading transport operator in the UK and North America. With revenues of over £6.5 billion per annum and approximately 124,000 employees we transport more than 2.5 billion passengers every year. Our portfolio of businesses consists of five main operation divisions and is diversified by geography and customer base.

- **UK Bus** - We are a leading bus operator in the UK with a fleet of 8,000 buses, carrying approximately 2.6 million passengers every day. We serve a vast number of communities including 40 of the UK's largest towns and cities.
- **UK Rail** - We operate approximately a quarter of the UK's passenger rail network, carrying over 300 million passengers a year, with a balanced portfolio of intercity, commuter and regional franchises and one open access operator (First Hull Trains). We have four franchised train companies: First Great Western, First Capital Connect, First ScotRail and First TransPennine Express.
- **Greyhound** - We are the only national provider of scheduled intercity coach transportation services in the US and Canada. We provide scheduled passenger services to approximately 3,800 destinations throughout the US and Canada, with 20 million passengers travelling 5.6 billion miles every year.
- **First Student** - As the largest provider of student transportation in North America, with a fleet of approximately 54,000 yellow school buses, we carry some six million students a day across 38 States in the USA and nine Provinces and Territories in Canada.
- **First Transit** - We are one of the largest private sector providers of transit management and contracting in North America. Our Services division is the largest private sector provider of vehicle maintenance and ancillary support services in North America.

GENDER DIVERSITY ANALYSIS

The below table reflects FirstGroup UK's employee base by gender, including an analysis of our operations in Scotland specifically.

BUSINESS AREA	TOTAL NUMBER OF EMPLOYEES	% OF FEMALES
UK Bus	22,572	8.78%
Glasgow	2,626	6.02%
Scotland		
East	1,077	8.36%
Aberdeen	503	6.76%
UK Rail	13,660	19.20%
ScotRail	4,726	19.90%

Studies have shown that the lack of women in transport jobs is an industry issue. People 1st conducted a study of the UK transport industry and found:

'78% of the sector's workforce is male, core occupations are characterised by large gender imbalances Some roles are still mistakenly associated with a particular gender and the nature of some job roles does mean that they are more attractive to men.'

FirstGroup would like to attract more women into our workforce. We believe having a more diverse employee population that reflects our customer base will enhance our business performance overall. FirstGroup conducted an internal study of our recruitment process and found that the proportion of successful female applicants is consistent with successful male applicants. This suggests that the selection process is not a critical issue. This is an area we will continue to monitor. In addition, an analysis of turnover rates did not show any significant difference in male/female leaving patterns. Again this implies that the issue is the volume of applications from potential female recruits, and perhaps looking at more flexible working patterns may lead to improvement in attracting women to our employment opportunities.

FIRSTGROUP POLICIES

FirstGroup is committed to equality of opportunity both in the provision of services to the public and as an employer. The company has an established company-wide Equal Opportunities and Diversity Policy to ensure that all employees, customers, contractors and those who come into contact with FirstGroup are treated equally and with fairness and consistency at all times.

Furthermore, all company policies are designed to be inclusive and free of biases (grievance, harassment, etc.). The Company ensures that we meet and at times exceed the legislative requirements in employment practices.

FirstGroup strives to assist their employees who have or are starting a family by providing the following family-friendly policies:

- Adoption leave
- Request for flexible working
- Maternity leave
- Parental leave
- Paternity leave

In addition, some areas of the business participate in a childcare voucher scheme, which is a simple and cost effective way for employees to pay for childcare.

In the subsequent pages is a case example from one of our Scottish businesses, First ScotRail, which further outlines the challenges businesses in the transport industry face and the initiatives undertaken in the recent past and planned for in the near future in an effort to improve the gender diversity within the workforce.

Kim Kutcher
HR Business Partner (Policy)
FirstGroup plc
26 April 2013

First ScotRail – Women and Work

Background information

First ScotRail employs just over 4,700 employees in a diverse range of jobs including:

- Traincrew (including Drivers and Conductors)
- Engineering maintenance (including cleaning)
- Stations
- Hospitality
- Clerical and Headquarters functions

Historically the rail industry is a male dominated industry, particularly in the areas of Traincrew and Engineering. The reasons for this are various, including:

- The work is often perceived to be grimy and physical
- Extreme shift patterns with unsociable hours
- Lack of part-time jobs / job share opportunities in some areas of the business
- Cultural – Train driving and Engineering in particular can be viewed as “men’s work”

Since FirstGroup took over the ScotRail franchise in 2004 there has been some improvement. Women represented 15% of the workforce in 2004 - it now stands at about 20%, however, this is clearly not enough of an improvement and there is still work to be done to attract women into the organisation. .

Analysis of female employees in First ScotRail

Of the 4,700 employees working for First ScotRail, 950 are female, representing 20% of the workforce which is the average for the transport industry as a whole. However the spread of female employees across the various roles is uneven, for example women represent 44% of those who work in Stations or HQ roles, whereas only 4.3% of Train Drivers are women. This is slightly over the national average of the industry which stands at 4.2%. Other on-train roles such as Conductors and Ticket Examiners have a better representation of women at around 20%. One of the more recent encouraging statistics is that 40% of the First ScotRail Executive team are women.

Analysis of Part-time / Job share roles

The total number of part-time / job share roles within First ScotRail is around 300, representing 6% of the total jobs within the company. These part-time roles tend to be within the Stations and HQ sides of the business. The recent addition of roles such as Gateline Customer Service Assistants has increased the number of part-time roles within the company.

Traditionally train driving roles have not been part-time, although more recently we have had requests for reduced hours and job share. Some arrangements are now in place and others are in the pipeline. One of the contributing factors to the lack of part-time roles for train driving has been resistance from the Train Drivers union, ASLEF, who have tended to view part-time working as a threat to quality full-time jobs. However it should be noted that ASLEF are very supportive of the need to attract more women drivers. In 2012 they commissioned a report from the Institute for Employment Rights entitled "On Track for Diversity" amongst many positive recommendations is one that suggests that the value of part-time and job share roles should be re-examined.

Analysis of flexible working arrangements

First ScotRail has a Family Friendly policy in place which outlines the right to request flexible working and the procedure for doing so. It highlights the fact that an application can only be refused where there are valid business grounds for doing so.

Obviously the fact that First ScotRail operates a near 24 /7 operation makes it a challenge to agree to all requests. Over 75% of roles within the organisation involve some kind of shift working. Some roles, such as Train Driving, have extreme early and late start and finish times with legally fixed rest periods in between. Each case is considered carefully and every effort is made to accommodate the request and in the majority of cases an agreement is reached.

We currently have over 100 flexible working arrangements in place across the business, ranging from full-time flexible hours to reduced hours flexible working.

Examples of actions taken to date

As a company, First ScotRail is keen to increase the diversity of its workforce to better reflect the community which it serves. In recent years there have been several initiatives to increase the number of women employed at ScotRail, examples include:

1. Attraction campaign for women drivers

In 2008, with the support of ASLEF, First ScotRail ran a media campaign to attract women to apply for Train Driving vacancies. An article featuring an existing female driver was published in the Scottish press and an advert was placed in women's magazines. We also filmed testimonials from women drivers and put this online. At the annual Open Day members of the recruitment team encouraged women to apply for the roles, and sessions on the Train Driver simulator were offered. The campaign had some limited success and another six female Train Drivers were recruited.

2. Schools outreach

Members of staff have visited schools to talk to young people about the career opportunities offered within First ScotRail and to try to dispel some of the

misconceptions of the industry. We have also attended many career fairs and have encouraged young women to apply for roles in the company. Our modern apprenticeship in customer service has proven to be very popular and of the two intakes to date over 50% have been female, which is encouraging.

3. Identifying best practice

First ScotRail has spent the last year contacting various groups and organisations and joining forums in order to learn from best practice in other areas. This has included linking up with the British Transport Police who have a very good track record on diversity, and consulting with industry partners, such as Network Rail, East Coast and Virgin railways. We have also worked with Stonewall and joined the Glasgow Chamber of Commerce diversity forum, to name a few. This activity has informed the development of the First ScotRail Diversity and Inclusion strategy which is in the process of being launched.

Current activity

First ScotRail has recently launched its Diversity and Inclusion strategy which aims to improve the diversity of the employee population including gender diversity. The trade unions have engaged with the strategy and a steering group which includes TU nominated representatives as well as a cross section of other staff is currently being set up. The strategy will involve examining each part of the employee lifecycle from attraction and recruitment through to development and succession planning. The group will also examine best practice from across the industry and beyond and make recommendations that will drive forward the diversity agenda within the company.

Developing female managers

First ScotRail, together with industry partners, Network Rail, are participating in the People 1st “Step Up” training programme which aims to improve the confidence of junior female managers and develop them to take the next “step up” in their careers.

Summary

Gender diversity is a challenge for the rail industry as a whole including First ScotRail. This is due to historical factors and the prevailing perception of working on the railway. Shift work and a lack of part-time roles, particularly for Traincrew roles, are also clearly issues as noted in the ASLEF commissioned “On Track for Diversity” report produced by the Institute for Employment Rights.

Work has been done and continues to be done to tackle this issue within First ScotRail. This includes positive action initiatives such as targeted recruitment campaigns and career fairs. With the launch of the First ScotRail Diversity and Inclusion strategy this issue will be pushed to the top of the agenda, and with the Trade Unions fully engaged, progress towards a more diverse workforce will gain real momentum over the coming year.

Our commitment to inclusivity and diversity:

Recognising, respecting and valuing the diversity of our people is key to ScotRail's Values & Vision. We are committed to creating a workplace culture where the benefits and value of a diverse employee population are fully appreciated. We believe that creativity and innovation can flourish by bringing together people from a range of backgrounds and cultures. We recognise that by engaging an employee population that represents the diverse nature of the communities we serve, we will be best placed to meet and exceed our customers' expectations.

The Business Case

Improving the diversity of our employee population will make a contribution to our ambitions to become a more customer focussed organisation and to develop a more engaged workforce.

As a national rail company our employees are in daily contact with the public. In many cases our customer's experience of the company is directly related to that interaction. An employee base that reflects the customer base is more likely to promote improved customer engagement.

Our ability to tap into the widest possible talent pool and attract wide ranging people to the organisation will depend on a commitment to increase the diversity of the employee population, which is also likely to improve engagement for a wider range of employees.

Business Drivers for Diversity:

- **Customers**
 - We have a diverse customer base of which women and passengers of an international origin control a growing share of purchasing power. In many parts of the business our employee population does not reflect the diversity of the local community or customer base, in particular in relation to gender diversity.
 - Greater diversity would broaden our understanding of customers' preferences – this can be achieved by an employee population that accurately reflects the demographic make up of the customer base.
- **Recruitment and Talent**
 - Our expectations of our employees are changing. A rounded skill base with an ability to combine core skills with an understanding of safety, environmental knowledge and customer service are now integral to most roles.
 - Perceptions of the railway industry are inhibiting our ability to attract talent from other industries from whom we can gain valuable experience.

- Diverse leadership teams provide higher levels of motivation to a broader range of individuals, and will be able to draw on a wider set of experiences in order to inform decision making.
 - Diverse experiences and attitudes in the employee population can bring benefits such as innovation, dynamic approaches to tasks and creativity.
 - Greater diversity in the employee population will support the development of a workforce able to adapt to the changing and developing needs of the organisation.
 - Increasing our representation of women across all roles and reaching out to new and emerging communities will bring benefits to ScotRail as both a service provider and an employer.
- **Culture and Engagement**
- We have a recognised need to change the culture of our organisation and enhance employee engagement within the business. Enhancing the diversity of our employee population will support the achievement of this objective.
 - The level of employee motivation and involvement can be impacted by the diversity of the organisation, under represented groups may feel isolated or less well understood which may impact on their level of engagement within the organisation.
 - Diversity will bring different approaches and management styles which will benefit the organisation both in terms of learning from these diverse capabilities and approaches and in meeting employee expectations.
 - Organisational diversity will increase our ability to attract and retain the right people and will help remove some of the barriers to improving representation in the employee population.

The opportunities to ScotRail of increased diversity include:

- Ability to react to more competitive job markets and attract and retain a diverse employee population is necessary to meet the changing needs of the business to ensure its competitiveness.
- Ability to serve and understand our communities more effectively and provide services that meet their needs.
- Ability to build a culture of engagement which embraces diversity and reflects the needs of a wide range of employees thus helping increase retention and breaking down barriers to people wanting to work in the railway industry.
- Supporting our aspiration to be employer of choice in the industry
- Enhancing the company brand as a place that would be attractive to a wide pool of talent.

- Increasing the talent pool that will develop innovative thinking and ideas for the future strategy and development of the business.

Strategic imperatives:

In order to create the culture where ScotRail are attracting, engaging and retaining the best talent from our diverse Scottish marketplace, it is recognised that a number of key strategic imperatives must be in place.

Leadership

It is recommended that the diversity agenda is driven by the leadership team, their vocal and symbolic support will ensure the message is heard and is visible to all employees.

Engagement of our trade unions colleagues

Adopting a collaborative approach with our trade unions colleagues is seen as a key requirement for the successful progression of this strategy. The involvement of our t.u. stakeholders will be sought at the very earliest opportunity to ensure their expertise and representation of our staff population. It is anticipated that each trade union will nominate a representative member to contribute to the working group which will be established to shape the implementation of the strategy.

Embedding our Values:

We have a defined set of values to guide how we interact with our customers and with each other. These values promote the demonstration of safety, integrity, accessibility, quality and professionalism. By living these values our culture and our business will continue to grow and develop as a healthy and creative workplace.

Corporate Social Responsibility

CSR is becoming a way of life at ScotRail. We partner with organisations that are working to improve opportunities for people. Through sponsorships and contributions, we support programs that make an impact in the communities in which we operate. By connecting to and representing our communities, ScotRail employees will contribute their time and talents in a variety of efforts.

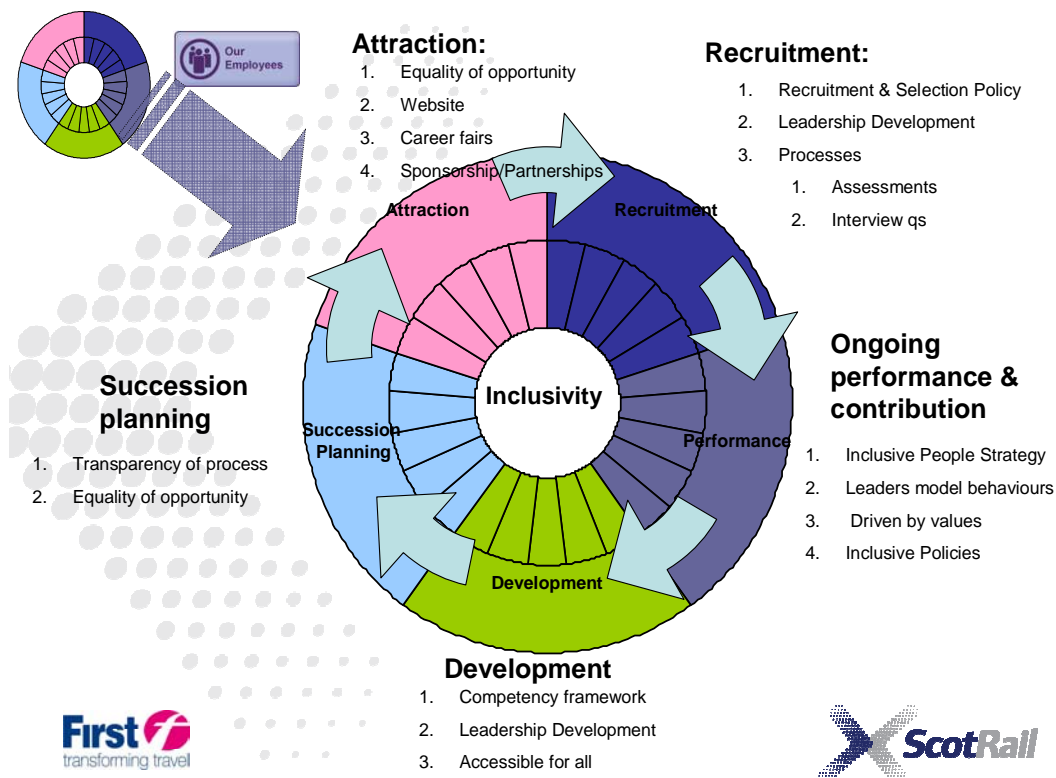
Diversity Forums/Working Group

It is recommended that diversity champions, to include our trade unions colleagues and representing departments across the organisation and employee groups will meet regularly to discuss issues on religion, disability, flexible working, sexual orientation and ethnicity. This group will include representatives from a cross section of staff populations to ensure inclusivity. The forums may act as innovation sessions with specific problem solving agendas given.

Key enablers:

In order to meet our diversity commitment, we have identified the key enablers at each juncture of the lifecycle of our employees. This will help us target interventions and quality check our current processes to ensure alignment with our commitment.

The following visual highlights our identified key enablers, throughout the employee lifecycle that will enable us to meet our commitment:



Employee Lifecycle:

Attraction:

We want to attract a talented pool of candidates and future employees who come from all areas of our diverse community.

Equal opportunities policy

- This will continue to guide the way we do things and our aim is to exceed the requirements of legislation wherever possible.

Website:

- Our internet, intranet sites and all company literature will be designed to use images of groups currently underrepresented in our employee population (women, ethnic minorities).

Career fairs

- We will positively reach out to communities populated by groups currently underrepresented in our employee population and encourage applications from these areas.

Sponsorship and partnerships

- This year we joined Opportunity Now, a membership organisation that wants to ensure inclusiveness for women. We will promote our intentions to targets underrepresented groups through a program of sponsorship activity.

Recruitment:

ScotRail is committed to employing the best person for each job regardless of background, religion, ethnicity, age, disability, sexual preference or gender as well as helping and supporting them to achieve their highest potential.

- Our recruitment and selection policy is written to ensure inclusivity and respect for difference.
- Management development
 - Our recruiting managers will receive development to ensure selection judgements are unbiased.
- Processes are designed to be inclusive and transparent.
 - Our assessments are designed to be accessible regardless of difference/difficulty.
 - Our interview questions are written to be inclusive and minimise bias.

Ongoing Performance and contribution

ScotRail is committed to creating a corporate culture and working environment that means every employee is encouraged to contribute with confidence, that their input is valued and their thoughts will be respected. This will be the ScotRail culture of inclusion, where everyone matters and no one is excluded.

- Our people strategy is designed to value difference and diversity and create a culture where our people are respected and are respectful.
- Our contribution will be guided by our values and these will enable us to develop and grow a healthy and successful business.
- Policies are designed to be inclusive and free of biases (grievance, harassment etc)
- Our performance management process will be reviewed to ensure that staff members with protected characteristics¹ are not disadvantaged.
- Our leadership team will continue to role model our values and challenge us to ensure we are living these in all that we do. This will be measured formally within our PD process and informally on a daily basis.

Development

All employees have access to development programmes and developing our business through continuous improvement will be supported by the continuous development of our employees:

- Our competency development framework will be reviewed to ensure inclusivity is promoted and recognised.
- Leadership programs will be designed to ensure that an inclusive mindset that appreciates the value that a diverse workforce achieves, will be rolled out for all people leaders.
- Our development programmes will be accessible, wherever possible, to all.

¹ Protected characteristic refers to: Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex, Sexual orientation.

Succession planning

Ensuring the future success of the business means ensuring that we have processes in place to identify and develop our potential future leaders and senior managers, as well as individuals to fill other business-critical positions.

- When developing our future leaders, we will ensure equality of opportunity and positively encourage those in groups where we may be underrepresented. This will be achieved through application of our equal opportunities and recruitment and selection policies.
- Our talent development and succession processes will be designed to be inclusive and transparent.

Transition

For those exiting the business – the process will be respectful and focussed on future success.

- Outplacement services offered to all where appropriate.
- Job search assistance offered to all where appropriate.

Measurement:

Diversity and inclusivity is not a new agenda for us but stating our commitment to this is further evidence of our intention to develop our culture to reflect our communities. Ideally we would wish to evidence the current statistical diversity of our current employee population but as a result of current processes and restrictions (data protection, equality and discrimination legislation etc), we are limited in the data that we have.

Initially we have therefore chosen to state our commitment and engage our trade union colleagues in the review and development of our current processes. We will commit to undertake a survey of our employees during 2013 in collaboration with our tu representatives. This survey will measure the employee perceptions of our progress and also collate data on the existing demographics of our staff. We will then use this data to benchmark against and measure the progress of our journey.

Addendum:

ScotRail's Equal Opportunities Policy:

ScotRail is committed to equality of opportunity both in the provision of services to the public and as an employer. The purpose of this policy is to ensure that all employees, customers, contractors and those who come into contact with ScotRail are treated equally and with fairness and consistency at all times.

1.2 This policy seeks continuous improvement and compliance with legislation. It is based on the principles that:

- a) all people have the right to be treated with dignity and respect;
- b) we will not discriminate on the grounds of race, gender, disability, nationality, religious or philosophical belief, age, sexual orientation, family status, trade union activity or any other factor;
- c) we will adopt fair and inclusive practices throughout our operations and will eliminate all prejudice, discrimination, bullying and harassment;
- d) all employees have a personal responsibility for the practical application of this policy in their day-to-day activities and must support the policy at all times; and
- e) non-compliance with this policy will be treated seriously and will not be tolerated.

1.3 Senior/All Managers of the business are tasked to ensure that they:

- a) create a productive and safe working environment, promoting diversity and inclusion in their workforce;
- b) actively demonstrate ScotRail's diversity policy and practices;
- c) develop new practices to ensure inclusion for employees, contractors and customers; and
- d) demonstrate continuous improvement in diversity and equal opportunities for all.



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Family Friendly Policy

Synopsis

This document outlines the steps to be taken in regard to maternity, paternity, adoption and flexible working applications and time of to care for a dependant

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Reference	Type	Title
FF01	Letter	Acknowledging Maternity Leave Application
FF02	Application Form	Application for Paternity Leave
FF03	Application Form	Application for Paternity Leave on Adoption
FF04	Letter	Acknowledging Maternity Leave on Adoption
FF05	Application Form	Application for Flexible Working
FF06	Form	Acceptance of Flexible Working
FF07	Form	Declining Flexible Working
FF08	Form	Flexible Working Appeal Form
FF09	Form	Flexible Working Appeal Reply Form
FF10	Form	Flexible Working Extension of Time Limits
FF11	Form	Flexible Working Withdrawal Form
FF12	Letter	Requesting employee to attend Keeping in Touch Day – Maternity Leave
FF13	Letter	Responding to employee's request to attend Keeping in Touch Day – Maternity Leave
FF14	Letter	Requesting employee to attend Keeping in Touch Day – Adoption Leave
FF15	Letter	Responding to employee's request to attend Keeping in Touch Day – Adoption Leave
FF16	Application Form	Application for Additional Paternity Leave
FF17	Declaration Form	Additional Paternity Leave & Pay – Mother's / Primary Adopter's Declaration
FF18	Form	Response to Employees Request to Take Additional Paternity Leave



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1. POLICY

1.1 Definition and Purpose

ScotRail acknowledges that it is important for employees to achieve a balance between work and family commitments. ScotRail aims to adopt an approach that assists employees to combine their work with family life and support the employee to do this. This document outlines the procedure for maternity, paternity, adoption and parental leave as well as flexible working requests and time off to care for dependants.

1.2 Scope

This policy applies to all eligible ScotRail employees as defined within the relevant section of the document.

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2 PROCEDURE

2.1 Maternity Arrangements

2.1.1 Notification of Pregnancy and intention to take Maternity Leave

An employee should advise her manager of her pregnancy as soon as practicable. The latest she should advise her manager and administration office of her intention to take maternity leave is by the end of the 15th week before the Expected Week of Childbirth (EWC) unless this is not reasonably practicable. A Mat B1 form will be issued to the employee by her midwife or GP showing the EWC and this should be submitted to the admin office along with a letter advising when she wants to start her ordinary maternity leave. The employee can change her mind about the start date of the leave provided she gives at least 28 days notice where reasonably practicable (notice does not have to be given where the baby arrives early).

The admin office must respond in writing (see Appendix A) within 28 days of receiving notification of pregnancy advising the date the employee would be expected to return to work if she takes her full entitlement to ordinary and additional maternity leave.

2.1.2 Risk Assessments

Risk assessments are carried out to identify hazards in the workplace that could be a risk to new, expectant, or breastfeeding mothers. However when notified that an employee is pregnant the manager should arrange for a specific risk assessment of the job to be carried out and discuss this with the employee. When returning to work the employee should alert the manager if she is breastfeeding in order that they can consider any risks and make any necessary arrangements.

If the employee has any specific concerns she should raise this with her manager who can contact Health and Safety or Human Resources for further advice.

2.1.3 Antenatal Care

All pregnant employees are entitled to reasonable paid time off during working hours for antenatal care. Other than for the first appointment the employee should be prepared to show appointment card to manager if requested.

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2.1.4 Maternity Leave

a) Ordinary Maternity Leave

All pregnant employees are entitled to a period of 26 weeks ordinary maternity leave regardless of their length of employment. The earliest they can start ordinary maternity leave is the beginning of the 11th week prior to the EWC however they may work until the EWC.

If the employee is absent due to a pregnancy-related illness the maternity leave period starts on the first day of absence of the fourth week before the EWC. If the absence is not pregnancy related the employee would remain on sick pay until the date of birth or the date she has stated that she intended to start her maternity leave.

Should the employee give birth before the date she is due to start maternity leave her leave will start automatically from the date of birth.

b) Additional Maternity Leave

All pregnant employees are entitled to a further 26 weeks Additional Maternity Leave regardless of their length of employment. This would begin immediately from the end of the ordinary maternity leave period.

c) Compulsory Maternity Leave

An employee cannot return to work within two weeks of the date of childbirth.

2.1.5 Pay during Maternity Leave

a) Ordinary Maternity Leave

Payment during Ordinary Maternity Leave is as follows:-

- i) Employees who have **not completed 26 weeks** continuous employment by the 15th week before the EWC or whose average weekly earnings are below the Lower Earnings Limit for National Insurance contributions **do not** qualify for Statutory Maternity Pay (SMP) from First ScotRail. They should apply to their Jobcentre

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Plus Office (JPO) for Maternity Allowance. An SMP1 form should be completed by the admin and given to the employee to submit to the JPO.

ii) Employees who qualify for SMP would receive

- ◆ **100% of average weekly earnings for the first 13 weeks** of maternity pay period **or** the standard rate of Statutory Maternity Pay (SMP) if this is higher. (Average earnings are calculated by reference to pay received for the last complete 8 weeks prior to the 15th week before the EWC, however the amount should be increased in line with any pay award received during maternity leave).
- ◆ **The Standard rate of SMP for a maximum of 13 weeks** or 90% of average earnings if this is less than SMP rate. (The rate of SMP from 3/4/11 was £128.73 per week however this rate is reviewed each April.)

b) Additional Maternity Leave

Payment during Additional Maternity Leave, is as follows:-

- i) Employees who have **not completed 26 weeks** continuous employment by the 15th week before the EWC or whose average weekly earnings are below the Lower Earnings Limit for National Insurance contributions **do not** qualify for Statutory Maternity Pay (SMP) from First ScotRail. They should continue to claim Maternity Allowance from their Jobcentre Plus Office. This would be available for the first 13 weeks of Additional Maternity Leave.
- ii) Those who do qualify would receive:
 - ◆ The standard rate of SMP or 90% of average earnings if this is less than SMP rate for the first **13 weeks** of Additional Maternity Leave. (The rate of SMP from 3/4/11 is £128.73 per week however this rate is reviewed each year).
 - ◆ The remaining **13 weeks** is unpaid.

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2.1.6 Keeping in touch during maternity leave

The employee can be contacted while she's on maternity leave, as long as the amount and type of contact is not unreasonable, to discuss a range of issues – e.g. to discuss her plans for returning to work, or to keep her informed of important developments at the workplace.

The employee should be informed of any relevant promotion opportunities or job vacancies that arise during maternity leave.

The employee can do up to **10 days'** work under her contract of employment during maternity leave, as long as **both** she and her manager have agreed for this to happen, and agree on what work is to be done. These days can be used for any work normally covered under the contract of employment but may be particularly useful to enable the employee to attend a conference, to take part in any training activity or attend team meetings or briefings.

Employee's in receipt of average earnings (paid during first 13 weeks of ordinary maternity leave) should continue to receive this rate for any hours worked during maternity leave. For those not who do not qualify for average earnings or once this has expired should be paid for the number of hours worked at their substantive rate of pay. Note: this will be in addition to any entitlement to SMP.

The employee cannot come in for any keeping in touch days during the first two weeks following the birth of the child.

2.1.7 Returning to Work

An employee who intends to return to work at the end of their full entitlement to maternity leave is not required to give further notification of this. However if the employee intends to return to work before the end of her full maternity leave or on a different date to which she has previously advised then she should advise her manager and admin office at least eight weeks before she intends to resume. Therefore, an employee who is entitled to additional maternity leave who intends to return at the end of her ordinary maternity leave should give her manager and admin office at least eight weeks notice of this.

2.1.8 Annual Leave

Annual leave will continue to accrue during Maternity Leave.

2.1.9 Terms and Condition of employment during Maternity Leave

During maternity leave all terms and conditions, other than remuneration, will be maintained. An employee who returns to work after ordinary or additional maternity leave is entitled to return to the same job on the same terms and conditions as if she had not been absent unless a redundancy situation has arisen.

2.1.10 Pension Contributions during Maternity Leave

While on paid maternity leave the employees' pension contribution rate will be based on the actual earnings received as opposed to pensionable salary. Once maternity pay stops the contribution rate will return to the rate the employee was paying before maternity leave.

2.1.11 Resignation or dismissal prior to starting Maternity Leave

If an employee resigns or is dismissed before the date she has notified, or before she has notified a date, she loses the right to maternity leave, however she will still be eligible for SMP if she is employed after the 15th week before the expected week of childbirth.

2.2 Paternity Leave

2.2.1 Eligibility for Paternity Leave

a) Ordinary Paternity Leave

Employees will qualify for Ordinary **Paternity Leave** if they: -

- ◆ Have or expect to have responsibility for the child's upbringing and is either or both the biological father of the child or the mother's husband or partner, or
- ◆ Are the partner of someone adopting a child on their own, or
- ◆ Are adopting a child with their partner

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AND

- ◆ Have worked continuously for 26 weeks either by the end of the 15th week before the baby is due or leading into the week in which the adopter is notified of being matched with a child.

Employees who **do not** qualify for Statutory Paternity Leave will receive one day's leave with pay at standard rate at or around the time of their partner's confinement.

b) Additional Paternity Leave

Employees will qualify for **Additional Paternity Leave** if they :-

- They are either:
 - the biological father of the child;
 - married to or the partner/civil partner of the child's mother (if not the biological father);
 - matched for adoption with a child and not taking the Adoption Leave; or
 - married to or the partner/civil partner of the child's primary adopter.
- They must have responsibility for the child's upbringing and be taking the Additional Paternity Leave for the purpose of caring for the child.
- They must have at least 26 weeks continuous service at the relevant week and remain employed until the start of and during the Additional Paternity Leave. For a birth, the relevant week is the 15th week before the baby is due. For an adoption, the relevant week is the week the adopter is matched with the child for adoption.
- The child's mother or primary adopter must have been entitled to Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance, Adoption Leave or Statutory Adoption Pay. They must have returned to work with Additional Maternity Leave or Additional Adoption Leave outstanding.

Additional Paternity Leave for Adoption from Overseas

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Eligible employees whose partner is the primary adopter of a child from overseas will qualify for Additional Paternity Leave where the child enters Great Britain on or after 3 April 2011. The Additional Paternity Leave cannot be taken beyond the 1 year anniversary date of the child entering Great Britain. The employee must have at least 26 weeks continuous service either:

- Ending with the week the official notification of the adoption was sent to the child's adopter; or
- Commencing with the week in which the employee's employment began.

The employee's notification to take Additional Paternity Leave must state the date on which the primary adopter received official notification of the adoption and the date on which the child entered Great Britain. The company reserves the right to request a copy of the official notification and evidence of when the child entered Great Britain.

2.2.2 Paternity Leave

(a) Ordinary Paternity Leave

Employees can take a block of one, two or three weeks' consecutive paternity leave which can begin: -

- ◆ From the date of the child's birth/placement, or
- ◆ From a chosen number of days or weeks after the date of the child's birth/placement, or
- ◆ From a chosen date later than the first day of the week in which the baby is expected to be born

Leave can start on any day of the week on or following the child's birth/placement but must be completed within 56 days of the actual date of birth/placement of the child or if the child is born early 56 days after the expected date of birth.

Only one period of leave is available to employees for each pregnancy irrespective of whether more than one child is born as a result of the same pregnancy.

(b) Additional Paternity Leave



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Additional Paternity Leave cannot be taken before 20 weeks after the child's birth or before 20 weeks after the date of the child's adoption placement. The leave cannot be taken beyond the child's first birthday or beyond one year after the child's adoption.

Additional Paternity Leave must be taken in whole weeks, although does not necessarily have to start on the first day of a working week (i.e. it may start mid-week).

The minimum amount of Additional Paternity Leave that may be taken is 2 weeks and the maximum amount is 26 weeks and must be taken as a single block of leave. The employee may only take an amount of Additional Paternity Leave that is equal to the Additional Maternity or Adoption Leave that is outstanding when the mother or primary adopter returns to work.

Additional Paternity Leave does not necessarily have to start on the date the mother or the primary adopter returns to work and this will not affect the employee's entitlement to transfer the mother's / primary adopter's outstanding Statutory Maternity / Adoption pay.

The leave will automatically cease if the employee leaves the company.

2.2.3 Requesting to Take Paternity Leave

(a) Requesting Ordinary Paternity Leave

Employees are required to inform their local manager of their intention to take paternity leave by the fifteenth week before the baby is due, unless this is not reasonably practicable. In the case of adoption the employee should advise their manager within seven days of the adopter being notified by the adoption agency that they have been matched with a child unless this is not reasonably practicable.

The employee should advise when the baby is due/to be placed, whether they wish to take one, two or three weeks' leave and when they want the leave to start (see Forms FF02 & FF03). The employee can change their mind about the date on which they want their leave to start providing they give at least 28 days notice (unless this is not reasonably practicable).

(b) Requesting Additional Paternity Leave

Where an employee wishes to take Additional Paternity Leave they must:

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i) Write to their line manager, using the form (FF16) at least 8 weeks before they wish to take the leave. They must complete the form in full including stating:

- the date on which they wish their leave to start and end; and the date on which the child was or is expected to be born;
- OR
- the date on which the child was or is due to be adopted; and the date that they were notified of the match with the child.

The form acts as self-certification of the employee's right to take Additional Paternity Leave and must be signed and dated by the employee.

The employee must attach to the form:

- a copy of the child's birth certificate (if a birth child); or
- evidence of the name and address of the adoption agency.

ii) At the same time the mother or primary adopter must, submit a signed declaration using Form FF17 stating:

- His/her name, address and national insurance number;
- The name and address of his/her employer (or business address is self employed);
- The date that he/she intends to return to work;
- That he/she has given notice to his/her employer of returning to work;
- That he/she is entitled to Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay;
- The date of his/her Maternity or Adoption Pay Period;
- That the employee satisfies the relationship eligibility conditions;
- That he/she consents to the company processing the information contained in the declaration form; and
- That the employee is to his/her knowledge the sole applicant for statutory paternity pay and, in the case of a birth child, also that the employee is to his/her knowledge the only person exercising the entitlement to Additional Paternity Leave in respect of the child.

The company will write to the employee within 28 days of receiving the employees request to confirm their intended start and end date for the Additional Paternity Leave.

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The employee may bring forward the start date of the Additional Paternity Leave by advising the company in writing at least 6 weeks before the new start date or, if that is not possible, as soon as reasonably practicable.

If the employee wishes to postpone the start date of their Additional Paternity Leave or cancel their Additional Paternity Leave they must write to the company at least 6 weeks before the leave was due to start or, if that is not possible, as soon as reasonably practicable.

2.2.4 Pay during Paternity Leave

(a) Payment during Ordinary Paternity Leave

During Ordinary Paternity Leave employees will be eligible for: -

- ◆ **1 week of average earnings** (calculated by reference to the 8 weeks prior to the 15th week before the EWC in the case of birth or the 8 weeks immediately proceeding written confirmation of being matched with a child for adoption).
- ◆ **1 week of Statutory Paternity Pay (SPP)** or 90% of average weekly earnings if this is less than SPP. (SPP is £128.73 per week from 3/4/11).
- ◆ **1 week at a rate equivalent to SPP** or 90% of average weekly earnings if this is less than SPP. (SPP is £128.73 per week from 3/4/11).

(b) Payment during Additional Paternity Leave

In order to be eligible for Statutory Paternity Pay the employee must have earnings on average at least equal to the Lower Earnings Limit (£95 per week at the point of policy issue) during the 8 weeks prior to the relevant week.

The employee's normal salary (and any associated payments, e.g. on-call allowance, irregular hours payments) will be replaced by Statutory Paternity Pay. (SPP is £128.73 per week from 03/04/11).

The number of weeks payment will be no more than the number of weeks Statutory Maternity/Adoption Pay outstanding from the mother's or primary adopter's entitlement, which will be up to a maximum of 19 weeks. The

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mother/primary adopter must have at least 2 weeks maternity or adoption pay remaining at the time they returned to work.

The remaining period of leave shall be unpaid.

Statutory Paternity Pay will be payable whether or not the employee intends to return to work after their Additional Paternity Leave.

2.2.5 Keeping in Touch Days during Additional Paternity Leave

The employee may request to work for the company (or to attend training) for up to 10 days during their Additional Paternity Leave without bringing their period of Additional Paternity Leave or Statutory Paternity Pay to an end. These days are called Keeping in Touch (KIT) days. They do not necessarily have to carry out their usual duties on these days and may carry out alternative duties.

The employee shall be paid Statutory Paternity Pay (where still payable), which will be supplemented so the total amount reflects their usual salary for each hour of work (or training) completed during the KIT day (incomplete hours will be rounded up). Any part day worked (or spent training) shall be one day from the employee's 10 day entitlement.

The employee will not be required by the company to take KIT days if they do not wish to and the company is under no obligation to agree to the employee's request to take KIT days.

The length of the Additional Paternity Leave includes any KIT days taken and the days worked do not extend the period of leave.

2.2.6 Returning to Work

The employee will have been notified by the company of their last day of Additional Paternity Leave and the employee is expected to return to work on the next working day. Any failure to return without reasonable justification or notice will be treated as unauthorised absence and may be dealt with through the disciplinary process.

The employee is entitled to return to the same job that they occupied before commencing paternity leave on the same terms and conditions of employment, provided that the Additional Paternity Leave was an isolated period of leave or taken with certain other types of statutory leave.



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Should the employee decide to leave the company at any point during their Additional Paternity Leave they must provide their contractual notice period, unless other arrangements are agreed at the company's discretion.

Employees made redundant during Additional Paternity Leave are entitled to be offered suitable alternative employment where this is available and this will be on no less favourable terms than their previous contract.

2.2.7 Annual Leave

Annual leave will continue to accrue during Additional Paternity Leave.

Annual leave must be taken in the year that it is earned and therefore, if the holiday year is due to end during their period of Additional Paternity Leave, they should make arrangements to take all outstanding leave annual leave before starting their Additional Paternity Leave. Permission to carry forward any outstanding annual leave to the following annual leave will only be permitted in line with the company's usual practices.

2.2.8 Terms & Conditions of Employment during Paternity Leave

During the leave the employee's contract of employment remains in force and they will be entitled to receive all contractual benefits except for salary.

2.2.9 Pension Contributions during Paternity Leave

While on paternity leave the employees' pension contribution rate will be based on the actual earnings received as opposed to pensionable salary.

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2.3 Adoption Leave

2.3.1 Eligibility for Adoption Leave

Adoption leave is available to individuals who adopt or one member of a couple where a couple adopt jointly. The couple may choose which partner takes adoption leave. The other member of the couple or the partner of an individual who adopts may be entitled to paternity leave (see section 3).

To qualify employees must:-

- ◆ Be newly matched with a child for adoption by an approved adoption agency
- ◆ Have worked continuously for 26 weeks' leading into the week in which they are notified of being matched with a child for adoption.

2.3.2 Length of Statutory Adoption Leave

Adopters will be entitled to up to 26 weeks' **ordinary adoption leave** followed immediately by up to 26 weeks' **additional adoption leave**. This can start from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement.

Only one period of leave is available regardless of the number of children placed for adoption as part of the same arrangement.

If the placement ends during the adoption leave period, the adopter can continue adoption leave for up to eight weeks after the end of the placement.

2.3.3 Notice of Intention to take Leave

Adopters should advise their manager of their intention to take leave within 7 days of being notified by the adoption agency that they have been matched with a child for adoption unless this is not reasonably practicable. The

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employee should give their admin section a 'matching certificate', which will be issued by the adoption agency, as proof of their entitlement to adoption leave and confirmation of the expected placement date.

The admin office must respond in writing (see Appendix D) within 28 days of receiving notification of the adoption advising the date the employee would be expected to return to work if they take the full entitlement to adoption leave.

2.3.4 Pay during Statutory Adoption Leave

During **Ordinary Adoption Leave** (up to 26 weeks) provided their earnings are higher than the Lower Earnings Limit for National Insurance Contributions the adopter will qualify for payment as follows: -

- ◆ **100% of average weekly earnings for the first 13 weeks** of adoption pay period **or** the standard rate of Statutory Adoption Pay (SAP) if this is higher. (Average earnings are calculated by reference to pay received for the last complete 8 weeks prior to being notified of being matched with a child, however the amount should be increased in line with any pay award received during Adoption Leave)
- ◆ **The Standard rate of SAP for a maximum of 13 weeks** or 90% of average earnings if this is less than SAP rate. (The rate of SAP from 1/4/07 is £112.75 per week.)

Additional Adoption Leave is paid at a rate of SAP for the first 13 weeks or 90% of average earnings if this is less than SAP rate. The remaining 13 weeks is unpaid.

2.3.5 Keeping in touch during adoption leave

The employee can be contacted while she's on adoption leave, as long as the amount and type of contact is not unreasonable, to discuss a range of issues – e.g. to discuss their plans for returning to work, or to keep them informed of important developments at the workplace.

The employee should be informed of any relevant promotion opportunities or job vacancies that arise during adoption leave.

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The employee can do up to **10 days'** work under their contract of employment during adoption leave, as long as both the employee and the manager have agreed for this to happen, and agree on what work is to be done. These days can be used for any work normally covered under the contract of employment but may be particularly useful to enable the employee to attend a conference, to take part in any training activity or attend team meetings or briefings.

Employee's in receipt of average earnings (paid during first 13 weeks of adoption leave) should continue to receive this rate for any hours worked during the leave. For those not who do not qualify for average earnings or once this has expired should be paid for the number of hours worked at their substantive rate of pay. Note: this will be in addition to any entitlement to maternity pay.

2.3.6 Pension Contributions during Adoption Leave

While on paid adoption leave the employees' pension contribution rate will be based on the actual earnings received as opposed to pensionable salary. Once adoption pay stops the contribution rate will return to the rate the employee was paying before adoption leave.

2.3.7 Returning to Work after Adoption Leave

Adopters who intend to return to work at the end of their full adoption leave entitlement (52 weeks) will not have to give any further notification. However if they wish to return before this date they will be required to give their manager 8 weeks notice.

2.4 Parental Leave

2.4.1 Entitlement to Parental Leave

The entitlement to Parental Leave was introduced on 15th December 1999 and applies to employees who have parental responsibility for children born or adopted from that date onwards.

Parental leave applies to employees who have worked for the company for a year and applies to each child: -

- a) Under the age of 5;

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- b) A disabled child under the age of 18; or
- c) Within 5 year's of being adopted and who is under the age of 18

2.4.2 Amount of Leave

Employees are entitled to 18 weeks **unpaid** leave per child during the first five years of the child's life while they meet the qualifying conditions shown above. Leave may be taken in blocks or multiples of one week with a maximum of 4 weeks in any year for each child.

Parents whose child is entitled to disability living allowance can take up to 18 weeks **unpaid** leave in days or periods shorter than a week.

2.4.3 Applying for leave

Employees should give at least 21 days' notice of when they wish to start leave.

The manager may postpone leave, for a maximum of 6 months, if it will disrupt the business but will discuss this with the employee and confirm this in writing showing the reasons for the postponement and advise alternative dates when the leave can be taken. However, leave cannot be postponed when an employee applies to take parental leave immediately after the birth or adoption of a child.

2.5 The Right to Request Flexible Working

2.5.1 Eligibility to request Flexible Working

An employee who has been continuously employed for 26 weeks can submit a request for flexible working if they:-

- have responsibility for a child's upbringing for a child age 16 and under; or
- under the age of 18 in the case of a disabled child; or
- are or expect to be the carer for a spouse, partner, civil partner or a relative* or live at the same address as the adult in **need of care**.
- a flexible working request has previously been agreed and their circumstances have now changed.

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The employee cannot apply if they have already made a request for flexible working within the previous 12 months.

Should it come to light that an employee has made a claim for flexible working under fraudulent circumstances they may be subject to disciplinary action.

* A relative for this purpose is defined as a mother, father, adopter, guardian, special guardian, parent-in-law, son, son-in law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, uncle, aunt, grandparent, step-relatives and half-blood relatives. Adoptive relationships and relationships which would have existed but for adoption i.e. the employee's natural relatives are also included.

2.5.2 Scope of the request

The request can be for a change to the hours they work, the times they are required to work or to work from home.

2.5.3 Procedure to be adopted when considering requests for flexible working

The employee should make an application for flexible working in writing outlining their proposal for a change to their terms and conditions of employment (see Form Reference No. FF05). The employee should explain what effect, if any, they think the change would have on the company and give their opinion on how any such effect might be dealt with. They should also state the age of their child or the relationship to the adult they are required to care for.

On receipt of a request, the manager will arrange to meet the employee within **28 days** to discuss how the request can be met or whether there are any alternative solutions. The employee can be accompanied at this meeting if required by a fellow employee or a trade union representative.

Within **14 days** of the meeting the manager will write to the employee to either:-

- a) agree to a new work pattern and a start date and specifying the contract variation (see Form FF06) or

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- b) to provide a clear explanation of the business ground as to why the application cannot be accepted (see Form FF07), or
- c) explain if they need to take further action before reaching a final decision (see Form FF10).

Any final agreement will mean a **permanent** change to the employee's terms and conditions of employment unless agreement is reached to have a trial period or to agree to the change for a specified period.

Where the agreed change is to the employee's shift/roster pattern then the agreement should be for a specified period of time and subject to review.

2.5.4 Business Grounds for refusing a request

An application can only be refused where there is one or more valid business grounds from the reasons listed below: -

- ◆ Burden of additional cost
- ◆ Detrimental effect on ability to meet customer demand
- ◆ Inability to reorganise work amongst existing staff
- ◆ Inability to recruit additional staff
- ◆ Detrimental impact on quality
- ◆ Detrimental impact on performance
- ◆ Insufficiency of work during the periods the employee proposes to work
- ◆ Planned structural changes

2.5.5 The Right of Appeal

The employee has the right to appeal against the decision within **14 days** of being notified of the decision (see Form FF08). The manager should arrange an appeal within **14 days** and should confirm the decision in writing within **14 days** of the appeal (see Form FF09).

The employee has the right to be accompanied at the appeal hearing by a fellow employee or trade union representative.

2.5.6 Extension of time limits

The time limits can only be extended where:

- a) the manager and the employee agree to an extension (see Form FF10) or

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- b) the manager is absent from work due to leave or illness.

If the extension is due to the managers' absence the timescales will commence on their return or 28 days after the application has been made, whichever is sooner.

2.5.7 Withdrawing an Application

An application can be treated as withdrawn if: -

- a) The employee decides to withdraw their application
- b) The employee fails to attend two meetings or
- c) The employee unreasonably refuses to provide required information

If the employee withdraws their application they should confirm this in writing (see Form FF11). They will not be eligible to make another application for 12 months from the date their application was made.

2.6 Time Off to Care for Dependants

2.6.1 Entitlement to time off for the care of dependants

Employees qualify for time off to care for dependants from the first day of employment. They are entitled to a reasonable amount of unpaid time off to deal with certain *unexpected situations* or *sudden emergencies* involving a dependant. This would include: -

- ◆ When a dependant falls ill or has been injured or assaulted
- ◆ When a dependant is having a baby
- ◆ To make longer term care arrangements for a dependant who is ill or injured
- ◆ To deal with an unexpected incident involving a child during school hours

2.6.2 Who qualifies as a dependant

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A dependant is the husband, wife, partner, child or parent of the employee or someone who lives in the household and is not a tenant or employee (e.g. an aunt or grandparent).

In the case of illness or injury or where care arrangements break down, a dependant may also be anyone who reasonably relies on the employee for assistance.

2.6.3 How much time off can an employee take

An employee is entitled to take a reasonable amount of unpaid time to deal with any emergency or unforeseen situations that arise. The length of time could vary from case to case, however dependants leave is not intended to be a long term solution to a problem and would be expected to last no more than one or two days. If a longer period is required or if it is known in advance the employee will require to be absent they should apply for annual/lieu leave or parental leave as appropriate.

2.6.4 Notifying of the need to take leave

The employee should advise their manager as soon as possible that they require leave, the reason for the leave and how long they expect to be away from work.

2.6.5 Pay during leave

Leave granted to care for dependants is unpaid.

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3. Roles and Responsibilities

3.1 Employee

The employee has the responsibility to:-

- Advise manager at earliest date possible of pregnancy (no later than 15 weeks before EWC) or adoption
- Provide a MATB1 form when available
- Advise manager timeously of any time off required for antenatal appointments
- To provide appropriate notice when submitting requests for leave as defined under the appropriate section of document.
- Provide eight weeks notice of intention to resume from maternity/adoption leave where they wish to alter original date
- Provide notice as stipulated in their contract of employment in they decide not to return to work.
- To fully consider options when completing an application form for flexible working requests

3.2 Line Management

The line manger should

- Liaise with relevant safety officer and Occupational Health adviser to arrange risk assessments when notified of a pregnancy
- Arrange time off for antenatal appointments
- Liase with HR to arrange for temporary cover of post while employee is off on leave if required
- Fully consider and respond to requests for flexible working and comply with time limits specified.

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3.3 Support

The support office should:-

- arrange meetings between employee and line manager
- take notes at meetings

3.4 Admin

The admin office shall:-

- maintain records in conjunction with roster office where appropriate
- write to employee when maternity leave and pay is due to start and end

3.5 HR

The HR department will provide advice and support for line managers and provide information for employees as required. This shall include:-

- meeting with line managers on regular basis to discuss any issues
- provide support and advice on any family friendly issues
- arrange to advertise temporary posts where required to cover maternity/adoption leave
- arrange new contracts where required due to change of hours from a flexible working request



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4. Step By Step Guides And Process Maps

Refer to Intranet

5. Frequently Asked Questions

Refer to Intranet

6. Future Developments

This procedure will be reviewed in line with any changes made to employment legislation.