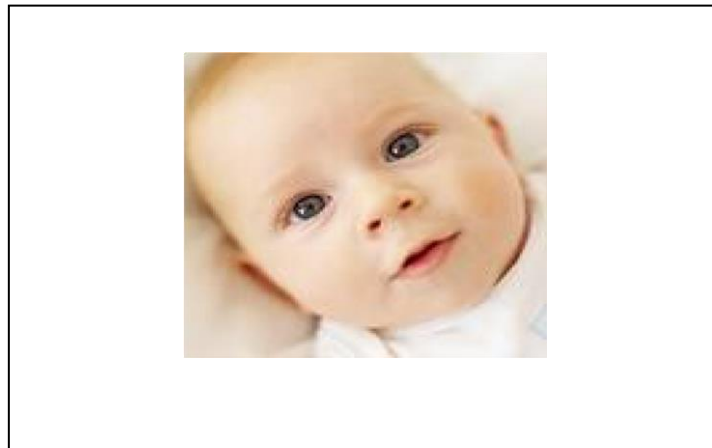




**Grace Eyre  
POLICIES AND PROCEDURES**

**Family Friendly Policy**



**Date Approved: October 2020**

**Approved by: SMT**

**Date for Review: October 2025**

**Contact Person: HR Manager**

**Who is the policy for?**

All GEF: YES

Shared Lives Carers: NO

Volunteers: NO

# FAMILY FRIENDLY POLICY AND PROCEDURE

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## **FAMILY FRIENDLY POLICY AND PROCEDURE**

### **Introduction**

Grace Eyre takes your legal rights seriously. The purpose of this policy is to inform you of your legal rights to take maternity, paternity, adoption, parental and shared parental leave in certain circumstances and the requirements expected of you.

### **MATERNITY LEAVE**

All pregnant employees, regardless of their length of service, are entitled to statutory maternity leave (SML) of up to 52 weeks.

Maternity leave comes in three levels:

- **Ordinary Maternity Leave (OML)** has no qualifying period, lasts for 26 weeks and is available to all pregnant employees regardless of length of service.
- **Additional Maternity Leave (AML)** begins from the end of OML and is for a period of a further 26 weeks. Again there is no qualifying period for AML. Part of this 26 weeks is unpaid but this will be explained further on.
- **Compulsory Leave** must be taken for the two weeks directly after the woman has given birth. This is part of OML.

The earliest you are entitled to start your maternity leave is the beginning of the 11<sup>th</sup> week before the baby is expected.

You must inform Grace Eyre of the fact that you are pregnant as soon as possible. This is important as there are health and safety considerations for the organisation. By the 15<sup>th</sup> week before your expected week of childbirth (EWC). You should confirm in writing:

- That you are pregnant.
- The date you wish to start your maternity leave (if you wish to change this date you will need to give us 28 days' notice in writing).
- The date that your baby is due.

and

- Enclose the MAT B1 that you will receive from your midwife or GP.

If you are not intending to take your full entitlement of 52 weeks you may also confirm your required return date. If you wish to change this date you are required to give us 8 weeks' notice.

We will carry out a risk assessment of your job for the time leading up to when you take maternity leave to ensure that you and your baby are not put at risk by working. If, through the process of risk assessment it is found that your current

role poses an unacceptable risk to you or your unborn baby, Grace Eyre will attempt to redeploy you to an alternative role. If this is not possible then you may be suspended on maternity grounds on full pay until you give birth or until a suitable role is found.

If you become ill in the 4 weeks leading up to the EWC, Grace Eyre is entitled to start your maternity leave early which will be put in writing to you.

If you give birth before your maternity leave was due to start, you must notify Grace Eyre in writing of the date of the birth as soon as reasonably practicable. Your maternity leave will start on the day after you give birth.

You are entitled to take time off for antenatal appointments at the normal rate of pay, on producing proof of the appointment.

### **Contact during Maternity Leave**

Grace Eyre reserves the right to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

### **Keep in Touch (KIT) Days**

Whilst you are on maternity leave, you may, in agreement with your manager, attend work for up to 10 'keeping in touch' (KIT) days without losing your right to SML and SMP. Grace Eyre is not obliged to offer any KIT days and you are not obliged to work any that you are offered, but if you do you will be paid for the time that you attend.

Grace Eyre is committed to ensuring that you suffer no detriment, disadvantage, unfair treatment or dismissal because of the pregnancy or maternity leave.

### **Statutory Maternity Pay (SMP) and Benefits**

You are entitled to SMP if you have 26 weeks' continuous service by the 15<sup>th</sup> week prior to your EWC and you earn over the threshold for National Insurance contributions. This will be paid for a maximum of 39 weeks. The remainder of your 52 weeks SML will be unpaid.

Payment of statutory maternity pay cannot start prior to the 11<sup>th</sup> week before the expected week of childbirth. It can start from any day of the week in accordance with the date you start your maternity leave.

The first 6 weeks of your SMP period will be paid at the rate of 90% of your salary and the remainder of the 39 weeks will be paid at the current SMP rate or 90% of your salary, whichever is the lower amount.

We will write to you to advise what payments you can expect through the period of maternity leave. If you do not qualify for SMP you may qualify for maternity allowance directly paid through the benefits office, in which case we will also give you a form (SMP1) to enable you to claim for this.

Your pension will continue to be paid at the appropriate rate whilst you are receiving SMP. Any other benefits (e.g. contractual annual leave) will accrue during the whole of your maternity leave.

### **Returning to Work**

Your default return date will be 52 weeks from the start of your maternity leave unless you notify us otherwise, in which case you are required to give us 8 weeks' notice.

When you return from maternity leave you are entitled to request to work flexibly and Grace Eyre will make every effort to accommodate your request but this is dependent on our organisational needs and is not guaranteed. Please refer to the flexible working policy for further information.

If you return from OML you are entitled to return to your existing role. If you return from AML Grace Eyre is not required to hold your original position open to you but will offer you a role of equivalent status, with protected rights to pay, conditions, benefits and continuous service.

If you do not wish to return to work at all after maternity leave you must give your manager notice of this. This will be the same notice for resignation as you would give in any other circumstances as required by your contract of employment. As long as you specify the date on which you wish to terminate the contract (e.g. the date you were due back after maternity leave), your maternity leave continues.

### **Risk Assessment for mothers returning to work after taking Maternity Leave**

We will carry out an individual risk assessment before you return to work from maternity leave where:

- Your New & Expectant Mother Risk Assessment carried out before the birth shows that the work is of a kind that poses a potential risk to the health and safety of new or breastfeeding mothers or their infants from the employer's processes, working conditions, or physical, biological or chemical agents; and
- You have given birth within the last six months or you have notified us you are breastfeeding.

The risk assessment is to highlight if any new risks have arisen and such risks are avoided or minimised, to ensure you return to a safe and suitable environment.

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## **PATERNITY LEAVE**

Paternity leave and pay may be available to an employee whose spouse, civil partner or partner has given birth or who is the biological father of the child or someone who is adopting a child.

To qualify for paternity leave and pay you must:

- Have or expect to have responsibility for the baby's upbringing.
- Be the biological father of the baby and / or the mother's husband or partner (including same-sex partner or civil partner).
- Be making the request to help care for the child or to support the child's mother.
- Have at least 26 weeks' continuous employment with Grace Eyre ending the 15<sup>th</sup> week before the expected week of childbirth (EWC).

An employee who qualifies for paternity leave is entitled to:

- Return to the same job.
- Return to the same terms and conditions of employment.
- Not be subjected to a disadvantage, unfair treatment or dismissal.
- Unpaid parental leave (see below).
- To request flexible working (please see the flexible working policy for further information).

Eligible employees can choose to take a single block of either one week's or two weeks' Paternity Leave. You cannot take it as odd days or as two separate weeks.

You cannot start your Paternity Leave until the birth or adoption of the child. You can choose to start your leave:

- On the actual date of the baby's birth\_or from the date the child is placed for adoption (whether earlier or later than expected).
- On a date notified by you, falling a specified number of days after the actual birth date or the date the child is placed with you for adoption (whether earlier or later than expected)\_but within 8 weeks of the birth or adoption of the child.
- If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth.

Employees who wish to take both paternity leave and shared parental leave (see below) must take their period of paternity leave first. An employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.

If you wish to take Paternity Leave you must inform Grace Eyre of this by the end of the 15<sup>th</sup> week before the EWC. You should confirm in writing:

- The expected date of the baby's birth.
- Whether you wish to take one week's or two weeks' leave.
- When you want your Paternity Leave to start.

In the case of an adopted child, you must give written notice of your intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. You should confirm in writing:

- The date the child is expected to be placed for adoption.
- When you want your Paternity Leave to start.
- Whether you wish to take one week's or two' weeks leave.
- The date on which the adopter was notified of having been matched with the child.

If you want to change the start date of your Paternity Leave you must give your manager 28 days' notice in writing.

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

### **Statutory Paternity Pay (SPP) and Benefits**

If you have 26 weeks' continuous service by the 15<sup>th</sup> week prior to the EWC and you earn over the threshold for National Insurance Contributions, SPP is paid for one or two consecutive weeks at the current statutory rate or 90 per cent of your average weekly earnings if this is less. If you are not entitled to SPP your leave will be unpaid by Grace Eyre, however, you may be entitled to other welfare benefits directly paid through the local benefits office.

### **Time Off for Antenatal Care**

Employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments. This time off will be unpaid. To be eligible to take this form of time off, you could be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman in an enduring family relationship. In addition, you will be eligible for the time off if you are the biological father of the expected child.

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## **ADOPTION LEAVE**

Statutory adoption leave (SAL) and statutory adoption pay (SAP) allows one member of an adoptive couple to take paid time off work when their new child starts to live with you. There are two types of adoption leave, ordinary adoption leave (OAL) which lasts for 26 weeks and additional adoption leave (AAL) which lasts for a further 26 weeks.

You can choose to begin your SAL (and SAP) on either of the following:

- The date on which the child is placed with you for adoption.
- A pre-determined date no earlier than 14 days before the expected date of placement and no later than the expected date of placement.

You must give Grace Eyre written notification of your intention to take adoption leave no later than 7 days after you received notification you have been matched with a child. Notice must specify the date the child is expected to be placed with you and the date you intend to start your adoption leave.

You may change the date you intend to start your adoption leave providing you give Grace Eyre sufficient notice. If you wish to bring forward your proposed adoption leave start date you are required to give 28 days' notice prior to the new start date. If you wish to postpone your adoption leave you must give 28 days' notice before the original proposed start date.

Grace Eyre may request you provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

You are entitled to take time off to attend adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

### **Adoption Pay (SAP) and Benefits**

SAP is paid for 39 weeks and is set at the same level as SMP. To be entitled to SAP:

- Your newly adopted child must have been placed with you by an approved adoption agency.
- You must have worked for Grace Eyre continuously for 26 weeks leading into the week in which you are notified of the match with a child for adoption (the 'matching week').
- You must earn over the threshold for National Insurance Contributions.

Your pension will continue to be paid at the appropriate rate whilst you are receiving SAP. Any other benefits (e.g. contractual annual leave) will accrue during the whole of your adoption leave.

Whilst you are on adoption leave, you may, in agreement with your manager, attend work for up to 10 'keeping in touch' (KIT) days without losing your right to SAL and SAP. Grace Eyre is not obliged to offer any KIT days and you are not obliged to work any that you are offered, but if you do you will be paid for the time that you attend.

Grace Eyre reserves the right to maintain reasonable contact with you from time to time during your adoption leave. This may be to discuss your plans for your return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

### **Time Off to Attend Adoption Appointments**

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

### **Returning to Work**

When you return from adoption leave you are entitled to request to work flexibly and Grace Eyre will make every effort to accommodate your request but this is dependent on our organisational needs and is not guaranteed. Please refer to the flexible working policy for further information.

If you return from OAL you are entitled to return to your existing role. If you return from AAL Grace Eyre is not required to hold your original position open to you but will offer you a role of equivalent status, with protected rights to pay, conditions, benefits and continuous service.

If you do not wish to return to work at all after adoption leave you must give your manager notice of this. This will be the same notice for resignation as you would give in any other circumstances as required by your contract of employment. As long as you specify the date on which you wish to terminate the contract (e.g. the date you were due back after adoption leave), your adoption leave continues.

Paternity leave and pay may be available for the other member of the couple.

To qualify for paternity leave when adopting a child you must:

- Be either one of two parents jointly adopting a child or the partner of someone adopting a child individually.
- Have or expect to have responsibility for the child’s upbringing with the other joint adoptive parent or the individual adopter.
- Not be taking statutory adoption leave
- Have been continuously employed by Grace Eyre for at least 26 weeks ending with the week in which you are notified of having been matched with the child.

For further details, please see the ‘Paternity Leave’ section of the Family Friendly Policy.

### Adoption from Overseas

Entitlement to adoption leave and pay is the same whether the child is adopted from the UK or overseas. However, there are differences in;

- who we will accept evidence of entitlement to adoption from,
- when you can start your adoption leave and pay, and
- the notice you are required to give Grace Eyre.

<b>Circumstance</b>	<b>UK Adoption</b>	<b>Overseas Adoption</b>
The evidence Grace Eyre requires as proof of your entitlement to adoption leave and pay	Matching Certificate from the approved adoption agency.	Written notification from the relevant domestic authority.
When you can start your Adoption Leave	Adoption leave can start on the date on which the child is placed with you for adoption or a predetermined date no earlier than 14 days before the expected date of placement and no later than the expected date of placement.	Adoption leave can start on the day on which the child enters Great Britain or on a chosen date no later than 28 days after the child enters Great Britain.
Notice you are required to give Grace Eyre to start your Adoption Leave a Pay	You must give Grace Eyre written notice of your intention to take adoption leave no later than 7 days after you received notification you have been matched with a child	You must give Grace Eyre written notification of your intention to take adoption leave no later than 28 days after the date you receive the official notification, you must give notice of both the date the official notification was received and the date the child is expected to enter Great Britain.

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## **PARENTAL LEAVE**

Parental leave is available to employees who have, or expect to have, parental responsibility for a child. To be eligible, employees have to have one year's continuous service with Grace Eyre.

In addition you must be a parent named on the child's birth certificate or adoption certificate and have legal parental responsibility for the child.

Both parents have the right to parental leave. If you are separated and you do not live with the children, you have the right to parental leave if you keep formal parental responsibility for the children.

Foster parents do not have rights to parental leave.

Employees are entitled to take 18 weeks' unpaid parental leave in total for each child. Parental leave can be taken any time providing it is before the child's 18<sup>th</sup> birthday and the correct notice is given.

### **The Purpose of Parental Leave**

The purpose of parental leave is to care for your child. This means looking after their welfare and could include making arrangements for the good of your child. Caring for a child does not necessarily mean being with the child 24 hours a day. Parental leave might be taken simply to enable you to spend more time with your young child. Examples of the way parental leave might be used include:

- Spending more time with your child in their early years.
- Accompanying your child during a stay in hospital.
- Looking at new schools.
- Settling your child into new childcare arrangements.
- Enabling your family to spend more time together, for example, taking your child to stay with grandparents.

Parental leave can be taken immediately after your maternity, paternity or adoption leave providing you give the correct notice.

### **Terms for Taking Parental Leave**

- In most cases, leave must be taken in multiples of one week.
- The exception to the above is that parents of a disabled child can take leave as individual days. In all cases a maximum of four weeks' parental leave in a year can be taken in respect of any individual child.

- 21 days' notice must be given.
- Grace Eyre can postpone the leave for up to 6 months where it is felt that the organisation would be particularly disrupted if the leave were taken at the time requested. However, leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption.
- Parental leave is unpaid.

During parental leave, you will remain employed by Grace Eyre, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place.

Grace Eyre may request evidence of parenthood or parental responsibility. This could be in the form of a birth certificate or adoption papers.

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## **SHARED PARENTAL LEAVE**

You may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if you have had a baby or adopted a child.

You can start SPL if you're eligible and you or your partner end your maternity or adoption leave or pay early. The remaining leave will be available as SPL. The remaining pay may be available as ShPP.

Shared parental leave must be taken in blocks of at least one week. You can request to take SPL in one continuous block (in which case Grace Eyre is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case you need Grace Eyre's agreement).

A maximum of three requests for leave per pregnancy can normally be made by each parent. Parents can choose how much of the SPL each of them will take. If you and your partner are both taking SPL then you can take your leave at the same time as each other or at different times.

SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).

### **Eligibility for birth parents**

*If you and your partner want to share the SPL and ShPP*

You and your partner must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date.
- Stay with the same employer while you take SPL.
- Be 'employees' (not 'workers').
- Each earn on average at least £118 a week.

If either of you is a 'worker', you can share ShPP but not SPL. If either of you earns less than £118 a week, you can share SPL but not ShPP.

*If the mother's partner wants to take the SPL and ShPP*

The mother must:

- Have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the baby's due. Have earned at least £390 in total across any 13 of the 66 weeks.

The mother's partner must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date.
- Stay with the same employer while they take SPL.
- Be an 'employee' (not a 'worker')
- Earn on average at least £118 a week.

If the mother's partner is a 'worker', they can get ShPP but not SPL. If the mother's partner earns less than £118 a week, they can get SPL but not ShPP.

*If the mother wants to take the SPL and ShPP*

The mother's partner must:

- Have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the baby's due.
- Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they do not need to be in a row).

The mother must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date.
- Stay with the same employer while they take SPL.
- Be an 'employee' (not a 'worker').
- Earn on average at least £118 a week

If the mother is a 'worker', she can get ShPP but not SPL. If the mother earns less than £118 a week, she can get SPL but not ShPP.

### **Eligibility for Adopters**

*If both parents want to share the SPL and ShPP*

You and your partner must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the week you were matched with the child.
- Stay with the same employer while you take SPL.
- Be 'employees' (not 'workers').
- Each earn on average at least £118 a week.

If either of you is a 'worker', you can share ShPP but not SPL. If either of you earns less than £118 a week, you can share SPL but not ShPP.

*If only one of the parents wants to take the SPL and ShPP*

The parent who wants to take the leave and pay must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the week you were matched with the child.
- Have stayed with the same employer while they take SPL.
- Be an 'employee' (not a 'worker').
- Earn on average at least £118 each a week.

The other parent must:

- Have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the child was placed with you.

- Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they do not need to be in a row),

### **Statutory Shared Parental Pay (ShPP)**

You can get ShPP if one of the following applies:

- You are eligible for Statutory Maternity Pay or Statutory Adoption Pay.
- You are eligible for Statutory Paternity Pay and your partner is eligible for Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay.

If the parent who wants to take the leave and pay is a 'worker', they can get ShPP but not SPL. If they earn less than £118 a week, they can get SPL but not ShPP.

### **Entitlement**

If you are eligible and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- Take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave.
- Take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as Statutory Shared Parental Pay.

A mother must take a minimum of 2 weeks' maternity leave following the birth.

ShPP is paid at the current statutory rate or 90% of an employee's average weekly earnings, whichever is lower.

### **Starting Shared Parental Leave**

For Shared Parental Leave (SPL) to start, the mother or adopter must do one of the following:

- End their maternity or adoption leave by returning to work.
- Give 'binding notice' (a decision that cannot normally be changed) of the date when they'll end their maternity or adoption leave.
- End maternity pay or Maternity Allowance.

The adoptive parent getting Statutory Adoption Pay must take at least 2 weeks' adoption leave. They can take it from the day of the placement, or up to 14 days before the placement starts.

You must give 8 weeks' notice to end your maternity pay, maternity allowance or adoption pay.

SPL can start for the partner while the mother or adopter is still on maternity or adoption leave if they have given binding notice to end their leave.

You must give Grace Eyre written notice if you want to start Shared Parental Leave or Statutory Shared Parental Pay. There are specific forms that will allow you to do this and copies of these forms can be obtained from the HR department.

On receipt of your written notice, Grace Eyre may ask for more information with 14 days of your application for SPL or ShPP. For Birth Parents, Grace Eyre may ask for;

- A copy of the birth certificate.
- A declaration of the place and date of birth (if the birth has not been registered yet).
- The name and address of your partner's employer or a declaration that your partner has no employer

For Adoptive Parents:

- The name and address of the adoption agency.
- The date you were matched with the child.
- The date the child will start to live with you.
- The name and address of your partner's employer or a declaration that your partner has no employer.

### **Notice period**

You must give at least 8 weeks' notice of any leave you wish to take. If the child is born more than 8 weeks early, this notice period can be shorter.

### **Cancelling the decision to end maternity or adoption leave**

You may be able to change your decision to end maternity or adoption leave early if both:

- The planned end date has not passed.
- You have not already returned to work.

One of the following must also apply:

- It's discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP.
- Your partner has died.
- It's less than 6 weeks after the birth and the mother gave notice before the birth.

### **Contact during SPL**

Grace Eyre reserves the right to maintain reasonable contact with you during shared parental leave. This may be to discuss plans for your return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or to update you on developments at work during your absence.

## **Shared parental leave in touch (SPLIT) days**

You and your partner can each work up to 20 days during SPL without bringing it to an end. These are called 'shared parental leave in touch' (or SPLIT) days.

These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.

Grace Eyre is not obliged to offer any KIT or SPLIT days and you are not obliged to work any that you are offered, but if you do you will be paid for the time that you attend.

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## **DATA PROTECTION**

When managing an employee's leave and pay in relation to the “Family Friendly Policies”, Grace Eyre processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs Grace Eyre that they plan to take leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with Grace Eyre’s GDPR Compliance Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under Grace Eyre’s disciplinary procedure.

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