

### *Polisi Staffio Staffing Policy*

#### **NOD**

Y Pwyllgor yw cyflogwr pob aelod o staff yn y cylch. Nod Pwyllgor y cylch yw bod yn gyflogwr da, teg a gofalgwr, a chynniog cyfleoedd i hyrwyddo datblygiad proffesiynol y staff.

#### **COD YMARFER**

Bydd y Pwyllgor yn:

- hysbysebu unrhyw swydd wag yn y cylch, gan nodi unrhyw gymwysterau neu brofiad sy'n ddisgwyliedig gan y sawl a benodir **(Gweler ffurflen EHS Atodiad 5)**
- tynnu rhestr fer yn deg ac yn wrthrychol, a chynnal cyfweiliadau cyn i unrhyw benodiad gael ei wneud. **(Gweler Atodiad 5 a tud 27 Canllawiau Rheoli)**
- sicrhau bod pob swydd yn ddarostyngedig i gyfnod prawf **(gweler tud 27 Canllawiau Rheoli)**.
- darparu cyfarfod anwytho **(Gweler ffurflen ASNc Atodiad 4 a tud 31 Canllawiau Rheoli)** i aelod newydd o staff, cyn neu ar ddiwrnod cyntaf y gweithiwr yn ei swydd.
- trefnu rhaglen o hyfforddiant anwytho cynhwysfawr o fewn wythnos gyntaf o ddechrau'r swydd
- monitro cyflawniad aelodau o staff yn dymhorol ac yn cynnal gwerthusiad ffurfiol o bob aelod o staff yn flynyddol **(Gweler ffurflen A1 Atodiad 4)**.
- gweithredu trefn o reoli perfformiad monitro ac adolygu yn rheolaidd mewn sefyllfa lle nad yw lefel perfformiad aelod o staff yn foddhaol. Gosod targedau a chmau i'r aelod o staff i'w dilyn yn y tymor byr ac yn y tymor hir. Os yw cyflawniad yn parhau yn anfoddhaol bydd y Pwyllgor yn ystyried peidio cadarnhau swydd neu weithredu'r Drefn Disgyblu. **Ni fydd y Pwyllgor, fel y cyflogwr, yn caniatáu i sefyllfa o dangyflawniad gan aelod o staff barhau heb lunio cynllun gweithredu pendant i geisio datrys y mater. (Gweler tud 31 Canllawiau Rheoli)**
- cadw cofnodion cyfredol am bob aelod o staff yn unol â gofynion rheoliadau'r Ddeddf Plant ac yn gyfrinachol. **(Gweler ffurflen FFP Atodiad 4)**
- sicrhau bod aelodau o staff a benodir yn cydymffurfio â gofynion Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru, ac yn unol â Deddf Plant 2004 a Deddfau Cyflogaeth cyfredol.
- sicrhau bod aelod newydd o staff yn cyflwyno'r isod cyn y cadarnheir y penodiad a chyn i'r aelod o staff gychwyn yn y gwaith **(Gweler tud 29 Canllawiau Rheoli)**
  - hanes cyflogaeth lawn gan gynnwys esboniad am unrhyw fwch mewn cyflogaeth
  - gwiriad troseddol boddhaol gan y GDG



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- dau eirda boddhaol, gan gynnwys un gan y cyflogwr diwethaf
- ffurflen Holiadur Meddygol (**Gweler ffurflen HM Atodiad 5**) wedi ei gwblhau
- dogfen adnabyddiaeth e.e pasbort, tystysgrif geni
- tystysgrifau cymwysterau
- sicrhau bod gan yr Arweinydd a'r nifer cywir o staff cynorthwyol gymwysterau cydnabyddedig ar Fframwaith Cymwysterau a Chredydau Cymru ([www.cgymru.org.uk](http://www.cgymru.org.uk)) .
- sicrhau bod gan staff brofiad perthnasol
- sicrhau bod gan staff lefel priodol a digonol o allu yn y Gymraeg.
- cyflwyno Cytundeb Gwaith ffurfiol ac addas i bob aelod o staff (**Gweler ffurflen CG Atodiad 5**).
- cofnodi yn ysgrifenedig pob amrywiad i'r amodau gwaith a'i gadw ar ffeil bersonol yr unigolyn.
- annog staff i ymgymryd â hyfforddiant datblygiad proffesiynol (CPD) er mwyn gwella eu gwybodaeth a'u sgiliau yn y gweithle (**Gweler ffurflen HSt Atodiad 4**).
- darparu cyfleoedd i staff fynychu cyrsiau hyfforddi perthnasol, yn ddarostyngedig i ystyriaethau cyllidol a staffio cyflenwol.
- ystyried cyfrannu at ffioedd y cwrs, y cyflog, costau teithio a chynhaliath.

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### **AIM**

The Committee is the employer of every member of the cylch's staff. The aim of the Committee is to be a good, fair and caring employer, and to offer opportunities to further the professional development of the staff.

### **CODE OF PRACTICE**

The Committee will:

- advertise any vacant post in the cylch, specifying any qualifications or experience required of the person appointed **(See form EHS Appendix 5)**
- draw up a short list fairly and objectively, and organise interviews before any appointment is made. **(See Appendix 5 and p.28 Management Guidelines).**
- ensure that every post is subject to a probation period **(see p.31 Management Guidelines).**
- provide an induction meeting **(See form ASNc Appendix 4 and p.31 Management Guidelines)** for a new member of staff, before or on the worker's first day in his/her post.
- organise a comprehensive induction programme of training within the first week from starting in the post.
- monitor the achievement of staff members every term and hold a formal evaluation of every member of staff annually **(See form A1 Appendix 4).**
- operate a procedure for managing performance; monitoring and reviewing regularly in a situation where a member of staff is not performing satisfactorily. Set targets and actions for the member of staff to reach and undertake in the long and short term. If the performance is still unsatisfactory the Committee will consider not confirming a post or operating the Disciplinary Procedure. **The Committee, as the employer, will not allow a situation of underachievement by a member of staff to continue without devising a specific action plan to try to resolve the matter. (See p.31 Management Guidelines)**
- keep ongoing records about every member of staff in accordance with the requirements of the regulations of the Children Act, and in confidence. **(see form FFP Appendix 4).**
- ensure that the member of staff appointed complies with the requirements of the Care and Social Services Inspectorate Wales, and is in line with the 2004 Children Act and current Employment Laws.
- ensure that every new member of staff presents the following documentation before the appointment is confirmed and before the member of staff starts working **(See p.30 Management Guidelines)**
  - full employment history including an explanation for any break in employment
  - a satisfactory criminal check by the DBS **(See form GGD Appendix 4)**
  - two satisfactory references, including one by the last employer
  - a completed Medical Questionnaire form **(See form HM Appendix 5)**
  - an identity document e.g. passport, birth certificate
  - certificates of qualifications.
- ensure that the Leader and the correct number of the assistant staff have recognised qualifications on the Qualifications and Credit Framework Wales ([www.cwales.org.uk](http://www.cwales.org.uk)).
- ensure that the staff have relevant experience.
- ensure that the staff have an appropriate and satisfactory level of competence in Welsh.

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- present every member of staff with a formal and appropriate Work Contract (**See form CG Appendix 5**)
- record in writing any variation in the work conditions and keep this in the individual's personal file.
- encourage the staff to undertake professional development training (CPD) in order to improve their skills and knowledge in the workplace. (**See form HSt Appendix 4**)
- provide staff with opportunities to attend relevant training courses, subject to financial considerations and availability of supply staffing.
- consider contributing towards the course fees, the wage, travelling costs and subsistence.

### **Absenoldeb**

#### Adrodd ar Salwch

Os yw aelod o staff yn absennol o'i waith oherwydd salwch, mae'n rhaid iddo ddilyn y gweithdrefnau isod:

- cysylltu ag Arweinydd neu Berson Cofrestredig y cylch **o leiaf awr** cyn i'r cylch agor ar ddiwrnod cyntaf yr absenoldeb. Os yw gweithiwr yn methu cysylltu'n bersonol ag Arweinydd neu Berson Cyfrifol/Cofrestredig y cylch, mae'n rhaid sicrhau bod rhywun yn cysylltu ar ei ran cyn i'r cylch agor. Gall peidio â dilyn y drefn hon gael ei ystyried yn absenoldeb heb ganiatâd, ac mae'n bosibl na thelir cyflog.
- nodi pa bryd y bydd yn debygol o ddychwelyd i'r gwaith. Os na all ddychwelyd ar yr adeg a ragwelwyd, mae'n rhaid iddo sicrhau fod Arweinydd neu Berson Cofrestredig/Cadeirydd y cylch yn cael gwybodaeth lawn ynglŷn â'r newidiadau a'r datblygiadau.
- ar ôl dychwelyd i'r gwaith cwblhau ffurflen hunan-dystysgrif ar gyfer unrhyw absenoldeb o un diwrnod hyd at 5 diwrnod gwaith (7 diwrnod yn cynnwys penwythnos).
- cael nodyn ffitrwydd gan feddyg os yw'r absenoldeb o'r gwaith yn fwy na saith diwrnod (yn cynnwys penwythnosau). Mae'n rhaid i hon gael ei hanfon i'r Person Cofrestredig/Cadeirydd mor fuan â phosibl, ac ar yr hwyraf erbyn y 10fed diwrnod o absenoldeb. Bydd y cylch yn cadw'r hawl i ofyn am nodyn ffitrwydd ar gyfer absenoldeb byrrach.
- hysbysu Arweinydd neu Berson Cofrestredig/Gadeirydd y cylch ar unwaith os yn dod i gysylltiad ag afiechyd heintus (gweler Adran 3.1 C.I.D). Mewn achosion o'r fath, gall fod yn angenrheidiol i unigolion aros o'u gwaith ar absenoldeb gyda chyflog - y Person Cofrestredig/Cadeirydd yn unig fydd a'r hawl i benderfynu ac awdurdodi hyn.
- mynychu cyfarfod Cyfweiliad Dychwelyd i'r Gwaith (**Gweler ffurflen DGS Atodiad 4**) gyda'r Arweinydd neu Berson Cofrestredig/Gadeirydd y cylch yn dilyn pob absenoldeb o'r gwaith oherwydd salwch. Pwrpas y cyfweiliad hwn yw croesawu unigolion yn ôl i'r gwaith a'u gwneud yn ymwybodol o unrhyw faterion perthnasol sydd wedi digwydd yn ystod eu cyfnod o absenoldeb, a hefyd trafod y rhesymau am yr absenoldeb.

### **Tâl Salwch**

Bydd y cylch yn talu Tâl Salwch Statudol (TSS) i'r gweithwyr sydd â'r hawl iddo, am gyfnod o hyd at 28 wythnos mewn un cyfnod o fethu gweithio (PIW), neu gyfnodau cysylltiedig o fethu gweithio. Nid oes raid i'r 28 wythnos fod yn olynol na digwydd i gyd yn yr un cyfnod, gall fod dros amryw o gyfnodau cysylltiedig o salwch. Mae gan weithwyr yr hawl i TSS os ydynt yn absennol oherwydd salwch am unrhyw 4 diwrnod neu fwy yn olynol, gan gynnwys penwythnos.



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Trethir taliadau Tâl Salwch Statudol.

#### **Salwch Hir Dymor**

Os yw salwch yn parhau am 4 wythnos neu fwy, bydd yr absenoldeb yn cael ei ystyried yn un hir dymor. Mewn achos o'r fath, bydd Person Cofrestredig/Cadeirydd y cylch yn cyfarfod â'r gweithiwr i geisio darganfod y rhesymau am yr absenoldeb a'i hyd tebygol. Yn dilyn hyn gall y Pwyllgor benderfynu cyfeirio'r gweithiwr at Feddyg Iechyd Galwedigaethol annibynnol. Gall y Pwyllgor hefyd gysylltu â meddyg neu ymgynghorydd arbenigol yr unigolyn. Bydd y cylch yn gofyn am ganiatâd y gweithiwr cyn gwneud hyn.

Os, ar ddychwelyd i'r gwaith, na fydd presenoldeb yn gwella, neu os yw absenoldeb hir dymor yn parhau, trefnir trafodaeth bellach. Ar yr adeg hon, oni bai fod gan y cylch sail resymol i gredu y bydd gwelliant yn y dyfodol agos, ystyrir diswyddo ar sail anallu oherwydd afiechyd. Mewn sefyllfa o'r fath bydd y cylch yn ceisio cyngor arbenigol trwy gysylltu â Mudiad Meithrin.

Bydd y Person Cofrestredig/Cadeirydd yn bresennol ym mhob cyfarfod ynglŷn â materion salwch hir dymor.

#### **Absenoldeb heb gyflog**

Ni ellir rhoi absenoldeb di-dâl ond yn ôl disgrisiwn y Person Cofrestredig/Cadeirydd, a bydd pob achos yn cael ei ystyried yn unigol.

#### **Apwyntiadau Meddygol**

Disgwylir i bob aelod o staff fynychu apwyntiad meddygol arferol y tu allan i'r oriau gwaith arferol. Bydd angen i'r aelod o staff gyuno ymlaen llaw gyda'r Person Cofrestredig/ Cadeirydd i fynychu apwyntiad ysbyty a allai gymryd dros 2 awr yn ystod amser gwaith.

#### **Anaf**

Bydd y cylch yn yswirio cyflogaeth yn unol â Deddf Cyfrifoldeb Cyflogwyr (Yswiriant Gorfodol) 1969 fel y'i diwygiwyd. Pe bai gweithiwr yn cael anaf yn ystod ei waith bydd angen hysbysu'r Person Cofrestredig/ Cadeirydd cyn gynted â phosib.

#### **Absenoldeb oherwydd Salwch Dibynnydd**

Os oes absenoldeb oherwydd salwch dibynnydd bydd yr aelod o staff yn trafod y sefyllfa gyda'r Person Cofrestredig/Cadeirydd. Y Person Cofrestredig/Cadeirydd fydd â'r hawl i roi caniatâd ac i benderfynu a fydd cyflog yn cael ei dalu am y cyfnod hwn. Cedwir yr hawl i ofyn am dystiolaeth feddygol o waeledd y dibynnydd os oes angen.

#### **Absenoldeb Tosturiol**

Mae'n rhaid i bob cais am absenoldeb tosturiol gael ei gyuno gyda'r Person Cofrestredig/ Cadeirydd.

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### **Gwasanaeth Rheithgor**

Os yw aelod o staff yn cael ei alw i wneud gwasanaeth rheithgor, rhoir amser rhydd iddo ar gyfer mynychu, ac y mae'n rhaid iddo hawlio treuliau a ganiateir gan y Llys, yn cynnwys y rhai ar gyfer colli enillion. Mae'n **rhaid** i'r aelod o staff hysbysu'r cylch o swm yr ad-daliad colli enillion cyflog a gânt gan y Llys. Bydd y cylch yn parhau i dalu cyflog yn ystod y cyfnod Gwasanaeth Rheithgor, ac yna yn tynnu o gyflog y mis canlynol y swm a ad-dalwyd gan y Llys.

### **Y DREFN DDISGYBLU**

Bydd y cylch yn disgwyl i'w holl staff gyrraedd a chynnal safonau uchel o ymarweddiad, ymddygiad, presenoldeb a pherfformiad gwaith ar bob amser.

Bydd y Person Cofrestredig/Cadeirydd ac aelodau Pwyllgor y cylch yn gofalu bod y safonau hyn yn cael eu cynnal trwy gytuno ar safonau disgwylidig a chyfleoedd datblygu gyda'r staff, a chynnig arweiniad a chefnogaeth, fel y bo'n briodol.

Os yw ymarweddiad ac ymddygiad yn syrthio islaw safonau derbynol, bydd y cylch yn datrys y sefyllfa mewn dulliau sy'n deg, yn rhesymol, yn gyson ac yn anwahaniaethol.

Bydd y Pwyllgor yn:

- sicrhau na chymerir camau disgyblu hyd nes y bydd pob honiad wedi ei ymchwilio'n llawn; unwaith y penderfynir fod angen ymchwiliad, bydd yn digwydd heb unrhyw oedi dianghenraid.
- cadw datganiadau tystion a chofnodion pob ymchwiliad ac achos disgyblu yn gyfrinachol mewn ffeiliau personél unigol
- sicrhau y bydd staff yn derbyn manylion llawn o'r gwyn (cwynion) ar bob cam yn y Drefn ac yn derbyn yr holl dystiolaeth berthnasol, yn cynnwys datganiadau tystion, pan fydd hynny'n bosibl, cyn i unrhyw wrandawriad disgyblu gael ei gynnal.
- cynnig cyfle i staff ateb, egluro neu amddiffyn unrhyw honiad cyn y deuir i unrhyw benderfyniadau.
- sicrhau bod y staff yn ymwybodol o'u hawl i gael Swyddog Undeb neu gydweithiwr gyda hwy yn ystod unrhyw wrandawriad disgyblu.
- sicrhau na fydd gweithwyr yn cael eu diswyddo am drosedd gyntaf, ar wahân i achos o Gamymddwyn Dybryd sy'n golygu cosb o ddiswyddo heb rybudd neu dâl yn lle rhybudd (diswyddo diannod).
- rhoi eglurhad am unrhyw gosb a roddir
- hysbysu staff bod ganddynt yr hawl i apelio yn erbyn unrhyw gosb a roddir iddynt

Gellir rhoi'r drefn ganlynol mewn grym ar unrhyw adeg os yw'r camymddwyn honedig yn cyfiawnhau gweithredu felly.

### **Y Drefn**

Pan fydd digwyddiad neu ymddygiad annerbyniol yn digwydd, mae'n ofynnol cynnal ymchwiliad llawn i'r mater. Bydd y Pwyllgor yn:

- gofyn am ddatganiad ysgrifenedig gan bob unigolyn oedd yn rhan o'r digwyddiad ar unwaith cyn i'r cof bylu
- penderfynu ar un neu ddau aelod o'r Pwyllgor i gynnal ymchwiliad gan gasglu unrhyw dystiolaeth sydd ynghlwm â'r digwyddiad.
- cynnal cyfarfod ymchwilio gyda'r tystion a'r aelod o staff dan sylw

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- penderfynu ar y camau i'w dilyn wedi ymchwilio i'r holl ffeithiau. Gall y rhain gynnwys:
  - peidio cymryd unrhyw gamau pellach os nad oes tystiolaeth ddigonol i brofi'r honiad
  - penderfynu darparu hyfforddiant neu adolygu polisïau/gweithdrefnau'r cylch
  - trefnu i ddelio â'r mater o dan y Drefn Ddisgyblu

Bydd y cylch yn ystyried pob achos yn unigol, a phan ystyrir nad yw'r achos yn ddigonol i ddilyn y Drefn Ddisgyblu, gellir datrys y sefyllfa trwy gynnal cyfarfod, cynnig cyngor, hyfforddiant a chanllawiau newydd i'r staff.

Mewn rhai amgylchiadau bydd y Pwyllgor yn ystyried gwahardd o'r gwaith gyda chyflog am gyfnod byr tra cynhelir ymchwiliad. Y Person Cofrestredig/Cadeirydd sydd â'r hawl i weithredu gwaharddiad o'r fath, a hynny wedi ystyried y mater yn ofalus. Bydd y Pwyllgor yn cyflwyno llythyr i'r unigolyn yn cadarnhau'r honiad yn ei erbyn ac yn amlinellu amodau'r gwaharddiad. Bydd y Pwyllgor yn adolygu'r gwaharddiad yn wythnosol er mwyn sicrhau nad yw'n parhau yn ddianghenraid. Ni ystyrir gwaharddiad fel gweithred ddisgyblu.

### **Rhybudd Llafar**

Rhybudd llafar yw'r rhybudd ffurfiol lleiaf difrifol yn y cam disgyblu. Bydd y rhybudd llafar yn cynnwys y canlynol:

- manylion yr honiad a'r dystiolaeth sydd wedi arwain at y rhybudd llafar
- cadarnhad mai dyma gam cyntaf y Drefn Ddisgyblu
- y gwelliant neu'r newid ymddygiad sy'n ofynnol, sut y bydd hyn yn cael ei fonitro ynghyd â'r cyfnod amser a ganiateir ar gyfer hyn
- hawl i apelio ynghyd â sut ac i bwy y mae apelio.

Cedwir copi o'r Rhybudd Llafar ar y Ffeil Personél ond fe'i diystyrir at ddiben disgyblu ar ôl 3 mis.

### **Rhybudd Ysgrifenedig**

Os ystyrir fod y drosedd yn fwy difrifol neu os na chafwyd y gwelliannau a amlinellwyd ar adeg y rhybudd llafar, gall y Person Cofrestredig/Cadeirydd roi rhybudd ysgrifenedig ffurfiol. Bydd y rhybudd ysgrifenedig yn cynnwys y canlynol:

- manylion yr honiad a'r dystiolaeth sydd wedi arwain at y rhybudd ysgrifenedig
- y gwelliant neu'r newid ymddygiad sy'n ofynnol, sut y bydd hyn yn cael ei fonitro ynghyd â'r cyfnod amser a ganiateir ar gyfer hyn
- hawl i apelio ynghyd â sut ac i bwy y mae apelio
- rhybudd yr ystyrir cam disgyblu pellach os na fydd gwelliant neu newid boddhaol yn cael ei gyflawni a'i gynnal.

Cedwir copi o'r Rhybudd Ysgrifenedig ar y Ffeil Personél, ond fe'i diystyrir at ddiben disgyblu ar ôl 6 mis.

### **Rhybudd Ysgrifenedig Terfynol**

Pan fo'r drosedd yn ddigon difrifol, neu os oes camymddwyn pellach yn ystod cyfnod rhybudd blaenorol, gall y Person Cofrestredig/ Cadeirydd roi rhybudd ysgrifenedig terfynol. Bydd y rhybudd ysgrifenedig terfynol yn cynnwys y canlynol:

- manylion yr honiad a'r dystiolaeth sydd wedi arwain at y rhybudd ysgrifenedig terfynol

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- y gwelliant neu'r newid ymddygiad sy'n ofynnol, sut y bydd hyn yn cael ei fonitro ynghyd â'r cyfnod amser a ganiateir ar gyfer hyn
- hawl i apelio ynghyd â sut ac i bwy y mae apelio.
- rhybudd y gall peidio â gwella neu newid ymddygiad arwain at ddiswyddiad

Cedwir copi o'r rhybudd ysgrifenedig terfynol ar y Ffeil Personél, ond fe'i diystyrir at ddiben disgyblu ar ôl 12 mis.

### **Diswyddo neu Sanctiwn arall**

Os ystyrir y camymddwyn yn ddifrifol neu yn ddybryd, neu os oes camymddwyn pellach yn ystod cyfnod rhybudd blaenorol gall y Person Cofrestredig/Cadeirydd benderfynu diswyddo. Pwyllgor y cylch yn unig all benderfynu diswyddo. Pan ddigwydd hyn, bydd y Pwyllgor yn ysgrifennu at yr unigolyn ac yn darparu'r wybodaeth ganlydol:

- manylion yr honiad a'r dystiolaeth sydd wedi arwain at y diswyddiad
- dyddiad olaf y gyflogaeth
- hawl i apelio ynghyd â sut ac i bwy y mae apelio

Y Person Cofrestredig/Cadeirydd fydd yn gyfrifol am gyflwyno'r penderfyniad hwn ar ran Pwyllgor y cylch.

Bydd cyflogaeth yn cael ei derfynu gyda rhybudd cytundebol neu statudol, ag eithrio mewn achosion o ddiswyddo diannod am gamymddwyn dybryd.

### **Camymddwyn Dybryd**

Mae'r rhestr isod, er nad yw'n gyflawn, yn rhoi enghreifftiau o achosion a all arwain at gamymddwyn dybryd:

- cam-drin plentyn
- peidio gweithredu ar amheuson o gamdriniaeth plentyn
- dwyn, twyllo, ffugio cofnodion yn fwriadol
- anfoesgarwch tuag at aelod o'r cyhoedd, ymddygiad annymunol neu sarhaus, bwlio neu iaith anwedus
- trais corfforol
- bwlio neu aflonyddu difrifol
- difrod bwriadol i eiddo
- gadael yr adeilad heb ganiatâd yn ystod oriau gwaith
- anufudd-dod difrifol
- camddefnyddio neu gamarfer enw neu eiddo'r cylch
- dwyn anfri difrifol ar y cylch
- bod o dan effaith alcohol neu gyffur anghyfreithlon
- meddiannu neu gyflenwi cyffuriau anghyfreithlon
- esgeulustod difrifol sydd yn achosi neu a allai achosi colled, niwed neu anaf annerbyniol
- torri rheolau iechyd a diogelwch yn ddifrifol
- tor-ymddiriedaeth difrifol (yn ddarostyngedig i'r Ddeddf (Datgelu) Diddordeb Cyhoeddus) 1998
- mynediad heb ganiatâd i gofnodion y cylch.

Os ceir aelod o staff yn euog o weithred droseddol y tu allan i'r gweithle, ni ddelir ag ef trwy'r Drefn Ddisgyblu hon yn awtomatig. Bydd pob achos yn cael ei ystyried yn ôl ei deilyngdod ei

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hun. Ystyrir perthnasedd trosedd i ddyletswyddau swydd, a hefyd os yw'n gwneud y gweithiwr yn anaddas ar gyfer ei waith penodol neu yn annerbyniol gan gydweithwyr/clientau.

Os bydd y Pwyllgor yn dymuno cyngor pellach ar unrhyw agwedd o gynnal ymchwiliad neu weithredu trefn disgyblu, bydd y Person Cofrestredig/Cadeirydd yn trafod y mater gyda'r Swyddog Datblygu lleol. Os bydd angen cyngor mwy arbenigol bydd y Swyddog Datblygu yn cyfeirio'r mater at Mudiad Meithrin yn ganolog. Gall Mudiad Meithrin gynnig cyngor ac arweiniad er mwyn galluogi'r Pwyllgor i weithredu'n gywir ar bob cam o'r broses. Cyfrifoldeb y Pwyllgor, fel cyflogwr, fydd gwneud penderfyniad ar ba gamau i'w gweithredu ar sail y cyngor a dderbyniwyd.

### **Apeliadau**

Mae gan aelod o staff hawl i apelio yn erbyn unrhyw weithredu dan y Drefn Ddisgyblu. Ni fydd unrhyw berson sydd yn bresennol yn ystod unrhyw gam yn y Drefn Ddisgyblu yn rhan o'r broses apel.

Os yw aelod o staff yn dymuno apelio, dylai wneud hynny yn ysgrifenedig o fewn pum diwrnod gwaith i ddyddiad y llythyr sydd yn ei hysbysu o ganlyniad y Gwrandawriad Disgyblu.

Gwrandawrir ar yr apel gan hyd at 3 aelod o Bwyllgor y cylch, os nad yw hyn yn bosib gellir gofyn i berson annibynnol allanol fod yn rhan o'r panel apel. Bydd eu penderfyniad hwy yn derfynol. Yn yr Apêl, bydd unrhyw gosb a roddir yn cael ei hadolygu, ond ni ellir ei chynyddu.

Mae gan aelodau o staff hawl statudol i fynd â chydweithiwr neu Swyddog Undeb gyda hwy i Wrandawriad Apêl.

### **Achwyniadau**

Ar adegau gall gweithwyr brofi problemau neu bryderon ynglŷn â'u gwaith, eu hamgylchedd gwaith neu eu perthynas â chydweithwyr. Mae Polisi Canmol a Chwyno'r cylch yn darparu dull o ddelio â'r materion hyn yn deg ac yn gyflym cyn iddynt ddatblygu yn broblemau difrifol.

Bydd y Pwyllgor yn ystyried delio gyda unrhyw achwyniad yn y man cyntaf er mwyn ceisio datrysiaid. Bydd y Pwyllgor yn cadw cofnod o unrhyw drafodaeth anffurfiol yn ymwneud ag unrhyw achwyniad.

Pan na ellir datrys yr achwyniad yn anffurfiol, ymdrinnir â'r achwyniad fel a ganlyn:

### **Trefn**

#### **Cam Cyntaf**

Codi'r mater ar lafar i ddechrau, neu yn hytrach gyflwyno'r gwyn yn ysgrifenedig i Berson Cofrestredig/Gadeirydd y cylch. Pan fo'r achwyniad yn erbyn y Person Cofrestredig/Cadeirydd, codir y mater yn gyfrinachol gydag aelod arall o Bwyllgor y cylch. Yn dilyn derbyn achwyniad o'r fath, cynhelir ymchwiliad a threfnir gwrandawriad achwyniad. Ar ôl ystyried y mater yn llawn, cyflwynir canlyniad yr ymchwiliad i'r achwynwr yn ysgrifenedig, os yn bosibl o fewn 10 diwrnod gwaith ar ôl derbyn yr achwyniad. Hysbysir yr achwynwr o'i hawliau i apelio yn y llythyr canlyniad.

### **Ail Gam**



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Os yw'r achwynwr yn anghytuno â chanlyniad Cam 1, gall yr achwynwr apelio. Dylid cyflwyno'r apêl yn ysgrifenedig i'r person a gynhaliodd yr ymchwiliad o fewn 5 diwrnod i dderbyn canlyniad yr ymchwiliad. Ni fydd y Panel Apêl yn cynnwys unrhyw berson a oedd ynghlwm â'r ymchwiliad gwreiddiol. Bydd y Panel Apêl yn gwahodd yr achwynwr i gyfarfod er mwyn ail ystyried y mater. Rhoddir penderfyniad ysgrifenedig o fewn 10 diwrnod gwaith o'r dyddiad derbyn cais am apêl, os yn bosib. Bydd y penderfyniad hwn yn derfynol.

Yn ystod unrhyw gam o'r Drefn hon mae gan aelodau o staff hawl statudol i ddod â Swyddog Undeb neu gydweithiwr gyda hwy i unrhyw gyfarfod.



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## **HAWLIAU MAMOLAETH, TADOLAETH, RHIENI A MABWYSIADU**

### **MAMOLAETH**

#### **Datganiad Polisi**

Mae'r polisi hwn yn amlinellu hawliau a chyfrifoldebau statudol aelodau staff sy'n feichiog neu sydd newydd esgor, ac yn gosod gerbron y trefniadau am ofal cyn-geni, salwch cysylltiedig â beichiogrwydd, iechyd a diogelwch, ac absenoldeb mamolaeth. Nid yw'n berthnasol i weithwyr asiantaeth na gweithwyr llawrydd.

#### **Cyfrifoldeb am weithredu'r polisi**

Pwyllgor y cylch sydd â'r cyfrifoldeb cyffredinol am weithredu'r polisi hwn yn effeithiol ac am sicrhau cydymffurfio â'r fframwaith statudol perthnasol. Bydd y Pwyllgor yn dirprwyo'r cyfrifoldeb o ddydd i ddydd dros weithredu'r polisi a sicrhau ei gynnal a'i adolygu i Arweinydd y cylch.

Mae gan Arweinydd y cylch gyfrifoldeb penodol dros sicrhau bod y polisi'n cael ei weithredu'n deg ac mae pob aelod o staff yn gyfrifol am gefnogi cydweithiwr a sicrhau ei lwyddiant.

#### **Hysbysiad**

Rhaid i aelodau staff hysbysu'r Pwyllgor/Arweinydd o feichiogrwydd cyn gynted â phosibl. Mae hyn yn bwysig gan y gall fod ystyriaethau iechyd a diogelwch.

Cyn diwedd yr Wythnos Gymhwyso, neu cyn gynted ag sy'n bosibl wedi hynny, rhaid i aelodau staff hysbysu'r Pwyllgor yn ysgrifenedig:

- eu bod yn feichiog
- Wythnos Debygol yr Esgor (WDE); a'r
- dyddiad yr hoffent ddechrau ar eu habsenoldeb mamolaeth.

Rhaid darparu tystysgrif meddyg neu fydwaig (gan amlaf ar ffurflen MAT B1) yn cadarnhau WDE.

#### **Amser rhydd ar gyfer gofal cyn-geni**

Gall aelodau o staff sy'n feichiog gymryd amser rhydd rhesymol gyda thâl yn ystod oriau gwaith ar gyfer gofal cyn-geni. Dylid rhoi cymaint o rybudd â phosibl o'r apwyntiad.

Gall y Pwyllgor ofyn i aelodau staff ddarparu'r canlynol oni bai ei fod yn apwyntiad cyntaf:

- tystysgrif oddi wrth feddyg, bydwaig neu ymwelydd iechyd yn nodi bod yr aelod o staff yn feichiog
- cerdyn apwyntiad

#### **Salwch**

Telir cyfnodau o absenoldeb salwch yn gysylltiedig â beichiogrwydd yn unol â'r polisi Tâl Salwch yn yr un modd ag unrhyw absenoldeb salwch arall.

Cofnodir cyfnodau o absenoldeb salwch cysylltiedig â beichiogrwydd o ddechrau'r beichiogrwydd hyd at ddiwedd absenoldeb mamolaeth ar wahân i gofnodion salwch eraill ac fe'u diystyrir mewn unrhyw benderfyniadau yn ymwneud â chyflogaeth yn y dyfodol.

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Os yw aelod o staff yn absennol am resymau cysylltiedig â beichiogrwydd yn ystod y pedair wythnos cyn yr WDE, gan amlaf bydd yr absenoldeb mamolaeth yn dechrau'n awtomatig.

### **Iechyd a Diogelwch**

Mae gan y cylch ddyletswydd cyffredinol dros iechyd a diogelwch ei holl gyflogeion. Disgwylir i'r cylch gynnal asesiad risg hefyd i asesu risgiau'r gweithle i fenywod sy'n feichiog, sydd wedi esgor o fewn y chwe mis diwethaf neu sy'n dal i fwydo ar y fron.

Bydd y Pwyllgor/yr Arweinydd yn darparu gwybodaeth i aelodau'r staff am unrhyw risgiau a ganfuwyd yn yr asesiad risg, ac am unrhyw gamau a gymerwyd, neu a gymerir i atal neu warchod rhag y risg. Os bydd y Pwyllgor/y Cadeirydd yn ystyried bod cyflogai, fel mam newydd neu feichiog, yn agored i beryglu'i hiechyd o gyflawni ei gwaith arferol, caiff y camau angenrheidiol eu cymryd (am gyhyd ag y bo'u hangen) i osgoi'r risgiau hynny. Gall hynny olygu:

- newid amodau neu oriau gwaith
- cynnig gwaith addas arall ar delerau ac amodau cyffelyb, neu sydd ddim yn sylweddol llai ffafriol; neu
- ei gwahardd o'i dyletswyddau, ar dâl llawn oni bai fod yr aelod o staff wedi gwrthod yn afresymol waith arall addas.

### **Hawl i absenoldeb mamolaeth**

Mae gan bob cyflogai hawl i hyd at 52 wythnos o absenoldeb mamolaeth a ddyrennir yn 26 wythnos o absenoldeb mamolaeth cyffredin (AMC); gydag absenoldeb mamolaeth ychwanegol o 26 wythnos bellach yn dilyn AMC yn syth (AMY).

### **Dechrau absenoldeb mamolaeth**

Y dyddiad cynharaf y gall aelod beichiog o staff ddechrau ar ei habsenoldeb mamolaeth yw 11 wythnos cyn yr WDE, oni bai fod y plentyn yn cael ei eni cyn-amser, cyn y dyddiad hwnnw. Rhaid i'r aelod o staff hysbysu'r Pwyllgor/yr Arweinydd o'r Dyddiad Dechrau Arfaethedig. Yna bydd y Pwyllgor/yr Arweinydd yn ysgrifennu at yr aelod o staff o fewn 28 diwrnod i'w hysbysu o'r dyddiad dychwelyd disgwylidig os derbynnir yr holl hawl i absenoldeb mamolaeth (Dyddiad Dychwelyd Disgwylidig).

Gellir gohirio'r Dyddiad Dechrau Arfaethedig, bydd angen cadarnhau hyn yn ysgrifenedig i'r Pwyllgor/yr Arweinydd o leiaf 28 diwrnod cyn y Dyddiad Dechrau Arfaethedig gwreiddiol neu, os nad yw hynny'n bosibl, cyn gynted ag y bo'n ymarferol resymol i wneud hynny.

Gellir dod â'r Dyddiad Dechrau Arfaethedig yn ei flaen trwy hysbysu'r Pwyllgor/yr Arweinydd o leiaf 28 diwrnod cyn y dyddiad dechrau newydd, neu os nad yw hynny'n bosibl, cyn gynted ag y bo'n ymarferol resymol i wneud hynny.

Bydd absenoldeb mamolaeth yn dechrau ar y dyddiad cynharaf o blith y rhain:

- y Dyddiad Dechrau Arfaethedig (os cafodd ei hysbysu yn unol â'r polisi hwn); neu
- y diwrnod ar ôl y diwrnod mae'r aelod o staff yn absennol am reswm cysylltiedig â beichiogrwydd yn ystod y pedair wythnos cyn Wythnos Debygol yr Esgor; neu
- y diwrnod ar ôl y diwrnod geni.

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Os yw aelod o staff yn absennol am reswm cysylltiedig â beichiogrwydd yn ystod y pedair wythnos cyn WDE, rhaid iddi hysbysu'r Pwyllgor/yr Arweinydd yn ysgrifenedig cyn gynted â phosibl.

Os yw aelod o staff yn esgor cyn bod yr absenoldeb mamolaeth i ddechrau, rhaid iddi hysbysu'r Pwyllgor/yr Arweinydd gan gadarnhau dyddiad y geni yn ysgrifenedig cyn gynted â phosibl.

Mae'r gyfraith yn gwahardd mamau rhag gweithio yn ystod y pythefnos yn dilyn genedigaeth.

Cyn i absenoldeb mamolaeth ddechrau caiff trefniadau cyflenwi'r gwaith a chyfleoedd i gadw mewn cysylltiad (os mai dyma ddymuniad yr aelod o staff) eu trafod. Os na fynegwyd gwrthwynebiad, bydd yr aelod o staff yn parhau ar y rhestrau cylchredeg newyddion mewnol, swyddi gwag, hyfforddiant a digwyddiadau cymdeithasol cysylltiedig â'r gwaith.

### **Tâl Mamolaeth Statudol**

Gellir talu Tâl Mamolaeth Statudol (TMS) am hyd at 39 wythnos. Ni thelir TMS os bydd aelod o staff yn dychwelyd i'r gwaith (heblaw pan fydd yn cadw mewn cysylltiad yn unig).

Mae gan aelodau staff hawl i TMS os:

- ydynt wedi eu cyflogi yn barhaus am o leiaf 26 wythnos ar ddiwedd yr Wythnos Gymhwyso a'u bod yn dal yn gyflogedig yn ystod yr wythnos honno;

bod yr enillion wythnosol cyfartalog yn ystod yr 8 wythnos yn diweddu gyda'r Wythnos Gymhwyso (y Cyfnod Perthnasol) ddim llai na therfyn yr enillion isaf a osodir gan y Llywodraeth;

- bod tystysgrif meddyg neu fydwraig (ffurflen MAT B1) wedi ei darparu yn nodi WDE;
- bod o leiaf 28 diwrnod o rybudd (neu, os nad yw hynny'n bosibl, cymaint o rybudd â phosibl) wedi ei roi o'r bwriad i gymryd absenoldeb mamolaeth; ac
- os ydynt yn dal yn feichiog 11 wythnos cyn dechrau WDE neu wedi esgor eisoes.

Cyfrifir TSM fel a ganlyn:

- y chwe wythnos gyntaf: Telir TSM ar Raddfa Berthynol i Enillion o 90% o'ch enillion wythnosol cyfartalog, a gyfrifir dros y Cyfnod Perthnasol;
- y 33 wythnos yn weddill: telir TSM ar y Raddfa Benodedig a osodir gan y Llywodraeth ar gyfer y flwyddyn dreth berthnasol, neu'r Raddfa Berthynol i Enillion os yw'n is.

Mae TSM yn cronni o'r diwrnod y mae'r aelod o staff yn dechrau ar ei AMC ac yna ar derfyn pob wythnos lawn o absenoldeb. Dylid talu taliadau TSM ar ddyddiad arferol nesaf y gyflogres a dylid didynnu treth incwm, Yswiriant Gwladol a chyfraniadau pensiwn fel y bo'n briodol.

Bydd hawl gan aelodau staff i gael TSM os gadawant y gyflogaeth am unrhyw reswm ar ôl dechrau'r Wythnos Gymhwyso (e.e. os byddant yn ymddiswyddo neu'n cael eu gwneud yn ddi-waith). Mewn achosion o'r fath, os nad yw'r absenoldeb mamolaeth wedi dechrau eto, bydd y TSM yn dechrau cronni ym mha un bynnag yw'r diweddaraf:

- yr wythnos yn dilyn yr wythnos y mae'r gyflogaeth yn terfynu; neu
- yr unfed wythnos ar ddeg cyn y WDE.

Os bydd aelod o staff yn gymwys am godiad cyflog cyn diwedd absenoldeb mamolaeth, cânt eu trin o safbwynt pwrpasau TSM fel petai'r codiad cyflog yn weithredol gydol y Cyfnod

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Perthnasol. Golyga hyn y caiff y TSM ei ail-gyfrifo a'i godi'n ol-weithredol, neu cânt eu trin fel petaent yn gymwys ar gyfer TSM pan nad oeddent yn gymwys cyn hynny. Telir lwmp-swm i wneud i fyny'r gwahaniaeth rhwng unrhyw TSM a dalwyd eisoes a'r swm taladwy yn sgil y codiad cyflog. Caiff unrhyw daliadau TSM ar y Raddfa Berthynol i Enillion (os oes rhai) eu codi hefyd fel bo raid.

### **Telerau ac Amodau yn ystod AMC ac AMY**

Bydd yr holl delerau a'r amodau cyflogaeth yn parhau mewn grym yn ystod AMC ac AMY, heblaw am y telerau yn ymwneud â thâl. Yn enwedig:

- bydd buddion mewn da (os oes rhai) megis yswiriant bywyd, yswiriant iechyd, aelodaeth campfa a.y.b. yn parhau;
- bydd hawl gwyliau blynyddol o dan y cytundeb yn parhau i Gronni; a
- bydd buddion pensiwn (os oes rhai) yn parhau.

### **Gwyliau Blynyddol**

Yn ystod AMC ac AMY bydd gwyliau blynyddol yn cronni ar y raddfa a ddarparwyd drwy'r cytundeb.

Ni ellir trosglwyddo gwyliau blynyddol fel arfer o un flwyddyn wyliau i'r nesaf. Os yw'r flwyddyn wyliau i orffen yn ystod absenoldeb mamolaeth, dylai aelodau o staff sicrhau eu bod wedi cymryd eu hawl blwyddyn gyfan cyn dechrau ar absenoldeb mamolaeth.

Mae blwyddyn gwyliau'r cylch yn rhedeg o Ionawr 1 hyd at Ragfyr 31.

### **Pensiynau**

Yn ystod AMC ac unrhyw gyfnod ychwanegol o dâl mamolaeth bydd cyfraniadau cyflogwr a delir fel arfer i gynllun pensiwn arian-bryniant yn parhau, yn seiliedig ar yr hyn y byddent yn ei ennill pe na baent ar absenoldeb mamolaeth, cyhyd a'u bod yn parhau i wneud cyfraniadau yn seiliedig ar y tâl mamolaeth a dderbyniant. Os ydynt yn dymuno cynyddu'r cyfraniadau i wneud unrhyw ddiffyg i fyny o'r rhai a seiliwyd ar y cyflog arferol dylid cysylltu â'r Trysorydd i 'w hysbysu.

- the average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government;
- a doctor or midwife's certificate (MAT B1 form) has been provided stating the EWC;
- at least 28 days' notice (or, if that is not possible, as much notice as possible) has been given of the intention to take maternity leave; and
- they are still pregnant 11 weeks before the start of the EWC or have already given birth.

SMP is calculated as follows:

- First six weeks: SMP is paid at the Earnings-Related Rate of 90% of your average weekly earnings calculated over the Relevant Period;
- Remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.

SMP accrues from the day on which a member of staff commence their OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next



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normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

Members of staff shall still be eligible for SMP if they leave employment for any reason after the start of the Qualifying Week (for example, if they resign or are made redundant). In such cases, if the maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:

- the week following the week in which employment ends; or
- the eleventh week before the EWC.

If a member of staff become eligible for a pay rise before the end of the maternity leave, they will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that the SMP will be recalculated and increased retrospectively, or that they may qualify for SMP if they did not previously qualify. A lump sum will be paid to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

#### **Terms and conditions during OML and AML**

All the terms and conditions of employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- benefits in kind (if any) such as life insurance, health insurance, gym membership etc shall continue;
- annual leave entitlement under the contract shall continue to accrue; and
- pension benefits (if any) shall continue.

#### **Annual leave**

During OML and AML, annual leave will accrue at the rate provided under the contract.

Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during the maternity leave, members of staff should ensure that they have taken the full year's entitlement before starting the maternity leave.

The cylch holiday year runs from 1 January to 31 December.

#### **Pensions**

During OML and any further period of paid maternity leave employer contributions that is usually made into a money-purchase pension scheme shall continue, based on what the earnings would have been if they had not been on maternity leave provided that they continue to make contributions based on the maternity pay they are receiving. If they wish to increase the contributions to make up any shortfall from those based on the normal salary the member of staff should contact the Treasurer to inform them of this.

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Bydd y cyfnod AMC ac unrhyw gyfnod pellach o absenoldeb mamolaeth â thâl yn cyfrif tuag at y cynllun pensiwn cyflog-terfynol fel gwasanaeth pensiynadwy, cyhyd â'u bod yn gwneud y cyfraniadau angenrheidiol lleiaf yn seiliedig ar y tâl mamolaeth y maent yn ei dderbyn.

Yn ystod cyfnod di-dâl AMY ni fydd y cylch yn gwneud taliadau i gynllun arian-bryniant ac ni fydd yr amser yn cyfrif fel gwasanaeth pensiynadwy o dan y cynllun cyflog-terfynol. Does dim rhaid i'r aelod o staff wneud unrhyw gyfraniadau ond gall wneud hynny os dymuna, neu gall wneud i fyny am daliadau a gollwyd ar ddyddiad diweddarach.

### **Diswyddiad yn ystod absenoldeb mamolaeth**

Os digwydd bod y swydd yn cael ei heffeithio gan sefyllfa ddiswyddo yn ystod absenoldeb mamolaeth, bydd y Pwyllgor yn ysgrifennu at yr aelod o staff yn ei hysbysu am unrhyw gynigion ac yn gwahodd yr aelod o staff i gyfarfod cyn y gwneir unrhyw benderfyniad terfynol ynglŷn â pharhau i gyflogi.

### **Cadw mewn cysylltiad**

Gall y Pwyllgor/yr Arweinydd gadw mewn cysylltiad rhesymol â'r aelod o staff o bryd i'w gilydd yn ystod absenoldeb mamolaeth. Gall yr aelod o staff weithio (gan gynnwys mynychu hyfforddiant) am hyd at ddeng niwrnod yn ystod absenoldeb mamolaeth heb ddwyn yr absenoldeb mamolaeth na TSM i ben. Byddai'r trefniadau, gan gynnwys y tâl, yn cael eu gwneud trwy gytundeb â'r Pwyllgor. Does dim rhaid i aelod o staff wneud gwaith o'r fath yn ystod absenoldeb mamolaeth. Boed a fo am hynny, nid oes hawl i ddychwelyd i'r gwaith yn ystod y pythefnos wedi'r enedigaeth.

Yn union cyn bod aelod o staff i fod i ddychwelyd i'r gwaith, efallai y bydd y Pwyllgor/yr Arweinydd yn gwahodd i drafod (wyneb i wyneb neu ar y ffôn) y trefniadau dychwelyd. Gall y rhain ymdrin â:

- diweddarau ynglŷn ag unrhyw newidiadau a fu yn ystod yr absenoldeb
- unrhyw anghenion hyfforddiant sydd ganddynt; ac
- unrhyw newidiadau i drefniadau gweithio (e.e. os gofynnwyd am gael gweithio'n rhan-amser)

### **Dyddiad dychwelyd disgwyliedig**

Unwaith y bydd aelod o staff wedi hysbysu'r Pwyllgor yn ysgrifenedig o'r Dyddiad Dechrau Arfaethedig, anfonir llythyr o fewn 28 niwrnod i'w hysbysu o'r Dyddiad Dychwelyd Disgwyliedig. Os cafodd y dyddiad dechrau ei newid (naill ai oherwydd i'r aelod o staff roi rhybudd o'r newid, neu oherwydd i absenoldeb mamolaeth ddechrau'n gynnar, oherwydd salwch neu enedigaeth gynamserol), bydd y Pwyllgor yn ysgrifennu at yr aelod o staff o fewn 28 niwrnod o ddechrau'r absenoldeb mamolaeth gyda Dyddiad Dychwelyd Disgwyliedig diwygiedig.

Bydd disgwyl i'r aelod o staff ddychwelyd ar y Dyddiad Dychwelyd Disgwyliedig oni bai ei bod wedi hysbysu'r Pwyllgor i'r gwrthwyneb. Byddai o gymorth i'r Pwyllgor pe gallai'r aelod o staff, yn ystod absenoldeb mamolaeth, gadarnhau y bydd yn dychwelyd i'r gwaith yn ôl y disgwyl.

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### **Dychwelyd yn gynnar**

Os yw aelod o staff yn dymuno dychwelyd i'r gwaith cyn y Dyddiad Dychwelyd Disgwyliedig, rhaid iddi roi rhagrybudd o wyth wythnos i'r Pwyllgor. Byddai o gymorth pe darperid y rhybudd hwn yn ysgrifenedig.

Os na roir digon o rybudd, gall y Pwyllgor ohirio'r dyddiad dychwelyd hyd at wyth wythnos ar ôl i'r rhybudd gael ei roi, neu hyd at y Dyddiad Dychwelyd Disgwyliedig os yw yn gynt.

### **Dychwelyd yn hwyr**

Os yw aelod o staff eisiau dychwelyd wedi'r Dyddiad Dychwelyd Disgwyliedig, dylai naill ai:

- ofyn am absenoldeb rhiant di-dâl yn unol â'r Polisi Absenoldeb Rhiant gan roi cymaint o rybudd â phosibl, ond dim llai na 21 diwrnod; neu
- ofyn am dâl gwyliau blynyddol yn unol â'r cytundeb, bydd hyn ar ddisgresiwn y Pwyllgor.

Os bydd aelod o staff yn methu dychwelyd i'r gwaith oherwydd salwch neu anaf, caiff hyn ei drin fel absenoldeb salwch a bydd y Polisi Absenoldeb Salwch yn weithredol. Ym mhob achos arall, caiff dychwelyd yn hwyr ei drin fel absenoldeb heb ei awdurdodi.

### **Penderfynu peidio â dychwelyd**

Os bydd aelod o staff yn penderfynu peidio â dychwelyd i'r gwaith neu yn ansicr, byddai o fudd petai'n trafod hyn gyda'r Pwyllgor mor fuan â phosibl. Os yw aelod o staff yn penderfynu peidio dychwelyd dylai roi rhybudd ymddiswyddo yn unol â'r cytundeb. Rhaid i gyfanswm yr absenoldeb mamolaeth sydd ar ôl i redeg pan roir y rhybudd, fod o leiaf yn gyfartal â'r cyfnod rhybudd cytundebol, neu gall y Pwyllgor ddisgwyl i'r aelod o staff dychwelyd i'r gwaith am weddill y cyfnod rhybudd. Unwaith y bydd yr aelod o staff wedi rhoi rhybudd na fydd yn dychwelyd i'r gwaith, ni all newid ei feddwl heb gytundeb y Pwyllgor. Nid yw hyn yn effeithio ar hawl yr aelod o staff i dderbyn TSM.

### **Hawliau pan fydd yr aelod o staff yn dychwelyd**

Gan amlaf mae gan aelod o staff hawl i dychwelyd i'r gwaith i'r un swydd a oedd ganddi cyn dechrau'r absenoldeb. Bydd y telerau cyflogaeth yr un fath ag y byddent pe na fyddent wedi bod byddai wedi bod yn absennol.

Fodd bynnag, os yw'r aelod o staff wedi cymryd unrhyw gyfnod o AMY neu dros bedair wythnos o absenoldeb rhiant, ac os nad yw'n ymarferol rhesymol i'r Pwyllgor ganiatáu iddi dychwelyd i'r un swydd, gall y Pwyllgor roi swydd addas a phriodol arall i'r aelod o staff ar delerau ac amodau sydd ddim yn llai ffafriol.

### **Dychwelyd i weithio'n rhan amser**

Bydd y Pwyllgor yn delio ag unrhyw geisiadau gan gyflogeion i newid eu patrymau gwaith (megis gweithio'n rhan amser) ar ôl absenoldeb mamolaeth ar sail pob achos unigol. Nid oes hawl absoliwt i fynnu cael gweithio'n rhan amser, ond mae gan aelodau o staff hawl statudol i ofyn am waith hyblyg, a bydd y Pwyllgor yn ceisio diwallu'r dymuniadau oni bai fod rheswm digonol dros wrthod, gan gadw mewn cof anghenion y busnes. Bydd o fudd os gwneir y geisiadau mor fuan â phosibl.

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### **TADOLAETH**

#### **Datganiad polisi**

Mae'r polisi hwn yn amlinellu hawl cyflogeion i absenoldeb tadolaeth ac yn gosod allan y trefniadau ar ei gyfer. Nid yw'r polisi yn weithredol i weithwyr asiantaeth na gweithwyr llawrydd.

Ni chaiff unrhyw un ei gamwahaniaethu na dioddef anfantais am fod yn absennol oherwydd y polisi hwn.

#### **Cyfrifoldeb am weithredu'r polisi**

Pwyllgor y cylch sydd â'r cyfrifoldeb cyffredinol dros weithredu'r polisi hwn yn effeithiol ac am sicrhau cydymffurfio â'r fframwaith statudol perthnasol. Bydd y Pwyllgor yn dirprwyo'r cyfrifoldeb o ddydd i ddydd dros weithredu'r polisi a sicrhau ei gynnal a'i adolygu i Arweinydd y cylch.

Mae gan Arweinydd y cylch gyfrifoldeb penodol dros sicrhau bod y polisi'n cael ei weithredu'n deg ac mae pob aelod o staff yn gyfrifol am gefnogi cydweithwyr a sicrhau ei lwyddiant

If a member of staff is unable to return to work due to sickness or injury, this will be treated as sickness absence and the Sickness Absence Policy will apply. In any other case, late return will be treated as unauthorised absence.

#### **Deciding not to return**

If a member of staff decides not to return to work, or is unsure, it is helpful if they discuss this with the Committee as early as possible. If a member of staff decides not to return they should give notice of resignation in accordance with the contract. The amount of maternity leave left to run when the notice is given must be at least equal to the contractual notice period, otherwise the Committee may require the member of staff to return to work for the remainder of the notice period. Once the member of staff has given notice that they will not be returning to work, they cannot change their mind without agreement from the Committee. This does not affect the member of staff's right to receive SMP.

#### **Rights when a member of staff returns**

A member of staff is normally entitled to return to work in the same position as she held before commencing leave. The terms of employment shall be the same as they would have been had she not been absent.

However, if the member of staff has taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for the Committee to allow her to return into the same position, the Committee may give the member of staff another suitable and appropriate job on terms and conditions that are not less favourable.

#### **Returning to work part-time**

The Committee will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but members of staff do have a statutory right to request flexible working and the Committee will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

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### **PATERNITY**

#### **Policy statement**

This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it. The policy does not apply to agency workers or the self-employed.

No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.

#### **Responsibility for implementing the policy**

The cylch Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee shall delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the cylch Leader.

The cylch Leader has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

#### **Hawl i dderbyn absenoldeb tadolaeth**

Gall rhai cyflogeion gymryd absenoldeb tadolaeth mewn perthynas â genedigaeth neu fabwysiadu plentyn. Fodd bynnag, mewn achosion o fabwysiadu nid yw absenoldeb tadolaeth ar gael i gyflogai sy'n penderfynu cymryd absenoldeb mabwysiadu.

Mae gan aelodau o staff hawl i absenoldeb tadolaeth cyffredin (ATC), os ydynt yn cwrdd â'r amodau canlynol:

- maent wedi eu cyflogi'n barhaus gan y cylch am o leiaf 26 wythnos yn diweddu gyda
  - mewn achosion o enedigaeth, yr wythnos cyn y 14<sup>eg</sup> wythnos cyn y DWE;
  - mewn achosion o fabwysiadu, yr wythnos cyn i'r aelod o staff neu ei bartner gael eu hysbysu gan asiantaeth fabwysiadu ei fod wedi'i baru â phlentyn; ac
- mai'r aelod o staff yw:
  - tad biolegol y plentyn
  - fod plentyn addas gan yr asiantaeth fabwysiadu;
  - gŵr, partner sifil neu'n bartner i fam y plentyn; neu
  - yn ŵr, yn bartner sifil neu yn bartner i rywun y mae gan asiantaeth fabwysiadu faban ar ei gyfer/chyfer; a
- mae'r aelod o staff
  - yn disgwyl bod yn bennaf cyfrifol (gyda mam y plentyn, cyd-fabwysiadwr neu fabwysiadwr) am fagwraeth y plentyn; neu
  - yw tad biolegol y plentyn a'i fod yn disgwyl ysgwyddo peth cyfrifoldeb dros fagwraeth y plentyn;
- mai pwrpas yr absenoldeb arfaethedig yw er mwyn gofalu am y plentyn, neu gefnogi mam y plentyn, y mabwysiadwr, neu gyd-fabwysiadwr i ofalu am y plentyn.

Mae hawl gan yr aelod o staff i absenoldeb tadolaeth ychwanegol (ATY) os, yn ogystal â'r amodau uchod,

- fod yr aelod o staff yn parhau'n gyflogai i'r cylch tan yr wythnos cyn wythnos gyntaf yr ATY;
- fod gan fam y plentyn neu gyd-fabwysiadwr, fel y bo'r achos, hawl i absenoldeb statudol;

## *Polisi Staffio Staffing Policy*

- mewn achosion o enedigaeth, fod gan fam y plentyn hawl i absenoldeb mamolaeth, tâl mamolaeth statudol neu lwfans mamolaeth yn sgil ei beichiogrwydd; neu
- mewn achosion o fabwysiadu, fod gan fabwysiadwr y plentyn yr hawl i un neu ddau o'r canlynol: absenoldeb mabwysiadu neu dâl mabwysiadu statudol yn sgil mabwysiadu'r plentyn; ac
- mae mam y plentyn neu'r cyd-fabwysiadwr, fel y bo'r achos, wedi dychwelyd i'r gwaith.

### **Amseru a hyd absenoldeb tadolaeth**

Rhaid cymryd ATC fel cyfnod o un wythnos neu ddwy wythnos yn olynol. Ni ellir ei gymryd bob yn ddarn.

Gellir cymryd ATY o ddyddiad geni'r plentyn neu leoli'r mabwysiad, ond rhai iddo derfynu:

- mewn achosion o enedigaeth, o fewn 56 niwrnod o eni'r plentyn, neu os cafodd ei eni cyn diwrnod cyntaf Wythnos Debygol yr Esgor, o fewn 56 niwrnod o ddiwrnod cyntaf Wythnos Debygol yr Esgor; neu
- mewn achosion o fabwysiadu, o fewn 56 niwrnod o leoli'r plentyn.

Rhaid cymryd ATY fel lluosrifau o wythnosau cyflawn ac yn un cyfnod. Y cyfnod byrraf o ATY y gellir ei gymryd yw dwy wythnos a'r cyfnod hiraf yw 26 wythnos. Rhaid cymryd ATY yn y cyfnod yn dechrau 20 wythnos ar ôl geni'r plentyn, neu leoliad y mabwysiad, a therfynu 12 mis wedi'r dyddiad geni hwn neu'r mabwysiad.

### **Hysbysiad (genedigaeth)**

Os yw aelod o staff yn dymuno cymryd ATC oherwydd geni plentyn, rhaid i'r aelod o staff roi rhybudd ysgrifenedig i'r Pwyllgor o'r bwriad i wneud hynny a chadarnhau:

- Wythnos Debygol yr Esgor;
- p'run ai yw'r aelod o staff yn bwriadu cymryd wythnos o absenoldeb neu ddwy wythnos olynol o absenoldeb;
- pryd y bydd yn hoffi dechrau'r absenoldeb. Gellir nodi y bydd yr absenoldeb yn dechrau ar:
  - ddiwrnod geni'r plentyn;
  - diwrnod sydd yn nifer penodol o ddyddiau ar ôl geni'r plentyn; neu
  - ddyddiad penodol sy'n ddiweddarach na dyddiad cyntaf Wythnos Debygol yr Esgor.

Rhaid rhoi rhybudd hefyd cyn y 14eg wythnos cyn Wythnos Debygol yr Esgor (neu, os nad yw hynny'n bosib, mor fuan â phosibl wedyn).

Gall y Pwyllgor ofyn am ddatganiad wedi'i arwyddo gan yr aelod o staff yn cadarnhau cymryd yr ATC ar gyfer y pwrpas y bwriadwyd ef; sef i ofalu am y plentyn neu i gefnogi mam y plentyn sy'n gofalu am y plentyn.

Os bydd aelod o staff yn dymuno cymryd ATY yng nghyswllt genedigaeth y plentyn, rhaid darparu'r canlynol ar gyfer y Pwyllgor o leiaf wyth wythnos cyn y dyddiad yr hoffai ddechrau ar yr absenoldeb:

- 'rhybudd absenoldeb' ysgrifenedig yn datgan:
- Wythnos Debygol yr Esgor;
- dyddiad geni'r plentyn; a
- y dyddiau y dymuna i'r ATY ddechrau a gorffen;
- 'datganiad cyflogai' wedi'i arwyddo yn cadarnhau:
  - Mae'r aelod o staff yw tad y plentyn, neu mae'r aelod o staff yw gŵr, partner neu bartner sifil mam y plentyn;

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- ar wahân i fam y plentyn, mai'r aelod o staff fydd, neu fod disgwyl mai'r aelod o staff fydd, â'r cyfrifoldeb pennaf dros fagwraeth y plentyn; a
- bod yr aelod o staff yn dymuno cymryd ATY er mwyn gofalu am y plentyn.
- 'datganiad mam' ysgrifenedig oddi wrth fam y plentyn yn datgan:
  - ei henw, ei chyfeiriad a'i rhif Yswiriant Gwladol;
  - y dyddiad y bwriada ddychwelyd i'r gwaith;
  - perthynas yr aelod o staff â'r plentyn;
  - mai'r aelod o staff, hyd y gŵyr hi, yw'r unig berson sy'n hawlio ATY yng nghyswllt y plentyn; ac
  - ei bod hi'n caniatáu i'r Pwyllgor brosesu'r wybodaeth mae hi wedi'i ddarparu.

Bydd y Pwyllgor yn ysgrifennu at yr aelod o staff yn cadarnhau dyddiadau dechrau a gorffen yr ATY o fewn 28 niwrnod o dderbyn y rhybudd absenoldeb, datganiad y cyflogai a datganiad mam y plentyn.

Gall y Pwyllgor ofyn i'r aelod o staff ddarparu copi o dystysgrif geni'r plentyn ac enw a chyfeiriad cyflogwr y fam, neu os yw'n hunan gyflogedig ei chyfeiriad busnes.

### **Hysbysiad (mabwysiadu)**

Os dymuna aelod o staff gymryd ATY yng nghyswllt mabwysiadu plentyn, rhaid rhoi rhybudd ysgrifenedig i'r Pwyllgor o'r bwriad i wneud hynny a chadarnhau:

- y dyddiad yr hysbyswyd hwy a/neu'r wraig/gŵr, partner sifil, neu Bartner eu bod wedi'u paru â phlentyn, ynghyd â Dyddiad Tebygol y Lleoli;
- a yw'r aelod o staff yn bwriadu cymryd un wythnos o absenoldeb neu ddwy wythnos olynol o absenoldeb
- pryd y bydd yn dymuno dechrau'r absenoldeb. Gall ddatgan y bydd yr absenoldeb yn dechrau ar
  - y diwrnod y lleolir y plentyn gydag ef neu gyda'r mabwysiadwr
  - diwrnod sydd nifer penodol o ddyddiau ar ôl lleoli'r plentyn; neu
  - ddyddiad penodol sy'n ddiweddarach na Dyddiad Tebygol y Lleoli.

Rhaid i'r aelod o staff roi rhybudd o ddim llai na saith niwrnod ar ôl i'r aelod o staff a/neu'i wraig, partner sifil neu Bartner gael eu hysbysu eu bod wedi'u paru â phlentyn (neu, os nad yw hynny'n bosibl, mor fuan â phosibl wedyn).

Gall y Pwyllgor ofyn am ddatganiad ysgrifenedig oddi wrth yr aelod o staff yn cadarnhau at pa bwrpas y cymerir yr ATY; sef, i ofalu am y plentyn, neu i gefnogi ei wraig, partner sifil neu ei Bartner i ofalu am y plentyn.

Os yw aelod o staff yn dymuno cymryd ATY yn dilyn mabwysiadu plentyn, rhaid i'r aelod o staff roi'r canlynol i'r Pwyllgor o leiaf wyth wythnos cyn y dyddiad yr hoffai ddechrau'r absenoldeb:

- 'rhybudd absenoldeb' ysgrifenedig yn datgan:
  - y dyddiad yr hysbyswyd yr aelod o staff o baru â phlentyn;
  - y dyddiad y lleolwyd y plentyn gyda'r aelod o staff; a
  - y dyddiadau y dymuna i'r ATY ddechrau a gorffen.
- 'datganiad cyflogai' wedi'i arwyddo yn cadarnhau:
  - bod yr aelod o staff wedi'i baru â phlentyn;

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- bod yr aelod o staff naill ai yn ŵr, partner sifil neu Bartner i gyd-fabwysiadwr y plentyn;
- bod yr aelod o staff yn dymuno cymryd ATY er mwyn gofalu am y plentyn.
- 'datganiad mabwysiadwr' ysgrifenedig oddi wrth fabwysiadwr y plentyn yn datgan:
  - ei enw/henw, cyfeiriad a rhif Yswiriant Gwladol;
  - y dyddiad y bwriada ddychwelyd i'r gwaith;
  - mai ef/hi yw priod, Partner neu bartner sifil yr aelod o staff;
  - ei bod/fod hi'n caniatáu i'r Pwyllgor brosesu'r wybodaeth a ddarparwyd.

Bydd y Pwyllgor yn ysgrifennu at yr aelod o staff yn cadarnhau dyddiadau dechrau a gorffen yr ATY o fewn 28 niwrnod o dderbyn y rhybudd absenoldeb, datganiad y cyflogai a datganiad y mabwysiadwr.

Gall y Pwyllgor ofyn i'r aelod o staff ddarparu'r canlynol:

- enw a chyfeiriad cyflogwr y mabwysiadwr, neu os yn llawrydd, gyfeiriad y busnes;
- tystiolaeth ddogfennol a anfonwyd gan yr asiantaeth fabwysiadu a barodd yr aelod o staff â phlentyn ac a fyddai'n cadarnhau:
  - enw a chyfeiriad yr asiantaeth fabwysiadu;
  - y dyddiad y derbyniodd yr aelod o staff hysbysiad ei fod paru â phlentyn
  - y dyddiad y disgwyliar asiantaeth leoli'r plentyn;
  - newid dyddiadau'r ATC a'r ATY.

Pan mae'n cymryd ATY yng nghyswllt geni plentyn, gall yr aelod o staff roi rhybudd ysgrifenedig i'r Pwyllgor i amrywio dyddiad dechrau'r absenoldeb o'r hyn a nodwyd yn wreiddiol yn y rhybudd.

Dylid rhoi'r rhybudd hwn:

- pan fo'r aelod o staff yn dymuno amrywio'r absenoldeb i ddechrau ar ddyddiad geni'r plentyn, o leiaf 28 diwrnod cyn diwrnod cyntaf Wythnos Debygol yr Esgor.
- lle mae'r aelod o staff yn dymuno amrywio absenoldeb i ddechrau nifer penodol o ddyddiau ar ôl geni'r plentyn, o leiaf 28 diwrnod (minws y nifer penodol o ddyddiau) cyn diwrnod cyntaf Wythnos Debygol yr Esgor.
- lle mae'r aelod o staff yn dymuno amrywio'r absenoldeb i ddechrau ar ddyddiad penodol (neu ar ddyddiad gwahanol i'r un a nodwyd yn wreiddiol), o leiaf 28 diwrnod cyn y dyddiad hwnnw.
- lle mae'r aelod o staff yn cymryd ATY yng nghyswllt mabwysiadu plentyn, gall roi rhybudd ysgrifenedig i'r Pwyllgor i amrywio dyddiad dechrau'r absenoldeb o'r hyn a nodwyd yn wreiddiol yn y rhybudd. Dylid rhoi'r rhybudd hwn:
  - lle bo'r aelod o staff yn dymuno amrywio'r absenoldeb i ddechrau ar y dyddiad y lleolir y plentyn gydag ef/hi neu gyda'r mabwysiadwr, o leiaf 28 niwrnod cyn Dyddiad Tebygol y Lleoli;

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- lle mae'r aelod o staff yn dymuno amrywio'r absenoldeb i ddechrau nifer penodol o ddyddiau ar ôl lleoli'r plentyn, o leiaf 28 niwrnod (minws y nifer penodol o ddyddiau) cyn Dyddiad Tebygol y Lleoli; neu

- lle bo'r aelod o staff yn dymuno amrywio'r absenoldeb i ddechrau ar ddyddiad penodol (neu ddyddiad gwahanol i'r un a nodwyd yn wreiddiol), o leiaf 28 diwrnod cyn y dyddiad hwnnw.

Os na all yr aelod o staff roi 28 diwrnod o rybudd ysgrifenedig i'r Pwyllgor o'r dymuniad i amrywio dechrau absenoldeb fel y nodwyd uchod, dylai roi rhybudd ysgrifenedig i'r Pwyllgor o'r newid cyn gynted â phosibl.

Lle mae aelod o staff yn dymuno cymryd ATY, yn dilyn genedigaeth neu fabwysiadu plentyn, mae gan yr aelod o staff hawl i roi rhybudd ysgrifenedig i'r Pwyllgor i ganslo neu amrywio'r dyddiad dechrau a/neu orffen a nodwyd cyn hynny.

Rhaid gwneud hynny:

- o leiaf chwe wythnos cyn y dyddiad a gadarnhawyd yn wreiddiol fel y dyddiad y byddai'r ATY yn dechrau; neu
- os bydd aelod o staff eisiau dechrau'r ATY yn gynt na'r dyddiad dechrau gwreiddiol hwnnw, o leiaf chwe wythnos cyn y dyddiad y dymuna i'r ATY ddechrau'n awr.

Os nad yw'r aelod o staff yn gallu rhoi rhybudd o chwe wythnos dylai roi rhybudd ysgrifenedig o'r dymuniadau i'r Pwyllgor cyn gynted â phosibl. Fodd bynnag, dan yr amgylchiadau hyn, os na all y Pwyllgor dderbyn y cais, gall y Pwyllgor ofyn i'r aelod o staff gymryd cyfnod o ATY o hyd at chwe wythnos gan ddechrau naill ai ar y dyddiad gwreiddiol neu ar yr un newydd diwygiedig.

### **Tâl Tadolaeth Statudol**

Yn y paragraff hwn golyga 'Cyfnod Perthnasol':

- mewn achos o enedigaethau, y cyfnod wyth wythnos yn gorffen yn union cyn y 14eg wythnos cyn Wythnos Debygol yr Esgor;
- mewn achos o fabwysiadu, yr wyth wythnos yn gorffen yn union cyn yr wythnos y mae'r aelod o staff neu ei wraig, partner sifil neu Bartner wedi hysbysu'r aelod o staff o baru â phlentyn.

Os cymer yr aelod o staff ATC yn unol â'r polisi hwn, bydd hawl gan yr aelod o staff i gael y tâl tadolaeth statudol cyffredin (TTSC) os yw ei enillion wythnosol ar gyfartaledd, yn ystod y Cyfnod Perthnasol, yn ddim is na therfyn yr enillion isaf a osodir gan y llywodraeth.

Os bydd yr aelod o staff yn cymryd ATY yn unol â'r polisi hwn, efallai y bydd yn gymwys i dderbyn tâl tadolaeth statudol ychwanegol (TTSY). Os yw, ac os felly, bydd yr hyd y bydd gan yr aelod o staff hawl i TTSY yn dibynnu ar:

- na fydd yr enillion wythnosol ar gyfartaledd yn is na therfyn isaf yr enillion a osodir gan y llywodraeth yn ystod y Cyfnod Perthnasol; a
- bod mam y plentyn neu'r cyd-fabwysiadwr, fel y bo'r achos, wedi dychwelyd i'r gwaith heb gymryd o leiaf ddwy wythnos o'i lwfans mamolaeth, tâl mamolaeth neu gyfnod tâl mabwysiadu.

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Bydd hawl yr aelod o staff i TTSY yn hafal i nifer yr wythnosau o lwfans mamolaeth, tâl mamolaeth neu dâl mabwysiadu heb ddibennu, a oedd yn weddill pan ddychwelodd mam y plentyn neu'r cyd-fabwysiadwr i'r gwaith.

Telir TTSC a TTSY ar raddfa benodedig a osodir gan y llywodraeth ar gyfer y flwyddyn dreth berthnasol, neu ar 90% o'r enillion wythnosol ar gyfartaledd wedi'u cyfrifo dros y Cyfnod Perthnasol os yw hyn yn is.

### **Telerau ac Amodau yn ystod ATC ac ATY**

Mae'r holl delerau a'r amodau yn parhau mewn grym yn ystod ATC ac ATY, heblaw am y telerau yn ymwneud â thâl. Yn arbennig:

- bydd buddion mewn da [megis yswiriant bywyd, yswiriant iechyd, aelodaeth campfa neu ddefnydd o gerbyd cwmni os yn berthnasol] yn parhau;
- bydd hawl gwyliau blynyddol dan y cytundeb yn parhau i Gronni; a
- bydd buddion pensiwn yn parhau.

### **Gwyliau Blynyddol**

Yn ystod ATC ac ATY bydd gwyliau blynyddol yn cronni ar y raddfa a ddarperir drwy'r cytundeb.

Ni ellir trosglwyddo gwyliau blynyddol fel arfer o un flwyddyn wyliau i'r nesaf. Os yw'r flwyddyn wyliau i orffen yn ystod yr absenoldeb mamolaeth neu'r absenoldeb tadolaeth, dylai aelodau o staff sicrhau eu bod wedi cymryd eu hawl blwyddyn gyfan cyn i'r absenoldeb tadolaeth ddechrau.

Mae blwyddyn wyliau'r cylch yn rhedeg o Ionawr 1 hyd at Ragfyr 31.

### **Pensiynau**

Yn ystod ATC ac ATY bydd y cylch yn parhau i wneud y cyfraniadau cyflogwr a wneir yn arferol i gynllun pensiwn arian-bryniant, yn seiliedig ar yr hyn fyddai'r enillion petai'r aelod o staff heb fod ar absenoldeb tadolaeth, cyhyd a bod yr aelod o staff yn parhau i wneud cyfraniadau yn seiliedig ar y tâl tadolaeth a dderbynnir.

Os yw'r aelod o staff yn dymuno cynyddu cyfraniadau i wneud i fyny am y diffyg o'r rhai a seilir ar y cyflog normal, dylid cysylltu â'r Trysorydd i'w hysbysu am hyn.

Mae cyfnodau ATC ac ATY fel ei gilydd yn cyfrif tuag at y cynllun pensiwn cyflog-terfynol fel gwasanaeth pensiynadwy, cyhyd â bod yr aelod o staff yn gwneud y cyfraniadau angenrheidiol lleiaf yn seiliedig ar y tâl tadolaeth a dderbynnir.

### **Diswyddiadau yn ystod ATY**

Os digwydd bod y swydd yn cael ei heffeithio gan sefyllfa o ddiswyddo yn ystod absenoldeb tadolaeth, bydd y Pwyllgor yn ysgrifennu at yr aelod o staff yn hysbysu am unrhyw gynigion ac yn gwahodd yr aelod o staff i gyfarfod cyn y gwneir y penderfyniad terfynol ynglŷn â pharhad y gyflogaeth.

### **Cadw mewn Cyswllt yn ystod ATY**

Gall y Pwyllgor gadw mewn cysylltiad rhesymol â'r aelod o staff o bryd i'w gilydd yn ystod yr ATY. Gall yr aelod o staff weithio (gan gynnwys mynychu hyfforddiant) am hyd at ddeng niwrnod yn ystod ATY heb ddwyn yr absenoldeb tadolaeth na TTSY i ben. Byddai'r trefniadau,

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gan gynnwys y tâl, yn cael eu cytuno trwy gytundeb â'r Pwyllgor. Does dim rhaid i aelod o staff wneud gwaith o'r fath yn ystod absenoldeb tadolaeth.

Yn union cyn bod aelod o staff i fod i ddychwelyd i'r gwaith, gall y Pwyllgor wahodd yr aelod o staff i drafod (wyneb yn wyneb neu ar y ffôn) trefniadau dychwelyd. Gall y rhain ymdrin â:

- diweddarau am unrhyw newidiadau a fu yn ystod yr absenoldeb;
- unrhyw anghenion hyfforddiant; ac
- unrhyw newidiadau i drefniadau gweithio (e.e. y gofynnwyd am eu gweithredu cyn dychwelyd)

### **Dychwelyd i'r Gwaith**

Gan amlaf bydd hawl gan aelod o staff i ddychwelyd i'r gwaith yn dilyn naill ai ATC neu ATY i'r un swydd ag oedd ganddo/ganddi cyn dechrau ar yr absenoldeb. Bydd telerau'r gyflogaeth yr un fath ag y byddent wedi bod petai heb fod yn absennol. Fodd bynnag os yw'r aelod o staff wedi cyfuno'r ATC neu'r ATY â chyfnod o

- absenoldeb tadolaeth ychwanegol;
- absenoldeb mabwysiadu; neu
- absenoldeb rhiant o dros bedair wythnos,

ac nad yw'n rhesymol ymarferol i'r aelod o staff ddychwelyd i'r un swydd, bydd y Pwyllgor yn cynnig swydd arall addas a phriodol.

Os bydd yr aelod o staff yn dymuno dychwelyd yn gynnar o ATY, rhaid rhoi rhagrybudd o leiaf chwe wythnos i'r Pwyllgor. Os yw'r aelod o staff yn dymuno gohirio dychwelyd o ATY, dylid naill ai:

- ofyn am absenoldeb rhiant di-dâl yn unol â Pholisi Absenoldeb Rhiant, gan roi cymaint o rybudd â phosibl, a dim llai na 21 diwrnod, i'r Pwyllgor; neu
- ofyn am wyliau blynyddol â thâl yn unol â'r cytundeb, a fydd yn ôl disgrisiwn y Pwyllgor.

Os nad yw'r aelod o staff yn gallu dychwelyd o ATY fel y disgwyliwyd oherwydd salwch neu anaf, caiff hyn ei ystyried yn absenoldeb salwch a bydd y Polisi Absenoldeb Salwch yn weithredol.

Ym mhob achos arall, caiff dychwelyd yn hwyr ei ystyried yn absenoldeb heb ei awdurdodi.

Bydd y Pwyllgor yn delio ag unrhyw gais gan gyflogai i newid patrwm gwaith (megis gweithio rhan-amser) ar ôl absenoldeb tadolaeth ar sail pob cais unigol. Bydd y Pwyllgor yn ceisio diwallu dymuniadau'r aelod o staff os nad oes rheswm cyfiawn dros ei wrthod, gan gymryd i ystyriaeth anghenion y busnes. Byddai o fudd pe gwneid y ceisiadau mor fuan â phosibl.

Os nad yw aelod o staff yn bwriadu dychwelyd i'r gwaith neu'n ansicr, byddai o gymorth trafod hyn gyda'r Pwyllgor mor fuan â phosibl. Os yw'r aelod o staff yn penderfynu peidio â dychwelyd i'r gwaith dylid cyflwyno ymddiswyddiad yn unol â'r cytundeb. Unwaith y gwneir hynny ni ellir newid meddwl heb gytundeb y pwyllgor. Nid yw hyn yn effeithio ar hawl aelod o staff i TTS.

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### **ABSENOLDEB RHIANT**

#### **Datganiad Polisi**

Mae'r gyfraith yn cydnabod, a'r cylch yn parchu, bod achlysuron yn codi pan fo rhieni sy'n gweithio yn dymuno cymryd amser o'u gwaith i ofalu am, neu dreulio amser, gyda'u plentyn neu'u plant.

Mae'r polisi yn adlewyrchu hawliau statudol cyflogeion sydd ag o leiaf un flwyddyn o wasanaeth parhaol i gymryd hyd at 13 wythnos o absenoldeb rhiant di-dâl mewn perthynas â phob plentyn, a hyd at 18 wythnos o absenoldeb rhiant di-dâl mewn perthynas â phlentyn sydd â hawl i lwfans byw i'r anabl.

Ni fydd unrhyw un yn dioddef anfantais am gymryd nac am geisio cymryd absenoldeb rhiant yn unol â'r polisi hwn.

Nid yw'r polisi hwn yn weithredol i weithwyr asiantaeth, arbenigwyr na chontractwyr llawrydd.

#### **Cyfrifoldeb am weithredu'r polisi**

Pwyllgor y cylch sydd â'r cyfrifoldeb cyffredinol am weithredu'r polisi hwn yn effeithiol ac am sicrhau cydymffurfio â'r fframwaith statudol perthnasol. Bydd y Pwyllgor yn dirprwyo'r cyfrifoldeb dros weithredu'r polisi, a sicrhau ei gynnal a'i adolygu o ddydd i ddydd i Arweinydd y cylch.

Mae gan Arweinydd y cylch gyfrifoldeb penodol i sicrhau bod y polisi'n cael ei weithredu'n deg ac mae pob aelod o staff yn gyfrifol am gefnogi cydweithwyr a sicrhau ei lwyddiant

#### **Hawl i absenoldeb rhiant**

Mae gan gyflogeion sy'n cwrdd â'r meini prawf isod hawl i gymryd hyd at 13 wythnos o absenoldeb rhiant mewn perthynas â phob plentyn y maent yn gyfrifol amdanynt. Mae'r hawl hwn yn codi i 18 wythnos pan fo gan y plentyn hawl i lwfans byw'r anabl.

Mae unrhyw absenoldeb rhiant a gymer cyflogeion mewn perthynas â phlentyn wrth weithio i gyflogwr arall yn cyfrif tuag at yr hawl i 13 (neu 18) wythnos. Os yw aelod o staff wedi cymryd absenoldeb rhiant mewn perthynas â phlentyn yn ystod cyflogaeth gynt neu gydamserol, dylent roi'r manylion i'r Pwyllgor.

I gymryd cyfnod o absenoldeb rhiant mewn perthynas â phlentyn, rhaid i'r aelod o staff:

- fod ag o leiaf un flwyddyn o gyflogaeth barhaus;
- fod, neu ddisgwyl y bydd ganddo, gyfrifoldeb am y plentyn; a
- fod yn cymryd yr absenoldeb er mwyn treulio amser gyda, neu i ofalu am y plentyn.

Mae gan aelod o staff gyfrifoldeb dros blentyn os mai

- fe/hi yw tad neu fam fiolegol y plentyn (p'run ai ydy e/hi yn byw gyda'r plentyn ai peidio);
- fe/hi yw rhiant mabwysiedig y plentyn; neu
- fel arall bod ganddo/ganddi gyfrifoldeb rhiant cyfreithiol dros y plentyn. E.e. os mai fe/hi yw gwarcheidwad y plentyn.

#### **Amseru absenoldeb rhiant**

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Ni ellir cymryd absenoldeb riant ond:

- cyn pumed pen blwydd y plentyn; neu
- yn achos plentyn â'r hawl i lwfans byw'r anabl, cyn pen blwydd y plentyn yn 18 oed; neu
- yn achos plentyn wedi'i fabwysiadu, cyn pumed pen blwydd dyddiad y lleoliad, neu, os yn gynt, pen blwydd y plentyn yn 18 oed.

Oni bai fod yr absenoldeb i'w gymryd mewn perthynas â phlentyn â hawl i lwfans byw'r anabl:

- mewn blociau o absenoldeb wythnos neu luosrif o absenoldebau wythnos yn unig y gall aelod o staff gymryd absenoldeb riant; a
- hawl i bedair wythnos yn unig o absenoldeb riant y flwyddyn mewn perthynas â phob plentyn sydd gan aelod o staff. Mae blwyddyn yn y cyswllt hwn yn dechrau ar y dyddiad y bydd gan aelod o staff hawl i absenoldeb riant mewn perthynas â'r plentyn a olygir.

### **Anghenion Hysbysu**

Rhaid i aelodau staff hysbysu'r Pwyllgor o'u bwriad i gymryd absenoldeb riant. Byddai o gymorth pe darperid hwn yn ysgrifenedig. Dyma'r anghenion hysbysu:

- os yw aelod o staff yn dymuno cymryd absenoldeb riant yn dechrau yn union ar ôl geni'r plentyn, rhaid rhoi rhybudd o'r bwriad hwn o leiaf 21 diwrnod cyn dechrau wythnos debygol yr esgor (WDE). Rhaid i'r rhybudd nodi WDE a hyd y cyfnod o absenoldeb a ddymunir; neu
- os yw aelod o staff yn dymuno cymryd absenoldeb riant yn dechrau yn union ar fabwysiadu plentyn, dylid rhoi rhybudd o'r bwriad hwn o leiaf 21 diwrnod cyn dechrau wythnos debygol y lleoli (WDLI). Os nad yw hyn yn bosibl, rhaid rhoi cymaint o rybudd ag sy'n bosibl. Rhaid i'r rhybudd nodi WDLI a hyd y cyfnod o absenoldeb a ddymunir.

Ym mhob amgylchiad arall, rhaid i aelodau o staff roi rhybudd o'u bwriad i gymryd absenoldeb riant o leiaf 21 diwrnod cyn eu bod yn bwriadu i'r absenoldeb ddechrau. Rhaid i'r rhybudd nodi'r dyddiadau y mae'r cyfnod o absenoldeb i ddechrau a gorffen.

Os yw aelod o staff yn dymuno cymryd cyfnod o absenoldeb riant yn union ar ôl cyfnod o absenoldeb tadolaeth cyffredin, byddai o gymorth petai rhybudd o'r bwriad hwnnw yn cael ei roi o leiaf 21 diwrnod cyn WDE (neu WDLI, os yn gymwys). Os nad yw hynny'n bosibl, dylai'r aelod o staff roi cymaint o rybudd â phosibl. Os na roir o leiaf saith niwrnod cyn i gyfnod absenoldeb tadolaeth cyffredin ddechrau, efallai na fydd y Pwyllgor yn caniatáu i'r aelod o staff gymryd y cyfnod o absenoldeb riant y gofynnwyd amdano. Fodd bynnag, bydd y Pwyllgor yn ystyried pob cais yn unigol.

### **Tystiolaeth angenrheidiol**

Cyn i gyfnod o absenoldeb riant gael ei gymryd yn unol â'r polisi hwn, rhaid i aelodau staff ddarparu'r dystiolaeth ganlynol i'r Pwyllgor:

- eu cyfrifoldeb neu eu cyfrifoldeb arfaethedig dros y plentyn;
- dyddiad geni'r plentyn neu ddyddiad lleoli'r mabwysiadu; ac
- os yn berthnasol, hawl y plentyn i lwfans byw'r anabl.

### **Hawl y Pwyllgor i ohirio absenoldeb riant**

## Cylch Meithrin Meini Bach

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Pan fydd aelod o staff yn rhoi rhybudd o'r bwriad i gymryd absenoldeb rhiant ar enedigaeth plentyn neu ar fabwysiad plentyn, ni fydd y Pwyllgor yn gohirio'r absenoldeb hwnnw.

Ni fydd y Pwyllgor yn gohirio absenoldeb rhiant os, yn achos plentyn wedi'i fabwysiadu neu blentyn anabl, y golygai'r gohiriad olygu y byddai'r absenoldeb yn cael ei gymryd ar ôl pen blwydd y plentyn yn 18 oed.

Fodd bynnag, dan unrhyw amgylchiad arall, efallai y bydd y Pwyllgor yn gohirio cyfnod arfaethedig o absenoldeb rhiant am hyd at chwe mis, lle byddai'r absenoldeb fel y cafodd ei gynllunio yn tarfu ar y busnes yn ormodol. Gallai'r Pwyllgor wneud hynny, er enghraifft, petai:

- cais am absenoldeb rhiant yn ystod cyfnod brig;
- nifer o gyflogeion yn dymuno cymryd absenoldeb rhiant ar yr un pryd;
- y gwaith yn bwysig i brosiect gydag amseru allweddol; neu
- nad oes unrhyw un i gyflenwi'r gwaith cyn y dyddiad y mae'r absenoldeb rhiant i ddechrau.

Os bydd y Pwyllgor yn penderfynu gohirio'r absenoldeb rhiant, bydd yn:

- ymgynghori â'r aelod o staff am y dyddiad y gellid gohirio'r absenoldeb iddo; a
- dim mwy na saith niwrnod ar ôl i'r aelod o staff roi rhybudd o'i fwriad i gymryd absenoldeb, rhoi rhybudd ysgrifenedig iddo yn nodi'r rheswm dros y gohiriad a'r dyddiadau dechrau a gorffen newydd y bydd y Pwyllgor yn caniatáu iddo'u cymryd.

Ni fydd yr aelod o staff yn colli'r hawl i absenoldeb rhieni os, oherwydd gohirio'r fath absenoldeb, y bydd yr absenoldeb yn dal heb ei gymryd ar ben blwydd y plentyn yn bump oed (neu ar bumed pen blwydd lleoliad mabwysiadu'r plentyn, os yn berthnasol).

#### **Telerau ac amodau yn ystod absenoldeb rhiant**

Mae absenoldeb rhiant o dan y polisi hwn yn ddi-dâl. Caiff y darpariaethau cytundebol yn ymwneud â thâl a buddion eu hoedi yn ystod absenoldeb rhiant.

Fodd bynnag, yn ystod absenoldeb rhiant, mae gan yr aelod o staff yr hawl i elwa o unrhyw delerau cytundebol sydd ganddo yng nghyswllt derbyn rhybudd, iawndal diswyddo a gweithdrefnau disgyblu a chwynion.

Yn ystod absenoldeb rhiant bydd yr aelod o staff yn parhau ynghlwm wrth ei rwymedigaeth o ewylllys da tuag at y cylch, yn ogystal ag unrhyw delerau cytundebol yn ymwneud â rhoi rhybudd, datgelu gwybodaeth gyfrinachol, derbyn rhoddion a buddion, a rhyddid i gymryd rhan mewn busnes arall (er enghraifft, trwy weithio i drydydd parti).

#### **Pensiynau**

Os yw'r aelod o staff yn aelod o gynllun pensiwn buddion wedi'u diffinio (cyflog sefydlog), bydd cyfnod o absenoldeb rhiant o dan y polisi hwn yn cyfrif tuag at y gwasanaeth pensiynadwy.

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Os yw'r aelod o staff yn aelod o gynllun pensiwn cyfraniadau wedi'u diffinio (pryniant arian), ni fydd y Pwyllgor yn gwneud cyfraniadau yn ystod cyfnod o absenoldeb rhiant di-dâl.

### **Dychwelyd i'r Gwaith**

Mae gan yr aelod o staff, gan amlaf, yr hawl i dychwelyd i'r gwaith yn dilyn absenoldeb rhiant i'r un swydd ag yr oedd ganddo cyn dechrau'r absenoldeb. Bydd y telerau cyflogaeth yr un fath ag y byddent pe na bai'r aelod o staff wedi bod yn absennol.

Fodd bynnag, efallai na fydd hi'n bosibl i'r Pwyllgor ganiatáu i'r aelod o staff dychwelyd i'r un swydd pan fo'r cyfnod absenoldeb wedi bod yn hirach na phedair wythnos, neu pan fo wedi'i gyfuno â chyfnod o absenoldeb mamolaeth, tadolaeth neu fabwysiad ychwanegol. Mewn amgylchiadau o'r fath, bydd y Pwyllgor yn cynnig swydd addas, briodol arall i'r aelod o staff.

Bydd y Pwyllgor yn delio â phob cais gan gyflogeion i newid eu patrwm gwaith (megis gweithio'n rhan-amser) ar ôl absenoldeb rhiant fel achos unigol. Bydd y Pwyllgor yn ceisio diwallu dymuniadau'r aelod o staff oni bai bod rheswm cyfiawn dros wrthod, gan gymryd anghenion y busnes i ystyriaeth. Bydd o gymorth pe bai ceisiadau am waith hyblyg yn cael eu gwneud mor fuan â phosibl.

### **Camddefnyddio'r polisi hwn**

Lle bo cyflogai yn cymryd cyfnod o absenoldeb rhiant dan y polisi hwn ar gyfer pwrpasau heblaw ar gyfer treulio amser gyda neu ofalu am ei blentyn/ phlentyn, caiff hynny ei drin fel mater disgyblu.

## **POLISI MABWYSIADU**

### **Datganiad polisi**

Mae'r polisi hwn yn amlinellu hawliau a chyfrifoldebau statudol cyflogeion sy'n mabwysiadu ac yn gosod allan y trefniadau ar gyfer absenoldeb mabwysiadu. Dim ond i gyflogeion y mae'n berthnasol ac nid yw'n berthnasol i weithwyr asiantaeth na gweithwyr llawrydd.

Nid yw'r polisi hwn yn rhan o gytundeb cyflogaeth unrhyw gyflogai a gellir ei ddiwygio unrhyw bryd.

### **Cyfrifoldeb am weithredu'r polisi**

Pwyllgor y cylch sydd â'r cyfrifoldeb cyffredinol am weithredu'r polisi hwn yn effeithiol ac am sicrhau cydymffurfio â'r fframwaith statudol perthnasol. Bydd y Pwyllgor yn dirprwyo'r cyfrifoldeb dros weithredu'r polisi a sicrhau ei gynnal a'i adolygu o ddydd i ddydd i Arweinydd y cylch.

Mae gan Arweinydd y cylch gyfrifoldeb penodol i sicrhau bod y polisi'n cael ei weithredu'n deg ac mae pob aelod o staff yn gyfrifol am gefnogi cydweithwyr a sicrhau ei lwyddiant.

### **Hawl i absenoldeb mabwysiadu**

Dim ond os yw aelod o staff yn mabwysiadu trwy asiantaeth fabwysiadu yn y DU y gall aelod o staff gael absenoldeb mabwysiadu. Nid yw ar gael os nad oes asiantaeth yn gysylltiedig ag ef, er enghraifft, os yw aelod o staff yn mabwysiadu llysblentyn neu berthynas arall yn ffurfiol.

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Mae gan aelod o staff hawl i absenoldeb mabwysiadu os yw'r aelod o staff yn cwrdd â'r amodau canlynol:

- mae asiantaeth fabwysiadu wedi rhoi rhybudd ysgrifenedig ei bod wedi paru aelod o staff â phlentyn i'w fabwysiadu ac yn hysbysu o Ddyddiad Tebygol y Lleoliad;
- bod yr aelod o staff yn hysbysu'r asiantaeth ei f/bod yn cytuno i'r plentyn gael ei leoli gydag ef/hi ar Ddyddiad Tebygol y Lleoliad;
- bod yr aelod o staff wedi bod yn gyflogedig am gyfnod parhaol gan y cylch am o leiaf 26 wythnos yn gorffen gyda'r Wythnos Gymhwysu; ac
- na fydd y priod neu'r partner yn cymryd absenoldeb mabwysiadu gyda'i gyflogwr (er y gall fod hawl ganddo i absenoldeb tadolaeth).

### **Hysbysu'r bwriad i gymryd absenoldeb**

Rhaid i'r aelod o staff roi rhybudd ysgrifenedig i'r Pwyllgor o:

- ddyddiad tebygol y Lleoliad; a'r
- dyddiad y bwriedir dechrau'r absenoldeb mabwysiadu (Dyddiad Dechrau Arfaethedig).

Dylid rhoi'r rhybudd hwn ddim mwy na saith niwrnod ar ôl i'r asiantaeth hysbysu'r aelod o staff yn ysgrifenedig ei bod wedi ei baru/pharu â phlentyn.

O leiaf 28 niwrnod cyn y Dyddiad Dechrau Arfaethedig (neu, os nad yw hynny'n bosibl, mor fuan â phosibl wedi hynny), rhaid i'r aelod o'r staff ddarparu'r canlynol ar gyfer y Pwyllgor:

- Tystysgrif Baru o'r asiantaeth fabwysiadu yn cadarnhau:
  - enw a chyfeiriad yr asiantaeth;
  - enw a dyddiad geni'r plentyn;
  - dyddiad y cafwyd hysbysiad o'r paru; a
  - Dyddiad Tebygol y Lleoliad
- Cadarnhad ysgrifenedig fod yr aelod o staff yn bwriadu cymryd tâl mabwysiadu statudol ac nid tâl tadolaeth statudol.

### **Mabwysiadau tramor**

Os yw aelod o staff yn mabwysiadu plentyn o dramor, bydd y canlynol yn weithredol:

- rhaid ei fod wedi derbyn hysbysiad fod y mabwysiad wedi ei gymeradwyo gan yr awdurdod perthnasol yn y DU (Hysbysiad Swyddogol).
- rhaid rhoi rhybudd ysgrifenedig i'r Pwyllgor o'r
  - bwriad i gymryd absenoldeb mabwysiadu
  - dyddiad y derbyniwyd Hysbysiad Swyddogol; a
  - dyddiad y disgwylir i'r plentyn gyrraedd Prydain Fawr.

Dylid rhoi'r rhybudd hwn cyn gynted â phosibl, ond ym mha achos bynnag o fewn 28 diwrnod o dderbyn Hysbysiad Swyddogol (neu, os oes gan yr aelod o staff lai na 26 wythnos o gyflogaeth gyda'r cylch ar ddyddiad yr Hysbysiad Swyddogol, o fewn 30 wythnos o ddechrau gwaith).

At hyn rhaid i'r aelod o staff roi rhybudd ysgrifenedig o leiaf 28 diwrnod o'r Dyddiad Dechrau Arfaethedig i'r Pwyllgor. Gall hyn olygu'r dyddiad y mae'r plentyn yn cyrraedd Prydain Fawr neu ddyddiad rhagderfynedig dim diweddarach na 28 diwrnod ar ôl i'r plentyn gyrraedd Prydain Fawr.

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Rhaid i'r aelod o staff hysbysu'r Pwyllgor hefyd o'r dyddiad y bydd y plentyn yn cyrraedd Prydain Fawr o fewn 28 diwrnod o'r dyddiad hwnnw. Efallai y bydd y pwyllgor yn gofyn am gopi o'r Hysbysiad Swyddogol a thystiolaeth o'r dyddiad y cyrhaeddodd y plentyn Brydain Fawr.

### **Dechrau absenoldeb mabwysiadu**

Gall AMC ddechrau ar ddyddiad rhagderfynedig dim diweddarach na 14 diwrnod cyn Dyddiad Tebygol y Lleoliad, neu ar ddyddiad y lleoliad ei hun, ond dim diweddarach na hynny.

Rhaid i'r aelod o staff hysbysu'r Pwyllgor o'r Dyddiad Dechrau Arfaethedig. Yna, bydd y Pwyllgor yn ysgrifennu at yr aelod o staff o fewn 28 diwrnod i hysbysu o'r dyddiad disgwylidig ar gyfer dychwelyd i'r gwaith os bydd yr aelod o staff yn cymryd yr hawl cyfan i absenoldeb mabwysiadu (Dyddiad Dychwelyd Disgwylidig).

Gall yr aelod o staff ohirio'r Dyddiad Dechrau Arfaethedig trwy hysbysu'r Pwyllgor yn ysgrifenedig o leiaf 28 diwrnod cyn y dyddiad gwreiddiol, neu os nad yw hynny'n bosibl, mor fuan ag sy'n bosibl wedyn.

Gall yr aelod o staff ddod â'r Dyddiad Dechrau Arfaethedig yn ei flaen trwy hysbysu'r Pwyllgor yn ysgrifenedig o leiaf 28 diwrnod cyn y dyddiad dechrau newydd, neu os nad yw hynny'n bosibl, mor fuan â phosibl wedyn. Yn union cyn i'r absenoldeb mabwysiadu ddechrau bydd y Pwyllgor yn trafod gyda'r aelod o staff drefniadau cyflenwi'r gwaith a'r cyfleoedd iddynt barhau mewn cysylltiad, pe dymument wneud hynny, yn ystod yr absenoldeb. Os na cheir cais i'r gwrthwyneb bydd yr aelod o staff yn parhau ar restrau cylchredeg newyddion mewnol, swyddi gwag, hyfforddiant a gweithgareddau cymdeithasol yn ymwneud â gwaith.

### **Tâl Mabwysiadu Statudol**

Mae tâl mabwysiadu statudol (TMS) yn daladwy am hyd at 39 wythnos. Ni fydd yn daladwy os bydd yr aelod o staff yn dychwelyd i'r gwaith neu os caiff y lleoliad ei darfu arno. Mae gan aelod o staff hawl i TMS os:

- yw'r aelod o staff wedi bod yn gyflogedig am gyfnod barhaus am o leiaf 26 wythnos ar ddiwedd yr Wythnos Gymhwyso ac yn dal yn gyflogedig gan y cylch yn ystod yr wythnos honno;
- nad yw'r enillion wythnosol ar gyfartaledd yn ystod yr wythnos yn gorffen gyda'r Wythnos Gymhwyso (y Cyfnod Perthnasol) yn is na therfyn isaf yr enillion isaf a osodir gan y Llywodraeth; a
- yw'r aelod o staff wedi rhoi'r hysbysiadau perthnasol i'r Pwyllgor fel y nodwyd yn y polisi hwn.

Telir y TMS ar raddfa benodedig a osodir gan y Llywodraeth ar gyfer y flwyddyn dreth berthnasol, neu ar 90% o'r enillion wythnosol ar gyfartaledd a gyfrifir dros y Cyfnos Perthnasol os yw hwn yn is.

Mae'r TMS yn cronni gyda phob wythnos lawn o absenoldeb ond caiff y taliadau eu gwneud ar ddyddiad arferol nesaf y gyflogres. Gellir didynnu Treth Incwm, Yswiriant Gwladol a chyfraniadau pensiwn fel bo'n briodol.

Os bydd yr aelod o staff yn gadael y gyflogaeth am unrhyw reswm (e.e. os bydd yr aelod o staff yn ymddiswyddo neu'n colli ei swydd) gall yr aelod o staff barhau i fod yn gymwys i

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TMS os yw ef/hi eisoes wedi derbyn hysbysiad gan asiantaeth o fod wedi paru â phlentyn. Mewn achosion o'r fath bydd y TMS yn dechrau ar ba ddyddiad bynnag sydd fwyaf diweddar:

- 14 diwrnod cyn Dyddiad Tebygol y Lleoliad; neu
- diwrnod ar ôl i'r gyflogaeth orffen.

Os daw aelod o staff yn gymwys i gael codiad tâl cyn diwedd yr absenoldeb mabwysiadu, caiff ei drin ar gyfer pwrpas TMS fel petai'r codiad tâl wedi bod yn weithredol gydol y cyfnod perthnasol. Golyga hyn y caiff y TMS ei ail-gyfrifo a'i gynyddu yn ol-weithredol, neu y bydd yn gymwys ar gyfer TMS lle nad oedd yn gymwys cyn hynny. Bydd y Pwyllgor yn talu cyfandaliad i'r aelod o staff i wneud y gwahaniaeth i fyny rhwng unrhyw TMS a dalwyd eisoes a'r swm yn ddyledus yn sgil y codiad cyflog. Caiff unrhyw daliadau TMS yn y dyfodol ar y Raddfa Berthynol i Enillion (os oes rhai) eu cynyddu hefyd, fel bo'r angen.

### **Telerau ac amodau yn ystod AMC ac AMY**

Bydd yr holl delerau a'r amodau cyflogaeth yn dal mewn grym yn ystod AMC ac AMY, heblaw am y telerau'n ymwneud â thâl. Yn arbennig:

- bydd buddion mewn da (os oes rhai) megis yswiriant bywyd, yswiriant iechyd, aelodaeth campfa neu ddefnydd o gerbyd cwmni yn parhau;
- bydd hawl gwyliau blynyddol dan y cytundeb yn parhau i Gronni; a
- bydd buddion pensiwn (os oes rhai) yn parhau.

### **Gwyliau Blynyddol**

Yn ystod AMC ac AMY, bydd gwyliau blynyddol yn cronni ar y raddfa a ddarperir dan y cytundeb. Gan amlaf ni ellir trosglwyddo gwyliau blynyddol o un flwyddyn wyliau i'r nesaf. Os yw'r flwyddyn wyliau i orffen yn ystod yr absenoldeb mabwysiadu, dylai aelodau o staff sicrhau eu bod wedi cymryd eu hawl blynyddol yn llawn cyn dechrau ar eu habsenoldeb mabwysiadu. Mae'r flwyddyn wyliau yn rhedeg o Ionawr 1 i Ragfyr 31.

### **Pensiwn**

Yn ystod AMC ac unrhyw gyfnod pellach o absenoldeb mabwysiadu â thâl bydd y Pwyllgor yn parhau i wneud unrhyw gyfraniadau cyflogwr a wneid yn arferol i gynllun pensiwn pryniant arian, yn seiliedig ar yr enillion a fyddai petai'r aelod o staff heb fod ar absenoldeb mabwysiadu [cyhyd â fod yr aelod o staff yn parhau i wneud cyfraniadau yn seiliedig ar y tâl mabwysiadu a dderbynnir]. Os yw'r aelod o staff yn dymuno cynyddu'r cyfraniadau i wneud unrhyw ddiffyg o'r rhai seiliedig ar ei gyflog arferol i fyny dylai gysylltu â'r Trysorydd.

Yn ystod AMY di-dâl ni fydd y Pwyllgor yn gwneud unrhyw daliadau i'r cynllun pryniant arian ac ni fydd yr amser yn cyfrif fel gwasanaeth pensynadwy dan y cynllun cyflog terfynol. Does dim rhaid i'r aelod o staff wneud unrhyw gyfraniadau ond gall wneud rhai os yw'n dymuno, neu gall wneud i fyny am gyfraniadau a gollwyd ar ddyddiad diweddarach.

### **Diswyddiadau yn ystod absenoldeb mabwysiadu**

Os digwydd i swydd yr aelod o staff gael ei heffeithio gan sefyllfa o ddiswyddo yn ystod yr absenoldeb mabwysiadu, bydd y Pwyllgor yn ysgrifennu at yr aelod o staff i hysbysu o unrhyw gynigion, ac yn gwahodd yr aelod o staff i gyfarfod cyn y gwneir unrhyw benderfyniad terfynol ynglŷn â pharhad y gyflogaeth. Caiff cyflogaethion ar absenoldeb mamolaeth a mabwysiadu'r cyfle cyntaf i wrthod unrhyw swydd arall addas a fydd yn briodol i'w sgiliau.

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### **Mabwysiad sydd wedi tarfu arno**

Bydd absenoldeb mabwysiadu wedi tarfu arno, ar ôl iddo ddechrau, oherwydd:

- fod yr aelod o staff yn cael ei hysbysu na fydd y lleoli'n digwydd;
- fod y plentyn wedi ei ddychwelyd i'r asiantaeth fabwysiadu ar ôl y lleoli; neu
- fod y plentyn wedi marw ar ôl ei leoli.

Mewn achos o darfu bydd yr hawl i absenoldeb a thâl mabwysiadu (os yn berthnasol) yn parhau wyth wythnos bellach o ddiwedd yr wythnos pan ddigwyddodd y tarfu, oni bai bod yr hawl i absenoldeb a/neu dâl wedi dod i ben yn gynt yng nghwrs arferol pethau.

### **Cadw mewn cysylltiad**

Gall y Pwyllgor/Arweinydd gadw mewn cysylltiad rhesymol â'r aelod o staff o bryd i'w gilydd yn ystod yr absenoldeb mabwysiadu.

Gall yr aelod o staff weithio (gan gynnwys mynychu hyfforddiant) am hyd at ddeng niwrnod yn ystod absenoldeb mabwysiadu heb ddwyn yr absenoldeb mabwysiadu i ben. Nid yw hyn yn orfodol a byddai'r trefniadau, gan gynnwys tâl ychwanegol, yn cael eu trafod a'u cytuno gyda'r Pwyllgor.

Yn union cyn y mae aelod o staff i fod i ddychwelyd i'r gwaith, gall y Pwyllgor ei wahodd i drafod (wyneb yn wyneb neu ar y ffôn) trefniadau dychwelyd. Gall y rhain ymdrin â:

- diweddarau'r aelod o staff am unrhyw newidiadau a fu yn ystod yr absenoldeb;
- unrhyw anghenion hyfforddiant yn deillio ohonynt; ac
- unrhyw newidiadau i drefniadau gweithio (e.e. os gofynnwyd am gael gweithio'n rhan-amser)

### **Dyddiad Dychwelyd Disgwyliedig**

Unwaith y bydd yr aelod o staff wedi hysbysu'r Pwyllgor o'r Dyddiad Dechrau Arfaethedig, bydd y Pwyllgor yn ysgrifennu llythyr at yr aelod o staff o fewn 28 diwrnod yn hysbysu o'r Dyddiad Dychwelyd Disgwyliedig. Os bydd y dyddiad dechrau'n newid, bydd y Pwyllgor yn ysgrifennu at yr aelod o staff o fewn 28 diwrnod o ddyddiad dechrau'r absenoldeb mabwysiadu gyda Dyddiad Dychwelyd Disgwyliedig diwygiedig.

Bydd y Pwyllgor yn disgwyl yr aelod o staff yn y gwaith ar y Diwrnod Dychwelyd Disgwyliedig oni bai i'r aelod o staff hysbysu'r Pwyllgor yn wahanol. Byddai o gymorth i'r Pwyllgor pe gallai'r aelod o staff, yn ystod yr absenoldeb mabwysiadu, gadarnhau y bydd yn dychwelyd i'r gwaith yn ôl y disgwyl.

### **Dychwelyd yn gynnar**

Os bydd yr aelod o staff yn dymuno dychwelyd i'r gwaith yn gynt na'r Dyddiad Dychwelyd Disgwyliedig, rhaid rhoi o leiaf wyth wythnos o rybudd i'r Pwyllgor. Byddai o gymorth petai hwn yn ysgrifenedig.

Os na fydd yr aelod o staff yn rhoi digon o rybudd, gall y Pwyllgor ohirio'r dyddiad dychwelyd am bedair wythnos (neu wyth wythnos fel bo'n briodol) ar ôl i'r rhybudd gael ei roi, neu i'r Dyddiad Dychwelyd Disgwyliedig, os yn gynt.

### **Dychwelyd yn hwyr**

Os yw'r aelod o staff yn dymuno dychwelyd yn ddiweddarach na'r Dyddiad Dychwelyd Disgwyliedig, dylai'r aelod o staff naill ai:

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- wneud cais am absenoldeb rhiant di-dâl, gan roi cymaint â phosibl o rybudd i'r Pwyllgor, a dim llai na 21 diwrnod; neu
- wneud cais am wyliau blynyddol â thâl yn unol â'r cytundeb, a fydd ar ddisgresiwn.

Os nad yw'r aelod o staff yn gallu dychwelyd i'r gwaith oherwydd salwch neu anaf, caiff hyn ei drin fel absenoldeb salwch a bydd y polisi absenoldeb salwch arferol yn weithredol. Mewn achosion eraill, caiff dychwelyd yn hwyr ei drin fel absenoldeb heb ei awdurdodi.

### **Penderfynu peidio â dychwelyd**

Os nad yw'r aelod o staff yn bwriadu dychwelyd i'r gwaith, neu yn ansicr, byddai o fudd i'r aelod o staff drafod hyn gyda'r Pwyllgor mor fuan â phosibl. Os yw'r aelod o staff yn penderfynu peidio â dychwelyd dylai'r aelod o staff roi rhybudd ymddiswyddo yn unol â'r cytundeb. Rhaid i gyfanswm yr absenoldeb mabwysiadu sydd ar ôl i redeg pan roir y rhybudd fod o leiaf yn gyfartal â'r cyfnod rhybudd cytundebol, neu gall y Pwyllgor ddisgwyl i'r aelod o staff dychwelyd i'r gwaith am weddill y cyfnod rhybudd. Unwaith y bydd rhybudd wedi ei roi na fydd yr aelod o staff yn dychwelyd i'r gwaith, ni all yr aelod o staff newid ei m/feddwl heb gytundeb y Pwyllgor. Nid yw hyn yn effeithio ar hawl yr aelod o staff i dderbyn TMS.

### **Hawliau'r cyflogai pan fydd yn dychwelyd**

Mae gan yr aelod o staff, gan amlaf, yr hawl i ddychwelyd i'r gwaith i'r un swydd ag yr oedd gan yr aelod o staff cyn dechrau'r absenoldeb. Bydd y telerau cyflogaeth yr un fath ag y byddent pe na bai'r aelod o staff wedi bod yn absennol. Fodd bynnag, os yw'r aelod o staff wedi cymryd AMY neu dros bedair wythnos o absenoldeb rhiant, ac nad yw hi'n ymarferol rhesymol i'r Pwyllgor ganiatáu dychwelyd i'r un swydd, gall y Pwyllgor roi swydd arall addas briodol heb fod ar delerau llai ffafriol i'r aelod o staff.

### **Dychwelyd i'r gwaith yn rhan-amser**

Bydd y Pwyllgor yn delio â phob cais gan gyflogeion i newid eu patrwm gwaith (megis gweithio'n rhan-amser) ar ôl absenoldeb mabwysiadu fel achos unigol. Nid oes hawl absoliwt i fynnu cael gweithio'n rhan-amser, ond mae gan aelodau staff hawl statudol i ofyn am weithio'n hyblyg a bydd y Pwyllgor yn ceisio diwallu'u dymuniadau oni bai fod rheswm teilwng dros wrthod, gan gymryd anghenion y busnes i ystyriaeth. Bydd o gymorth os bydd ceisiadau yn cael eu gwneud mor fuan â phosibl.

### **GWEITHIO HYBLYG**

Mae'r polisi hwn yn berthnasol i bob cyflogai. Nid yw'n weithredol i weithwyr asiantaeth, ymgynghorwyr na chontractwyr llawrydd.

Mae gan gyflogeion sydd ag o leiaf 26 wythnos o wasanaeth parhaol ac sydd â chyfrifoldebau gofalu am blant ac oedolion neilltuol hawl statudol i ofyn am gael gweithio'n hyblyg. Cydnabyddir yr hawl hwnnw gan weithdrefn yr hawl ffurfiol i ymgeisio yn y polisi hwn. Nodir y meini prawf ar gyfer penderfynu pwy sy'n gymwys i ddilyn y weithdrefn ffurfiol yn y polisi hwn.

Gall cyflogeion sydd ddim yn cwrdd â gofynion meini prawf y weithdrefn ffurfiol, ond sy'n dymuno naill ai newid eu trefniadau gwaith dros dro neu yn barhaol, wneud cais anffurfiol



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#### **Returning early**

If the member of staff wishes to return to work earlier than the Expected Return Date, they must give the Committee at least eight weeks' notice. It is helpful if this notice is given in writing.

If the member of staff does not give enough notice, the Committee may postpone the return date until four weeks (or eight weeks as appropriate) after the notice is given, or to the Expected Return Date if sooner.

#### **Returning late**

If the member of staff wishes to return later than the Expected Return Date, the member of staff should either:

- request unpaid parental leave, giving the Committee as much notice as possible but not less than 21 days; or
- request paid annual leave in accordance with their contract, which will be at the discretion of the Committee.

If the member of staff is unable to return to work due to sickness or injury, this will be treated as sickness absence and the usual sickness policy will apply. In any other case, late return will be treated as unauthorised absence.

#### **Deciding not to return**

If the member of staff does not intend to return to work, or are unsure, it is helpful if this is discussed with the Committee as early as possible. If the member of staff decides not to return, resignation notice should be given in accordance with the contract. The amount of adoption leave left to run when notice is given must be at least equal to the contractual notice period, otherwise the Committee may require the member of staff to return to work for the remainder of the notice period. Once notice has been given that the member of staff will not be returning to work, they cannot change their mind without the Committee's agreement. This does not affect their right to receive SAP.

#### **The employee's rights when they return**

The member of staff is normally entitled to return to work in the same position as they held before commencing leave. The terms of employment shall be the same as they would have been had they not been absent. However, if any period of AAL has been taken for more than four weeks' parental leave, and it is not reasonably practicable for the Committee to allow the member of staff to return into the same position, the Committee may give the member of staff another suitable and appropriate job on terms and conditions that are not less favourable.

#### **Returning to work part-time**

The Committee will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part time, but members of staff do have a statutory right to request flexible working and the Committee will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

#### **FLEXIBLE WORKING**

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

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Employees with at least 26 weeks' continuous service who have caring responsibilities for certain children and adults have a statutory right to request flexible working. That right is recognised by the formal right to request procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in this policy.

Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an o dan y weithdrefn a nodir yn y polisi hwn i'r Pwyllgor, a fydd yn ystyried y cais yn unol â gofynion gweithredol y busnes.

Bydd newidiadau parhaol yn cael eu gwneud i gytundebau cyflogaeth cyflogeion y derbynnir eu cais i weithio'n hyblyg dan y weithdrefn ffurfiol, i adlewyrchu eu trefniadau gwaith newydd. Os nad ydynt eisiau i'r newidiadau fod yn barhaol, gallant ddilyn y weithdrefn anffurfiol yn lle.

Cynghorir pob cyflogai sydd â diddordeb mewn gweithio'n hyblyg i ofyn am gyfarfod anffurfiol gyda'r Pwyllgor i drafod a yw'n gymwys, yr opsiynau gwahanol ac effaith y fath batrwm gwaith arfaethedig ar gydweithwyr a darparu'r gwasanaeth, cyn cyflwyno cais ffurfiol neu anffurfiol.

### **Cyfrifoldeb am weithredu'r polisi**

Pwyllgor y cylch sydd â'r cyfrifoldeb cyffredinol am weithredu'r polisi hwn yn effeithiol ac am sicrhau cydymffurfio â'r fframwaith statudol perthnasol. Bydd y Pwyllgor yn dirprwyo'r cyfrifoldeb dros weithredu'r polisi a sicrhau ei gynnal a'i adolygu o ddydd i ddydd i'r Arweinydd.

Mae gan Arweinydd y cylch gyfrifoldeb penodol i osod safonau priodol o ymddygiad, i arwain trwy esiampl ac i hyrwyddo nodau ac amcanion mewn perthynas â gweithio hyblyg.

Mae pob aelod o staff yn gyfrifol am lwyddiant y polisi hwn a rhaid i bob aelod o staff ymgyswrtu ag ef a gweithredu yn unol â'i nodau a'i amcanion

### **Dulliau o weithio'n hyblyg**

Gall gwaith hyblyg ymgorffori nifer o newidiadau i drefniadau gweithio:

- lleihau neu amrywio oriau gwaith;
- lleihau nifer y dyddiau a weithir bob wythnos;
- gweithio o leoliad gwahanol;
- dechrau rhannu swydd;
- gweithio nifer penodol o oriau'r flwyddyn yn hytrach na'r wythnos (cynllun oriau blynyddol)
- gweithio oriau cywasgedig; a/neu
- gweithio oriau hyblyg.

### **Cymhwyster ar gyfer gweithdrefn hawl ffurfiol i ymgeisio**

Dim ond y cyflogeion sy'n cwrdd â'r meini prawf isod a all ymgeisio dan y weithdrefn ffurfiol:

I fod yn gymwys i ymgeisio dan y weithdrefn ffurfiol, rhaid i'r person:

- fod yn gyflogai;
- fod wedi gweithio i'r cylch yn barhaol am 26 wythnos ar y dyddiad y gwneir y cais;
- fod â chyfrifoldebau gofalu; a
- heb fod wedi gwneud cais ffurfiol i weithio'n hyblyg yn ystod y 12 mis diwethaf (bydd

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pob cyfnod 12 mis yn rhedeg o'r dyddiad pan wnaethpwyd y cais mwyaf diweddar).

Rhaid i gyflogeion sydd eisiau gweithio'n hyblyg i ofalu am blentyn:

- fod yn gwneud y cais mewn perthynas â phlentyn dan 17 oed neu, os ydy'r plentyn yn anabl, dan 18 oed
- fod yn gyfrifol am fagu'r plentyn ac yn gwneud y cais er mwyn eu galluogi i ofalu am y plentyn; a bod naill ai:
- yn fam, tad, mabwysiadwr, gwarcheidwad neu riant maeth i'r plentyn; neu
- yn briod â, neu'n bartner i, fam, tad, mabwysiadwr, gwarcheidwad neu riant maeth y plentyn, yn y cyswllt hwn ystyr "partner" yw person sydd ddim yn berthynas, p'run ai o'r un rhyw neu ddim, sy'n byw gyda'r plentyn a mam, tad, mabwysiadwr, gwarcheidwad neu riant maeth, mewn perthynas deuluol gadarn.

Mae disgwyl i gyflogeion sydd eisiau gweithio'n hyblyg i ofalu am oedolyn sydd angen gofal fod

- y person sy'n gofalu am yr oedolyn hwnnw; a bod:
- yn briod i, neu'n bartner neu'n bartner sifil, i'r oedolyn
- yn berthynas i'r oedolyn
- yn ddim un o'r uchod, ond yn byw yn yr un cyfeiriad â'r oedolyn.

### **Gwneud cais ffurfiol am weithio'n hyblyg**

Bydd angen i'r aelod o staff gyflwyno cais ysgrifenedig os dymunir i'r cais am weithio'n hyblyg gael ei ystyried dan y weithdrefn ffurfiol.

Dylai'r cais ysgrifenedig, dyddiedig, gael ei gyflwyno i'r Pwyllgor, ac, er mwyn cyrraedd gofynion y weithdrefn ffurfiol ac i helpu'r Pwyllgor i ystyried y cais, dylai:

- ddatgan y rheswm dros y cais, p'run ai i ofalu am blentyn neu oedolyn
- roi manylion gofynion y cyfrifoldebau gofalu
- darparu cymaint â phosibl o wybodaeth am y patrwm gwaith cyfredol a'r un dymunol, gan gynnwys y dyddiau a'r oriau gwaith, amser dechrau a gorffen, a rhoi'r dyddiad yr hoffai'r aelod o staff i'r patrwm gwaith dymunol ddechrau
- fynd i'r afael â'r effeithiau a gâi'r newidiadau yn y patrwm gwaith ar y gwaith a gyflawnir, gwaith cydweithwyr a darparu gwasanaeth. Os oes gan yr aelod o staff unrhyw awgrymiadau ynglŷn â sut i ddelio ag unrhyw effeithiau negyddol, dylid cynnwys y rhain yn y cais ysgrifenedig;
- roi gwybodaeth i gadarnhau bod yr aelod o staff yn cwrdd â'r meini prawf cymwys a nodir yn y polisi hwn
- nodi a oes cais ffurfiol blaenorol i weithio'n hyblyg wedi'i gyflwyno ac, os felly, pryd; ac yn ddelfrydol ei gyflwyno o leiaf ddeufis cyn bod yr aelod o staff yn dymuno i'r newidiadau y gofynnir amdanynt ddod yn weithredol.

Efallai y gall y Pwyllgor gytuno ar y cynnig heb gynnal cyfarfod (sef cam nesaf y weithdrefn ffurfiol). Os felly, bydd y Pwyllgor yn ysgrifennu at yr aelod o staff, yn cadarnhau'r penderfyniad ac yn egluro'r newidiadau parhaol y bydd angen eu gwneud i'r cytundeb cyflogaeth.

Os na ellir derbyn y cynnig, efallai y gall trafodaeth rhwng y Pwyllgor a'r aelod o staff arwain at batrwm gwaith arall a fydd o gymorth.

### **Gweithdrefn ffurfiol: cyfarfod**

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Lle bo angen, bydd y Pwyllgor yn trefnu cyfarfod gyda'r aelod o staff o fewn 28 diwrnod o gyflwyno'r cais. Gall yr aelod o staff ddod â chydweithiwr (neu gall fod yn gynrychiolydd undeb llafur) i'r cyfarfod fel cyfaill os dymunir. Bydd hawl gan y cyfaill i siarad yn ystod y cyfarfod a thrafod yn breifat gyda'r aelod o staff, ond ni all ateb cwestiynau ar ei ran.

Gan amlaf, cynhelir y cyfarfod yn y man gwaith arferol. Fodd bynnag, bydd y Pwyllgor yn sicrhau bod y cyfarfod yn cael ei gynnal ar amser ac mewn man sy'n gyfleus i'r aelod o staff.

Caiff y cyfarfod ei gynnal i drafod y trefniadau gwaith y mae'r aelod o staff wedi gwneud cais amdanynt. Bydd yr aelod o staff yn gallu egluro sut y bydd y trefniadau yn gallu cyflawni'r cyfrifoldebau gofalu. Bydd y Pwyllgor yn trafod hefyd pa effaith a gaiff y trefniadau gwaith a gynigir ar y gwaith a gwaith cydweithwyr. Os na ellir derbyn y trefniadau y mae'r aelod o staff wedi gwneud cais amdanynt, bydd y drafodaeth yn y cyfarfod yn darparu cyfle hefyd i archwilio trefniadau gweithio eraill posibl.

Efallai y bydd y Pwyllgor yn awgrymu dechrau trefniadau gwaith newydd o dan gyfnod prawf cychwynol i sicrhau eu bod yn cwrdd ag anghenion yr aelod o staff a'r cydweithwyr.

### **Gweithdrefn ffurfiol: y penderfyniad**

Yn dilyn y cyfarfod, bydd y Pwyllgor yn hysbysu'r aelod o staff o'r penderfyniad yn ysgrifenedig, o fewn 14 diwrnod.

Os derbynnir y cais, neu lle bo'r Pwyllgor yn cynnig trefniadau amgen i'r rhai y gofynnwyd amdanynt, bydd y Pwyllgor yn ysgrifennu at yr aelod o staff gyda manylion y trefniadau gwaith newydd, manylion unrhyw gyfnod prawf, eglurhad am y newidiadau i'r cytundeb cyflogaeth a'r dyddiad y byddant yn dechrau. Gofynnir i'r aelod o staff arwyddo a dychwelyd copi o'r llythyr. Caiff hwn ei osod yn ffeil bersonél yr aelod o staff i gadarnhau'r amrywiad i'r telerau cyflogaeth. Efallai y bydd materion ymarferol ychwanegol, megis trefniadau ar gyfer trosglwyddo gwaith, y bydd angen eu trafod hefyd.

Dylai'r aelod o staff fod yn ymwybodol y bydd newidiadau i'r telerau cyflogaeth yn barhaol ac na ellir gwneud cais ffurfiol arall am 12 mis wedi dyddiad y cais gwreiddiol.

Os bydd angen mwy o amser ar y Pwyllgor i wneud penderfyniad, bydd yn gofyn caniatâd yr aelod o staff i ohirio'r penderfyniad am hyd at 14 diwrnod pellach.

Bydd amgylchiadau, pryd, oherwydd gofynion busnes a gofynion gweithredol, na fydd y Pwyllgor yn gallu cytuno â chais. Mewn amgylchiadau o'r fath, bydd y Pwyllgor yn cadarnhau hyn yn ysgrifenedig:

- gan roi'r rhesymau busnes dros wrthod y cais;
- egluro pam fod y rhesymau busnes yn weithredol; a
- gosod gerbron y weithdrefn apelio.

Yr wyth rheswm busnes y gall y Pwyllgor eu defnyddio i wrthod cais yw:

- baich costau ychwanegol;
- effaith niweidiol ar y gallu i gwrdd â gofynion cwsmer;
- anallu i ail-drefnu gwaith ymysg y staff presennol;
- anallu i recriwtio staff ychwanegol;
- effaith niweidiol ar ansawdd;
- effaith niweidiol ar berfformiad;



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- dim digon o waith yn ystod y cyfnodau y mae'r aelod o staff yn cynnig gweithio; a
- newidiadau yn yr arfaeth.

#### **Gweithdrefn ffurfiol: apêl**

Os caiff y cais ei wrthod, mae gan yr aelod o staff hawl i apelio.

Rhaid i'r apêl:

- fod yn ysgrifenedig ac wedi'i ddyddio
- osod gerbron y dadleuon y mae'r apêl yn seiliedig arnynt
- gael ei hanfon at y Pwyllgor o fewn 14 diwrnod o'r dyddiad y derbyniodd yr aelod o staff wrthodiad ysgrifenedig y cais.

Bydd y Pwyllgor yn trefnu cyfarfod i gymryd lle o fewn 14 diwrnod o dderbyn yr apêl. Cynhelir y cyfarfod ar amser cyfleus i bawb fydd yn ei fynychu ac, fel yn y cyfarfod fu'n ystyried y cais, gall yr aelod o staff ddod â chydweithiwr gydag ef.

Bydd yr aelod o staff yn cael ei hysbysu am y penderfyniad yn ysgrifenedig o fewn 14 diwrnod o ddyddiad y cyfarfod apêl.

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Os ategir yr apêl, cynghorir yr aelod o staff am y trefniadau gweithio newydd, manylion unrhyw gyfnod prawf, eglurhad dros y newidiadau yn y cytundeb cyflogaeth a'r dyddiad y bydd y drefn yn dechrau. Gofynnir i'r aelod o staff arwyddo a dychwelyd copi o'r llythyr. Caiff hwn ei roi yn ffeil bersonél yr aelod o staff i gadarnhau'r amrywiad yn nhelerau'r gyflogaeth. Efallai y bydd materion ymarferol ychwanegol megis trefniadau ar gyfer trosglwyddo gwaith y bydd y Pwyllgor yn eu trafod hefyd.

Dylai'r aelod o staff fod yn ymwybodol y bydd newidiadau i'r telerau cyflogaeth yn barhaol ac na ellir gwneud cais ffurfiol arall am 12 mis wedi dyddiad y cais gwreiddiol.

Os gwrthodir y cais, bydd y penderfyniad ysgrifenedig yn rhoi'r rheswm/rhesymau busnes dros y penderfyniad ac yn egluro pam fod y rhesymau'n weithredol. Ni all yr aelod o staff wneud cais ffurfiol arall am 12 mis wedi dyddiad y cais gwreiddiol.

### **Toriadau yn y weithdrefn ffurfiol**

Bydd achlysuron eithriadol pan na fydd hi'n bosibl cwblhau cam yn y weithdrefn o fewn y terfynau amser disgwylidig. Lle cadarnheir estyniad yn yr amser gyda'r aelod o staff, bydd y Pwyllgor yn ysgrifennu i gadarnhau'r estyniad ac yn nodi'r dyddiad y daw i ben

Os bydd aelod o staff yn tynnu cais ffurfiol i weithio'n hyblyg yn ôl, ni fydd yn gymwys i wneud cais ffurfiol arall am 12 mis o ddyddiad y cais gwreiddiol. Mewn rhai amgylchiadau, ystyrir cais dan y weithdrefn ffurfiol fel cais wedi'i dynnu'n ôl. Bydd hyn yn digwydd os:

- bydd aelod o staff yn methu dau gyfarfod dan y weithdrefn ffurfiol heb achos rhesymol
- bydd yr aelod o staff yn gwrthod darparu'r wybodaeth y gofynnwyd amdani i ystyried y cais.

Mewn amgylchiadau o'r fath, bydd y Pwyllgor yn cadarnhau yn ysgrifenedig fod y cais yn cael ei drin fel un wedi ei dynnu'n ôl.

### **Gwneud cais anffurfiol am weithio'n hyblyg**

Gall cyflogeion sy'n dymuno gwneud cais anffurfiol i weithio'n hyblyg wneud hynny i'r Pwyllgor, a fydd yn ei ystyried yn unol â'r gofynion busnes a gweithredol.

Bydd o gymorth i'r Pwyllgor i ystyried y cais os:

- caiff y cais ei wneud yn ysgrifenedig ac i'r aelod o staff gadarnhau os dymunir i'r newidiadau i'r patrwm gwaith cyfredol fod yn rhai dros dro neu barhaol
- bydd yr aelod o staff yn darparu cymaint â phosibl o wybodaeth am y patrwm gwaith cyfredol a'r un dymunol, gan gynnwys y dyddiau a'r oriau gwaith, amser dechrau a gorffen, a rhoi'r dyddiad yr hoffai'r aelod o staff i'r patrwm gwaith dymunol ddechrau.
- bydd yr aelod o staff yn mynd i'r afael â'r effeithiau a gâi'r newidiadau yn y patrwm gwaith ar y gwaith a gyflawnir ac ar gydweithwyr, yn ogystal â gwaith cydweithwyr a darparu gwasanaeth. Os oes gan yr aelod o staff unrhyw awgrymiadau ynglŷn â sut i ddelio ag unrhyw effeithiau negyddol posibl, dylid cynnwys y rhain yn y cais ysgrifenedig. Bydd y Pwyllgor yn ystyried a fydd yn bosibl eu gweithredu
- bydd yr aelod o staff yn rhoi manylion am ofynion y cyfrifoldebau gofalu, os oes rhai. Bydd y Pwyllgor yn rhoi cyngor ynglŷn â pha gamau y bydd yn eu cymryd i ystyried y cais, a gall hynny gynnwys gwahodd yr aelod o staff i fynychu cyfarfod, cyn cynghori ynglŷn â chanlyniad y cais.



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#### **HAWLIAU GWYLIAU**

Bydd y Pwyllgor yn:

- sicrhau bod gweithwyr sydd yn gweithio drwy'r flwyddyn yn derbyn tâl gwyliau o 5.6 wythnos y flwyddyn yn cynnwys gwyliau banc. Fodd bynnag, mae hyn yn amrywio ar gyfer staff sy'n gweithio llai na hynny e.e. gweithio blwyddyn ysgol. Yr hawl ar gyfer gweithwyr tymor ysgol (39 wythnos y flwyddyn) yw 4.7 wythnos yn cynnwys gwyliau banc
- sicrhau bod aelod o staff sy'n gadael yn derbyn tâl gwyliau cywir hyd at ddiwrnod olaf y gyflogaeth.
- cyfrif gwyliau pro rata ar gyfer gweithwyr rhan amser, naill ai yn nhermau'r nifer o ddyddiau a weithir bob wythnos, neu nifer yr wythnosau a weithir y flwyddyn
- nodi'n glir yn y Cytundeb Gwaith beth yw'r drefn talu gwyliau ac os na thelir yr un swm yn gyson dros 12 mis, nodi pryd yn union y telir y tâl gwyliau.

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### **AIM**

The Committee is the employer of every member of the cylch's staff. The aim of the Committee is to be a good, fair and caring employer, and to offer opportunities to further the professional development of the staff.

### **CODE OF PRACTICE**

The Committee will:

- advertise any vacant post in the cylch, specifying any qualifications or experience required of the person appointed **(See form EHS Appendix 5)**
- draw up a short list fairly and objectively, and organise interviews before any appointment is made. **(See Appendix 5 and p.28 Management Guidelines).**
- ensure that every post is subject to a probation period **(see p.31 Management Guidelines).**
- provide an induction meeting **(See form ASNc Appendix 4 and p.31 Management Guidelines)** for a new member of staff, before or on the worker's first day in his/her post.
- organise a comprehensive induction programme of training within the first week from starting in the post.
- monitor the achievement of staff members every term and hold a formal evaluation of every member of staff annually **(See form A1 Appendix 4).**
- operate a procedure for managing performance; monitoring and reviewing regularly in a situation where a member of staff is not performing satisfactorily. Set targets and actions for the member of staff to reach and undertake in the long and short term. If the performance is still unsatisfactory the Committee will consider not confirming a post or operating the Disciplinary Procedure. **The Committee, as the employer, will not allow a situation of underachievement by a member of staff to continue without devising a specific action plan to try to resolve the matter. (See p.31 Management Guidelines)**
- keep ongoing records about every member of staff in accordance with the requirements of the regulations of the Children Act, and in confidence. **(see form FFP Appendix 4).**
- ensure that the member of staff appointed complies with the requirements of the Care and Social Services Inspectorate Wales, and is in line with the 2004 Children Act and current Employment Laws.
- ensure that every new member of staff presents the following documentation before the appointment is confirmed and before the member of staff starts working **(See p.30 Management Guidelines)**
  - full employment history including an explanation for any break in employment
  - a satisfactory criminal check by the DBS **(See form GGD Appendix 4)**
  - two satisfactory references, including one by the last employer
  - a completed Medical Questionnaire form **(See form HM Appendix 5)**
  - an identity document e.g. passport, birth certificate
  - certificates of qualifications.
- ensure that the Leader and the correct number of the assistant staff have recognised qualifications on the Qualifications and Credit Framework Wales ([www.cwales.org.uk](http://www.cwales.org.uk)).
- ensure that the staff have relevant experience.
- ensure that the staff have an appropriate and satisfactory level of competence in Welsh.
- present every member of staff with a formal and appropriate Work Contract **(See form CG Appendix 5)**

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- record in writing any variation in the work conditions and keep this in the individual's personal file.
- encourage the staff to undertake professional development training (CPD) in order to improve their skills and knowledge in the workplace. **(See form HSt Appendix 4)**
- provide staff with opportunities to attend relevant training courses, subject to financial considerations and availability of supply staffing.
- consider contributing towards the course fees, the wage, travelling costs and subsistence.

### **Absence**

#### **Reporting a Sickness**

If a member of staff is absent from work due to sickness, he/she must follow the following procedures:

- contact the cylch Leader or Registered Person **at least one hour** before the cylch opens on the first day of the absence. If an employee is unable to contact the cylch Leader or the Registered Person personally, he/she must ensure that someone makes contact before the cylch opens. Failure to follow this procedure may be deemed as unauthorised absence and employees may not be paid.
- indicate when he/she is likely to return to work. If unable to return when originally anticipated, he/she must ensure that the cylch Leader or the Registered Person/ Chair is fully informed of the changes and of developments.
- after returning to work, complete a self-certification form for any absences from one day to 5 working days (7 days including a weekend).
- obtain a fitness note from a doctor if absent from work for more than seven days (including weekends). This must be sent to the Registered Person/ Chair as soon as possible and, at the latest, by the 10th day of absence. The cylch reserves the right to request a fitness note for shorter absences.
- inform the cylch Leader or the Registered Person/ Chair immediately if the employee has come into contact with an infectious disease (see Section 3.1 of the HSG). In such cases, it may be necessary for individuals to stay away from work on paid leave – only the Registered Person/ Chair has the right to decide and authorise this.
- attend a Return to Work Interview **(See Form DGS Appendix 4)** with the cylch Leader or the Registered Person/Chair following absence from work because of sickness. The purpose of this interview is to welcome the individual back to work and to update him/her on any relevant matters which have occurred during the period of absence, and also to discuss the reasons for the absence.

### **Sick Pay**

The cylch will pay Statutory Sick Pay (SSP) to the workers who are entitled to it, for a period of up to 28 weeks in one period of incapacity for work (PIW), or an associated period of incapacity for work. The 28 weeks do not have to run consecutively or to occur all in the same period, but can occur over several linked periods of sickness. Employees are covered by SSP if they are absent due to sickness for four or more consecutive days, including the weekend.

Statutory Sick Pay payments are taxable.

### **Long Term Sickness**



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In the event that sickness lasts for 4 weeks or more, the absence will be classified as long-term. Should this be the case, the cylch's Registered Person/ Chair will meet with the employee to try and establish the reasons for the absence and how long it is likely to last. Following this, the Committee may decide to refer the worker to an independent Occupational Health Doctor. The Committee can also contact the individual's doctor or specialist consultant. The cylch will seek consent from the member of staff in such an event.

If, on returning to work, attendance does not improve, or if long-term absence continues, there will be a further discussion. At this stage, unless the cylch has reasonable grounds to believe that there will be an improvement in the foreseeable future, dismissal on the grounds of incapacity due to ill health will be considered. In such a situation the cylch will seek specialist advice by contacting Mudiad Meithrin.

The Registered Person/ Chair will be present at every meeting concerning long-term ill-health matters.

#### Unpaid Absence

Unpaid leave can only be granted at the discretion of the Registered Person/ Chair and every case will be considered on its own merits.

#### Medical Appointments

Every member of staff is expected to attend routine medical appointments outside their contracted working hours. The member of staff must seek agreement in advance from the Registered Person/Chair to attend a hospital appointment which might take in excess of 2 hours during working hours.

#### Injury

The cylch will ensure that the employment is in accordance with the Employers' Liability (Compulsory Insurance) Act 1969 as amended. Should a worker suffer an injury in the course of his/her work, the Registered Person/ Chair should be notified as soon as possible.

#### Absence due to a Dependent's Illness

In the event of absence due to the illness of a dependent, the member of staff will discuss the situation with the Registered Person/Chair. The Registered Person/ Chair has the right to decide whether wages will be paid for this period. The right is reserved to seek medical evidence of the dependent's illness, if necessary.

#### Compassionate Leave

All applications for compassionate leave must be agreed with the Registered Person/ Chair.

#### Jury Service

If a member of staff is called for Jury Service, he/she will be given time off to attend and he/she must claim the expenses, including those for loss of earnings, allowed by the Court. The member of staff must notify the cylch of the amount of reimbursement for loss of earnings that he/she receives from the Court. The cylch will continue to pay a salary during the period of Jury Service, and then deduct the amount reimbursed by the Court from the following month's salary.



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### **DISCIPLINARY PROCEDURE**

The cylch expects every member of staff to achieve and maintain high standards of conduct, behaviour, attendance and work performance at all times.

The Registered Person/ Chair and members of the cylch Committee will ensure that these standards are maintained by agreeing upon expected standards and development opportunities with the staff, and offer guidance and support, as appropriate.

If conduct or behaviour falls below acceptable standards, the cylch will resolve the situation by means of fair, reasonable, consistent and non-discriminatory methods.

The Committee will:

- ensure that no disciplinary action is taken until all allegations have been fully investigated; once it has been decided that an investigation is required, this will take place without undue delay.
- ensure that witness statements and the records of every inquiry and disciplinary case will be kept confidentially in individual personnel files.
- ensure that staff receive full details of the complaint(s) at every stage in the Procedure and receive all the relevant evidence, including witness statements, where possible, before any disciplinary hearing is held.
- offer the staff an opportunity to answer, explain or defend any allegation before any decisions are reached.
- ensure that the staff are aware of their right to be accompanied by a Trade Union Official, or work colleague during any disciplinary hearing.
- ensure that workers will not be dismissed for a first offence, except in the case of Gross Misconduct when the penalty will be dismissal without notice or payment in lieu of notice (summary dismissal).
- ensure that an explanation will be given for any punishment imposed.
- notify the staff that they have a right to appeal against any punishment imposed.

The following procedure may be implemented at any stage if the alleged misconduct warrants such action.

### **Procedure**

In the event of an unacceptable incident or behaviour a full investigation must be held into the matter. The Committee will:

- ask each individual involved in the incident for a written statement at once, before memories fade.
- decide upon one or two members of the Committee to hold the investigation, gathering any evidence associated with the incident.
- hold an investigative meeting with the witnesses and the member of staff involved.
- decide upon the actions to be taken having investigated all the facts. These can include:
  - not taking any further steps, if there is insufficient evidence to prove the allegation;
  - deciding to provide training or reviewing the cylch's policies/procedures;
  - arranging to deal with the matter under the Disciplinary Procedure.

The cylch will consider each case individually, and when it is decided that there is insufficient evidence to follow the Disciplinary Procedure, the situation can be resolved by holding a meeting, offering advice, training and new guidelines to the staff.

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In some circumstances the Committee will consider suspension from work with pay for a brief period while the investigation is conducted. The Registered Person/Chair has the right to implement such a suspension, after due consideration. The Committee will send a letter to the individual confirming the allegation against him/her and outlining the conditions of the suspension. The Committee will review the suspension weekly to ensure that it does not continue unnecessarily. Suspension is not considered a disciplinary procedure.

**Bydd y Pwyllgor yn cynnal gwrandawriad disgyblu cyn dod i benderfyniad ynglŷn ag unrhyw gam disgyblu (gan gynnwys rhybudd llafar).** Bydd y gwrandawriad yn rhoi cyfle i aelod o staff ymateb i'r honiad, egluro neu amddiffyn ei hun. Bydd cofnodion llawn o'r Cam Disgyblu yn cael ei gadw ar ffeil yn gyfrinachol.

Yn dilyn y Gwrandawriad Disgyblu bydd y Panel Disgyblu yn ystyried a fydd angen gweithredu un o'r camau disgyblu canlynol:

**Before a decision is reached or any disciplinary action taken (including a verbal warning), the Committee will hold a disciplinary hearing.** The hearing will give the member of staff an opportunity to respond to the allegation, to explain or defend him/herself. A full record of the disciplinary action will be kept on file confidentially.

Following the Disciplinary Hearing, the Disciplinary Panel will consider whether any of the following disciplinary actions need to be taken:

### Verbal Warning

A verbal warning is the least serious formal warning in the disciplinary procedure. The verbal warning will include the following:

- details of the allegation and the evidence which has led to the verbal warning
- confirmation that this is the first step in the Disciplinary Procedure
- the required improvement or change of behaviour, how this will be monitored and the period of time which will be allowed for this
- the right to appeal and also how and to whom to appeal.

A copy of the Verbal Warning will be kept in the Personnel File but it will be disregarded for disciplinary purposes after 3 months.

### Written Warning

If the offence is regarded as more serious, or the improvements outlined in the verbal warning stage have not been made, the Registered Person/Chair can issue a formal written warning. The written warning will include the following:

- details of the allegation and the evidence which have led to the written warning
- the improvement or change in behaviour required, how it will be monitored and the time period allowed for this
- the right to appeal, how and to whom to appeal
- a warning that a further disciplinary step will be considered if no satisfactory improvement or change takes place and is maintained.

A copy of the Written Warning will be kept in the Personnel File, but it will be disregarded for disciplinary purposes after 6 months.

### Final Written Warning

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When the offence is sufficiently serious, or if there is further misconduct during the period of the previous warning, the Registered Person/Chair can issue a final written warning. The final written warning will include the following:

- details of the allegation and the evidence which have led to the final written warning
- the required improvement or change of conduct, how this will be monitored and the time period allowed for this
- the right to appeal, how and to whom to
- appeal
- a warning that failure to improve or change conduct could lead to dismissal.

A copy of this final written warning will be kept in the Personnel File, but will be disregarded for disciplinary purposes after 12 months.

### Dismissal or other Sanction

If the misconduct is deemed to be serious or gross, or if there is further misconduct during the period of the previous period of warning, the Registered Person/Chair can consider dismissal. Only the cylch Committee can decide upon dismissal. If this happens, the committee will write

to the individual and provide the following information:

- details of the allegation and the evidence which have led to the dismissal
- the last date of employment
- the right to appeal, how and to whom to appeal

The Registered Person/ Chair will be responsible for conveying this decision on behalf of the cylch Committee.

Employment will be terminated with a contractual or statutory notice, except in cases of summary dismissal for gross misconduct.

### Gross Misconduct

The following list, whilst not exhaustive, provides some examples which could lead to summary dismissal:

- child abuse
- not acting on suspicions of child abuse
- theft, fraud, deliberate falsification of records
- discourtesy towards a member of the public, objectionable or insulting behaviour, bullying or obscene language
- physical violence
- grievous bullying or harassment
- deliberate damage to property
- leaving the premises without permission during working hours
- gross insubordination
- misuse or abuse of the cylch's name or property
- bringing the cylch into serious disrepute
- being under the influence of alcohol or illegal drugs
- possessing or supplying of illegal drugs
- gross negligence which causes or could cause unacceptable loss, damage or injury



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- serious breach of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- unauthorised entry to cylch records.

If a member of staff is convicted of a criminal offence outside the workplace, he/she will not automatically be dealt with through this Disciplinary Procedure. Each case will be considered on its own merits. Consideration will be given to the relevance of the offence to the responsibilities of the post, and also to whether it makes the worker unsuitable for his/her specific work or unacceptable to fellow colleagues/clients.

If the Committee wants further advice on any aspect of holding an investigation or implementing the Disciplinary Procedure, the Registered Person/Chair will discuss the matter with the local Development Officer. If more specialised advice is required the Development Officer will refer the matter to Mudiad Meithrin centrally. Mudiad Meithrin can offer advice to enable the Committee to act correctly during each step of the process. It will be the responsibility of the Committee, as the employer, to decide upon which steps to take on the basis of the advice provided.

#### Appeals

Every member of staff has a right to appeal against any action taken under the Disciplinary Procedure. No-one present at any stage of the Disciplinary Procedure will be involved in the appeal process.

If a member of staff wishes to appeal, he/she should do so in writing within five working days of the date of the letter advising him/her of the outcome of the Disciplinary Hearing.

The appeal will be heard by up to 3 members of the cylch Committee. If this is not possible an independent external consultant can join the appeal panel. Its decision will be final. At the Appeal, any punishment imposed will be reviewed, but it cannot be increased.

Members of staff have a statutory right to be accompanied at an appeal hearing by a colleague or Trade Union Official.

#### Grievances

Occasionally, workers may experience problems or concerns about their work, their working environment or their relationships with colleagues. The cylch's Compliments and Complaints Policy provides a means for dealing with these issues fairly and speedily before they develop into major problems.

In the first instance, the Committee will deal with any grievance, to seek a resolution. The Committee will keep a record of informal discussions concerning a complaint.

When the grievance cannot be resolved informally, it will be dealt with as follows:



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#### **Procedure**

##### **First Stage**

The matter should be raised verbally in the first instance, or if preferred presented in writing to the cylch's Registered Person/ Chair. If the grievance is against the Registered Person/ Chair, the matter should be raised in confidence with another member of the cylch Committee. Following receiving such a complaint, an inquiry will be held and a grievance hearing arranged. After due consideration the result of the inquiry will be conveyed to the complainant in writing, if possible within 10 working days of receiving the complaint. The complainant will be informed of his/her right to appeal in the letter which notes the decision.

##### **Second Stage**

If the complainant disagrees with the result of Stage 1, he/she can appeal. The appeal should be presented in writing to the person who held the inquiry within 5 working days from receiving the decision of the inquiry. The Appeal Panel will not include any person who was involved in the original inquiry. The Appeal Panel will invite the complainant to meet in order to reconsider the matter. A decision will be conveyed in writing, if possible, within 10 working days of receiving the application for an appeal. This decision will be final.

At any stage in this Procedure members of staff will have a statutory right to be accompanied by a colleague or a Trade Union Official at any meeting.



# Cylch Meithrin Meini Bach

## *Polisi Staffio Staffing Policy*

### **MATERNITY, PATERNITY, PARENTAL AND ADOPTION RIGHTS**

#### **MATERNITY**

##### **Policy Statement**

This policy outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth, and sets out the arrangements for ante-natal care, pregnancy-related sickness, health and safety, and maternity leave. It does not apply to agency workers or the self-employed.

##### **Responsibility for implementing the policy**

The cylch Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the cylch Leader.

The cylch Leader has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

##### **Notification**

Members of staff must inform the Committee/Leader as soon as possible when they are pregnant. This is important as there may be health and safety considerations.

Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, members of staff must inform the Committee in writing:

- that they are pregnant;
- the Expected Week of Childbirth (EWC); and
- the date on which they would like to start their maternity leave

A certificate from a doctor or midwife (usually on a MAT B1 form) must be provided confirming the EWC.

##### **Time off for ante-natal care**

Members of staff who are pregnant may take reasonable paid time off during working hours for ante-natal care. As much notice as possible should be given of the appointment.

The Committee may ask members of staff to provide the following, unless it is the first appointment:

- a certificate from the doctor, midwife or health visitor stating that the member of staff is pregnant; and
- an appointment card.

##### **Sickness**

Periods of pregnancy-related sickness absence shall be paid in accordance with the Sick Pay policy in the same manner as any other sickness absence.

Periods of pregnancy-related sickness absence from the start of the pregnancy until the end of the maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.



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If a member of staff is absent for a pregnancy-related reason during the four weeks before EWC, the maternity leave will usually start automatically.

#### **Health and Safety**

The cylch has a general duty to take care of the health and safety of all employees. The cylch is also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

The Committee/Leader will provide members of staff with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If the Committee/Leader considers that, as a new or expectant mother, an employee would be exposed to health hazards in carrying out their normal work, necessary steps will be taken (for as long as they are necessary) to avoid those risks. This may involve:

- changing working conditions or hours of work;
- offering suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- suspension from duties, on full pay unless the member of staff has unreasonably refused suitable alternative work.

#### **Entitlement to maternity leave**

All employees are entitled to up to 52 weeks' maternity leave which is divided into ordinary maternity leave of 26 weeks (OML); and additional maternity leave of a further 26 weeks immediately following OML (AML).

#### **Starting maternity leave**

The earliest date a pregnant member of staff can start maternity leave is 11 weeks before the EWC unless the child is born prematurely before that date. The member of staff must notify the Committee/Leader of the Intended Start Date. The Committee/Leader will then write to the member of staff within 28 days to inform them of the expected return date if the full entitlement to maternity leave is taken (Expected Return Date).

The Intended Start Date can be postponed, this will need to be confirmed in writing to the Committee/Leader at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.

The Intended Start Date can be brought forward by informing the Committee/Leader at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

Maternity leave shall start on the earlier of:

- the Intended Start Date (if notified in accordance with this policy); or
- the day after any day on which the member of staff is absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or
- the day after the birth date.

If a member of staff is absent for a pregnancy-related reason during the four weeks before the EWC, they must inform the Committee/Leader as soon as possible in writing.

If a member of staff gives birth before the maternity leave was due to start, they must inform the Committee/Leader confirming the date of the birth in writing as soon as possible.



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The law prohibits mothers from working during the two weeks following childbirth.

Shortly before maternity leave starts, arrangements for covering the work and the opportunities for keeping in contact (should the member of staff wish to do so) will be discussed. Unless otherwise requested the member of staff will remain on circulation lists for internal news, job vacancies, training and work-related social events.

#### **Statutory maternity pay**

Statutory maternity pay (**SMP**) is payable for up to 39 weeks. SMP will stop being payable if a member of staff returns to work (except when they are simply keeping in touch).

Members of staff are entitled to SMP if:

- they have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed during that week;

#### **Terms and conditions during OML and AML**

All the terms and conditions of employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- benefits in kind (if any) such as life insurance, health insurance, gym membership etc shall continue;
- annual leave entitlement under the contract shall continue to accrue; and
- pension benefits (if any) shall continue.

#### **Annual leave**

During OML and AML, annual leave will accrue at the rate provided under the contract.

Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during the maternity leave, members of staff should ensure that they have taken the full year's entitlement before starting the maternity leave.

The cylch holiday year runs from 1 January to 31 December.

#### **Pensions**

During OML and any further period of paid maternity leave employer contributions that is usually made into a money-purchase pension scheme shall continue, based on what the earnings would have been if they had not been on maternity leave provided that they continue to make contributions based on the maternity pay they are receiving. If they wish to increase the contributions to make up any shortfall from those based on the normal salary the member of staff should contact the Treasurer to inform them of this.

The period of OML and any further period of paid maternity leave counts towards the final-salary pension scheme as pensionable service, provided they make the necessary minimum contributions based on the maternity pay they are receiving.

During unpaid AML the cylch shall not make any payments into a money purchase scheme and the time shall not count as pensionable service under the final salary scheme. The member of staff does not have to make any contributions but they can if they wish to do so, or they may make up for missed contributions at a later date.



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### *Polisi Staffio Staffing Policy*

#### **Redundancies during maternity leave**

In the event that the post is affected by a redundancy situation occurring during maternity leave, the Committee shall write to the member of staff to inform them of any proposals and invite the member of staff to a meeting before any final decision is reached as to continued employment.

#### **Keeping in touch**

The Committee/Leader may make reasonable contact with the member of staff from time to time during the maternity leave. The member of staff may work (including attending training) for up to ten days during maternity leave without bringing the maternity leave or SMP to an end. The arrangements, including pay, would be set by agreement with the Committee. The member of staff is not obliged to undertake any such work during maternity leave. In any case, the member of staff must not work in the two weeks following birth.

Shortly before the member of staff is due to return to work, the Committee/Leader may invite her to have a discussion (whether in person or by telephone) about the arrangements for return. This may cover:

- updating on any changes that have occurred during the absence;
- any training needs she may have; and
- any changes to working arrangements (for example if a request has been made to work part-time).

#### **Expected return date**

Once the member of staff has notified the Committee in writing of the Intended Start Date, a letter shall be sent within 28 days to inform her of the Expected Return Date. If the start date has been changed (either because the member of staff provided notice to change it, or because maternity leave started early due to illness or premature childbirth) the Committee shall write to the member of staff within 28 days of the start of maternity leave with a revised Expected Return Date.

The member of staff will be expected to return on the Expected Return Date unless they inform the Committee is informed otherwise. It will help the Committee if, during the maternity leave, the member of staff is able to confirm that she will be returning to work as expected.

#### **Returning early**

If a member of staff wishes to return to work earlier than the Expected Return Date, she must give the Committee eight weeks' prior notice. It is helpful if this notice is provided in writing.

If not enough notice is given, the Committee may postpone the return date until eight weeks after the notice is provided, or to the Expected Return Date if sooner.

#### **Returning late**

If a member of staff wishes to return later than the Expected Return Date, they should either:

- request unpaid parental leave in accordance with the Parental Leave Policy giving the Committee as much notice as possible but not less than 21 days; or
- request paid annual leave in accordance with the contract, which will be at the Committee's discretion.



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If a member of staff is unable to return to work due to sickness or injury, this will be treated as sickness absence and the Sickness Absence Policy will apply. In any other case, late return will be treated as unauthorised absence.

#### **Deciding not to return**

If a member of staff decides not to return to work, or is unsure, it is helpful if they discuss this with the Committee as early as possible. If a member of staff decides not to return they should give notice of resignation in accordance with the contract. The amount of maternity leave left to run when the notice is given must be at least equal to the contractual notice period, otherwise the Committee may require the member of staff to return to work for the remainder of the notice period. Once the member of staff has given notice that they will not be returning to work, they cannot change their mind without agreement from the Committee. This does not affect the member of staff's right to receive SMP.

#### **Rights when a member of staff returns**

A member of staff is normally entitled to return to work in the same position as she held before commencing leave. The terms of employment shall be the same as they would have been had she not been absent.

However, if the member of staff has taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for the Committee to allow her to return into the same position, the Committee may give the member of staff another suitable and appropriate job on terms and conditions that are not less favourable.

#### **Returning to work part-time**

The Committee will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but members of staff do have a statutory right to request flexible working and the Committee will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

## **PATERNITY**

#### **Policy statement**

This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it. The policy does not apply to agency workers or the self-employed.

No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.

#### **Responsibility for implementing the policy**

The cylch Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee shall delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the cylch Leader.

The cylch Leader has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

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### **Entitlement to paternity leave**

Certain employees can take paternity leave in relation to the birth or adoption of a child. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave.

Members of staff are entitled to ordinary paternity leave (OPL) if they meet all the following conditions:

- they have been continuously employed by the cylch for at least 26 weeks ending with:
  - in birth cases, the week immediately before the 14th week before the EWC;
  - in adoption cases, the week in which the member of staff or their Partner are notified by an adoption agency that they have been matched with a child; and
- the member of staff:
  - is the biological father of the child;
  - has been matched with a child by an adoption agency;
  - is the spouse, civil partner or Partner of the child's mother; or
  - is the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency; and
- the member of staff:
  - expect to has main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
  - is the child's biological father and expect to have some responsibility for the child's upbringing; and
- the intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

The member of staff is entitled to additional paternity leave (APL) if, in addition to the conditions above,

- the member of staff remains employed by the cylch until the week before the first week of the APL;
- the child's mother or co-adopter, as the case may be, has been entitled to statutory leave:
- in birth cases, the child's mother has been entitled to maternity leave, statutory maternity pay or maternity allowance in respect of her pregnancy; or
- in adoption cases, the child's adopter has been entitled to one or both of adoption leave or statutory adoption pay in respect of the child's adoption; and
- the child's mother or co-adopter, as the case may be, had returned to work.

### **Timing and length of paternity leave**

OPL must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

OPL can be taken from the date of the child's birth or adoption placement, but must end:

- In birth cases, within 56 days of the child's birth, or if the child was born before the first day of the Expected week of Childbirth, within 56 days of the first day of the Expected Week of Childbirth; or
- In adoption cases, within 56 days of the child's placement.

APL must be taken as multiples of complete weeks and as one period. The minimum amount of APL that can be taken is two weeks and the maximum is 26 weeks. APL must be taken in

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the period beginning 20 weeks after the child's date of birth, or adoption placement, and ending 12 months after that date of birth or adoption.

### **Notification (birth)**

If a member of staff wishes to take OPL in relation to a child's birth, they must give the Committee notice in writing of intention to do so and confirm:

- The Expected Week of Childbirth;
- whether the member of staff intends to take one week's leave or two consecutive weeks' leave;
- when the member of staff would like to start the leave. The member of staff can state that the leave will start on:
  - the day of the child's birth;
  - a day which is a specified number of days after the child's birth; or
  - a specific date later than the first date of the Expected Week of Childbirth.

Notice must also be given before the 14th week prior to the Expected Week of Childbirth (or, if this is not possible, as soon as possible).

The Committee may require a signed declaration from the member of staff that the OPL is being taken for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.

If members of staff wish to take APL in relation to a child's birth, then member of staff must provide the Committee with the following at least eight weeks before the date on which the leave is to start:

- A written "leave notice" stating:
  - the Expected Week of Childbirth;
  - the child's date of birth; and
  - the dates on which the member of staff wishes the APL to start and finish.
- A signed "employee declaration" confirming that:
  - the member of staff is either the child's father or the spouse, partner or civil partner of the child's mother;
  - apart from the child's mother, the member of staff expects to have the main responsibility for the upbringing of the child; and
  - the member of staff wishes to take APL in order to care for the child.
- A written "mother declaration" from the child's mother stating:
  - her name, address and National Insurance number;
  - the date she intends to return to work;
  - the member of staff's relationship with the child;
  - that, to her knowledge, the member of staff is the only person exercising an entitlement to APL in respect of the child; and
  - that she consents to the Committee processing the information she has provided.

The Committee will write to the member of staff to confirm the start and finish dates of the APL within 28 days of receiving the leave notice, the employee declaration and the child's mother's declaration.

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The Committee may require the member of staff to provide a copy of the child's birth certificate and the name and address of the mother's employer or, if she is self-employed, her business address.

#### **Notification (adoption)**

If a member of staff wishes to take OPL in relation to the adoption of a child, the member of staff must give the Committee notice in writing of the intention to do so and confirm:

- the date on which the member of staff and/or the spouse, civil partner or Partner were notified of having been matched with the child, together with the Expected Placement Date;
- whether the member of staff intend to take one week's leave or two consecutive weeks' leave; and
- when the member of staff would like to start the leave. The member of staff can state that the leave will start on:
  - the day on which the child is placed with the member of staff or the adopter;
  - a day which is a specified number of days after the child's placement; or
  - a specific date later than the Expected Placement Date.

The member of staff must give notice no more than seven days after the member of staff and/or spouse, civil partner or Partner were notified of having been matched with the child (or, if this is not possible, as soon as possible).

The Committee may require a signed declaration from the member of staff that OPL is being taken for a purpose for which it is intended; namely, to care for the child or to support the spouse, civil partner or Partner in caring for the child.

If a member of staff wishes to take APL following a child's adoption, the member of staff must provide the Committee with the following at least eight weeks before the date on which the leave commences:

- A written "leave notice" stating:
  - the date on which the member of staff was notified of a match with the child;
  - the date on which the child was placed with the member of staff; and
  - the dates on which the member of staff would like the APL to start and finish.
- A signed "employee declaration" confirming that:
  - the member of staff has been matched for adoption with the child;
  - the member of staff is the spouse, Partner or civil partner of the child's co-adopter; and
  - the member of staff wishes to take APL in order to care for the child.
- A written "adopter declaration" from the child's adopter stating:
  - the name, address and National Insurance number;
  - the date the adopted intends to return to work;
  - that the member of staff is the spouse, Partner or civil partner of the member of staff; and
  - that the adopted consent for the Committee to process the information provided.

The Committee will write to the member of staff to confirm the start and finish dates of the APL within 28 days of receiving the leave notice, the employee declaration and the adopter's declaration.

The Committee may require the member of staff to provide the following:

- the name and address of the adopter's employer or, if they are self-employed, the business address;

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- documentary evidence issued by the adoption agency that matched the member of staff with the child which confirms;
  - the name and address of the adoption agency;
  - the date on which the member of staff was notified of a match with the child; and
  - the date on which the agency expected to place the child with the member of staff.
- changing the dates of OPL or APL.

Where the member of staff is to take OPL in respect of a child's birth, the member of staff can give the Committee written notice to vary the start date of the leave from that which was originally specified in the notice.

This notice should be given:

- where the member of staff wishes to vary the leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth.
- where the member of staff wishes to vary the leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth.
- where the member of staff wishes to vary the leave to start on a specific date (or a different date from that was originally specified), at least 28 days before that date.
- where the member of staff is to take OPL in respect of a child's adoption, the member of staff can give the Committee written notice to vary the start date of the leave from that which was originally specified in the notice. This notice should be given:
  - where the member of staff wishes to vary the leave to start on the day that the child is placed with the member of staff or the adopter, at least 28 days before the Expected Placement Date;
  - where the member of staff wishes to vary the leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the Expected Placement Date; or
  - where the member of staff wishes to vary the leave to start on a specific date (or a different date from that was originally specified), at least 28 days before that date.

If a member of staff is unable to give the Committee 28 days' written notice of the wish to vary the start of the leave as set out above, the member of staff should give the Committee written notice of the change as soon as possible.

Where a member of staff wants to take APL, following either the birth or adoption of a child, the member of staff is entitled to give the Committee written notice to cancel or vary the start and/or finish dates that were previously notified.

This needs to be done:

- at least six weeks before the date that was originally confirmed as the date on which APL was to start; or
- if the member of staff wants to start the APL earlier than that original start date, at least six weeks before the date on which the member of staff now wishes the APL to start.

If the member of staff is unable to give six weeks' notice written notice should be given to the Committee as soon as possible. However, in these circumstances, if the Committee is unable to accommodate the request, the Committee may require the member of staff to take a period of APL of up to six weeks starting on either the original or revised start date.



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### **Statutory Paternity Pay**

In this paragraph, Relevant Period means:

- in birth cases, the eight-week period ending immediately before the 14th week before the Expected Week of Childbirth.
- in adoption cases, the eight-week period ending immediately before the week in which the member of staff or the spouse, civil partner or Partner were notified of being matched with the child.

If the member of staff takes OPL in accordance with this policy, the member of staff will be entitled to ordinary statutory paternity pay (OSPP) if, during the Relevant Period, the average weekly earnings are not less than the lower earnings limit set by the government.

If the member of staff takes APL in accordance with this policy, the member of staff may be entitled to additional statutory paternity pay (ASPP). Whether and, if so, for how long the member of staff may be entitled to ASPP will depend on:

- the average weekly earnings being not less than the lower earnings limit set by the government during the Relevant Period; and
- the child's mother or the co-adopter, as the case may be, having returned to work without having taken at least two weeks maternity allowance, maternity pay or adoption pay period.

The member of staff's entitlement to ASPP will equate to the number of weeks of unexpired maternity allowance, maternity pay or adoption pay that remained when the child's mother or co-adopter returned to work.

OSPP and ASPP are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of the average weekly earnings calculated over the Relevant Period if this is lower.

### **Terms and conditions during OPL and APL**

All the terms and conditions of employment remain in force during OPL and APL, except for the terms relating to pay. In particular:

- Benefits in kind [such as life insurance, health insurance, gym membership and use of a company vehicle if applicable] shall continue;
- Annual leave entitlement under the contract shall continue to accrue; and
- Pension benefits shall continue.

### **Annual leave**

During OPL and APL, annual leave will accrue at the rate provided under the contract.

Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during the absence on paternity leave, the member of staff should ensure that the member of staff has taken the full year's entitlement before the paternity leave starts.

The cycle's holiday year runs from 1 January to 31 December.

### **Pensions**



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During OPL and APL the cylch shall continue to make any employer contributions that is usually made into a money-purchase pension scheme, based on what the earnings would have been if the member of staff had not been on paternity leave provided that the member of staff continue to make contributions based on the paternity pay the member of staff is receiving.

If the member of staff wishes to increase contributions to make up any shortfall from those based on the normal salary the Treasurer should be informed of this.

The periods of both OPL and APL count towards the final-salary pension scheme as pensionable service, provided the member of staff makes the necessary minimum contributions based on the paternity pay the member of staff is receiving.

#### **Redundancies during APL**

In the event that the post is affected by a redundancy situation occurring during paternity leave, the Committee shall write to inform the member of staff of any proposals and shall invite the member of staff to a meeting before any final decision is reached as to continued employment.

#### **Keeping in touch during APL**

The Committee may make reasonable contact with the member of staff from time to time during your APL. The member of staff may work (including attending training) for up to ten days during APL without bringing the paternity leave or ASPP to an end. The arrangements, including pay, would be set by agreement with the Committee. Members of staff are not obliged to undertake any such work during paternity leave.

Shortly before the member of staff is due to return to work, the Committee may invite the member of staff to have a discussion (whether in person or by telephone) about the arrangements for return. This may cover:

- updating on any changes that have occurred during the absence;
- any training needs; and
- any changes to working arrangements (for example, that may have been requested and come into effect on their return).

#### **Returning to work**

Members of staff are normally entitled to return to work following either OPL or APL to the same position they held before commencing leave. The terms of employment will be the same as they would have been had the member of staff not been absent. However, if the member of staff has combined the OPL or APL with a period of:

- additional paternity leave;
- additional adoption leave; or
- parental leave of more than four weeks,

and it is not reasonably practicable for them to return to the same job, the Committee will offer a suitable and appropriate alternative position.

If the member of staff wishes to return early from APL, at least six weeks' prior notice must be given to the Committee. If the member of staff wishes to postpone the return from APL, the member of staff should either:

- Request unpaid parental leave in accordance with the Parental Leave Policy, giving the Committee as much notice as possible but not less than 21 days; or



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- Request paid annual leave in accordance with the contract, which will be at the Committee's discretion.

If the member of staff is unable to return to work from APL as expected due to sickness or injury, this will be treated as sickness absence and the Sickness Absence Policy will apply.

In all other case, a late return will be treated as unauthorised absence.

The Committee will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis. The Committee will try to accommodate the wishes of the member of staff unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

If the member of staff does not intend to return to work or unsure, it is helpful if the member of staff discuss this with the Committee as early as possible. If the member of staff decides not to return resignation should be submitted in accordance with the contract. Once this has been done the member of staff cannot change their mind without the Committee's agreement. This does not affect the member of staff's right to receive SPP.

## **PARENTAL LEAVE**

### **Policy statement**

The law recognises and the cylch respects that there will be occasions when working parents wish to take time off work to care for or spend time with their child or children.

This policy reflects the statutory right of employees with at least one year's continuous service to take up to 13 weeks' unpaid parental leave in respect of each child, and up to 18 weeks' unpaid parental leave in respect of a child who is entitled to disability living allowance.

No-one will be disadvantaged for taking or seeking to take parental leave in accordance with this policy.

This policy does not apply to agency workers, consultants or self-employed contractors.

### **Responsibility for implementing the policy**

The cylch Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the cylch Leader.

The cylch Leader has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success. Any parental leave that employees take in relation to a child while working for another employer counts towards their 13 (or 18) week entitlement. If a member of staff has taken parental leave in relation to a child during previous or concurrent employment, they should provide details to the Committee.

To take a period of parental leave in relation to a child, the member of staff must:

- have at least one year's continuous employment;

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- have or expect to have responsibility for the child; and
- be taking the leave to spend time with or otherwise care for the child.

A member of staff has responsibility for a child if the member of staff:

- is the child's biological mother or father (whether or not they are living with the child);
- is the child's adoptive parent; or
- otherwise have legal parental responsibility for the child. For example, if they are the child's guardian.

### **Timing of parental leave**

Parental leave can only be taken:

- before the child's fifth birthday; or
- in the case of a child entitled to a disability living allowance, before the child's 18th birthday; or
- in the case of an adopted child, before the fifth anniversary of the date of placement or, if sooner, the child's 18th birthday.

Unless the leave is to be taken in respect of a child entitled to a disability living allowance, members of staff:

- can only take parental leave in blocks of a week's leave or a multiple of a week's leave; and
- are only entitled to take four weeks' parental leave each year in relation to each child. A year for this purpose begins on the date when a member of staff became entitled to take parental leave in relation to the child in question.

### **Notification requirements**

Members of staff must give the Committee notice of their intention to take parental leave. It would be helpful if this is provided in writing. The notice requirements are as follows:

- If a member of staff wishes to take parental leave commencing immediately on the birth of a child, notice of this intention must be provided at least 21 days before the start of the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave required; or
- If a member of staff wishes to take parental leave commencing immediately on the adoption of a child, notice of this intention should be given at least 21 days before the start of the expected week of placement (EWP). If this is not possible, as much notice as possible must be provided. The notice must specify the EWP and the duration of the period of leave required.

In all other circumstances, members of staff must give notice of their intention to take parental leave at least 21 days before they intend the leave to start. The notice must specify the dates on which the period of leave is to begin and end.

If a member of staff wishes to take a period of parental leave immediately after a period of ordinary paternity leave, it would be helpful if notice of that intention is given at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, the member of staff should give as much notice as possible. If at least seven days is not given before the period of ordinary paternity leave starts, the Committee might not allow the member of staff to take the period of parental leave requested. However, the Committee shall consider each case on its merits.



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### **Evidential requirements**

Before a period of parental leave is taken under this policy, the members of staff must provide the Committee with evidence of:

- their responsibility or expected responsibility for the child;
- the child's date of birth or date of adoption placement; and
- if applicable, the child's entitlement to a disability living allowance.

### **The Committee's right to postpone parental leave**

Where a member of staff gives notice of their intention to take parental leave on the birth or adoption of a child, the Committee shall not postpone that leave.

The Committee shall not postpone parental leave if, in the case of an adopted or disabled child, the postponement would result in the leave being taken after the child's 18th birthday.

However, in any other circumstances the Committee may postpone a proposed period of parental leave for up to six months where the leave as planned would unduly disrupt the business. The Committee might do so, for example, where:

- parental leave is requested during a peak period;
- a number of employees wish to take parental leave at the same time;
- the work is of importance to a time-critical project; or
- cover for the work cannot be found before the date on which the parental leave is due to start.

If the Committee decide to postpone the parental leave, they shall:

- consult with the member of staff about the date to which the leave might be postponed; and
- no more than seven days after the member of staff gave notice of their intention to take the leave, give them written notice stating the reason for the postponement and the new beginning and end dates of the leave which the Committee will allow them to take.

The member of staff will not lose their parental leave entitlement if, because the postponement of such leave, the leave remains untaken on the child's fifth birthday (or on the fifth anniversary of the child's adoption placement, if applicable).

### **Terms and conditions during parental leave**

Parental leave under this policy is unpaid. The contractual provisions relating to pay and benefits are suspended during parental leave.

However, during parental leave the member of staff is entitled to benefit from any contractual terms they have in relation to being given notice, redundancy compensation and disciplinary and grievance procedures.

During parental leave the member of staff will remain bound by their obligation of good faith towards the cylch, as well as any contractual terms relating to the giving of notice, the disclosure of confidential information, the acceptance of gifts and benefits, and freedom to participate in another business (for example, by working for a third party).

### **Pensions**

If the member of staff is a member of a defined benefit (final salary) pension scheme, a period of parental leave under this policy will count towards the pensionable service.



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If the member of staff is a member of a defined contribution (money purchase) pension scheme, the Committee shall not make contributions during a period of unpaid parental leave.

#### **Returning to work**

The member of staff is normally entitled to return to work following parental leave to the same position they held before commencing leave. The terms of employment will be the same as they would have been had the member of staff not been absent.

However, it might not be possible for the Committee to allow the member of staff to return to the same job where the period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave. In such circumstances, the Committee will offer the member of staff a suitable and appropriate alternative position.

The Committee will deal with any requests by employees to change their working patterns (such as working part-time) after parental leave on a case-by-case basis. The Committee will try to accommodate the member of staff's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if flexible working requests are made as early as possible.

#### **Abuse of this policy**

Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue.

### **ADOPTION POLICY**

#### **Policy statement**

This policy outlines the statutory rights and responsibilities of employees who adopt, and sets out the arrangements for adoption leave. It only applies to employees and does not apply to agency workers or the self-employed.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

#### **Responsibility for implementing the policy**

The cylch Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the cylch Leader.

The cylch Leader has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

#### **Entitlement to adoption leave**

Adoption leave is only available if a member of staff is adopting through a UK adoption agency. It is not available if there is no agency involved, for example, if a member of staff is formally adopting a stepchild or other relative.

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Members of staff are entitled to adoption leave if they meet all the following conditions:

- an adoption agency has given written notice that it has matched the member of staff with a child for adoption and informs them of the Expected Placement Date;
- the member of staff have notified the agency that he/she agrees to the child being placed on the Expected Placement Date;
- the member of staff has been continuously employed by the cylch for at least 26 weeks ending with the Qualifying Week; and
- the spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave).

### **Notification of intention to take leave**

The member of staff must give the Committee notice in writing of:

- the Expected Placement Date; and
- the intended start date for adoption leave (Intended Start Date)

This notice should be given not more than seven days after the agency notified the member of staff in writing that he/she has been matched with a child.

At least 28 days before the Intended Start Date (or, if this is not possible, as soon as possible), the member of staff must also provide the Committee with:

- A Matching Certificate from the adoption agency confirming:
  - the agency's name and address;
  - the name and date of birth of the child;
  - the date the member of staff was notified of the match; and
  - the Expected Placement Date.
- Written confirmation that the member of staff intends to take statutory adoption pay and not statutory paternity pay.

### **Overseas adoptions**

If a member of staff is adopting a child from overseas, the following will apply:

- the member of staff must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).
- the member of staff must give the Committee notice in writing of:
  - the intention to take adoption leave;
  - the date the member of staff received Official Notification; and
  - the date the child is expected to arrive in Great Britain.

This notice should be given as early as possible but in any case within 28 days of receiving Official Notification (or, if the member of staff have less than 26 weeks' employment with the cylch at the date of Official Notification, within 30 weeks of starting employment).

The member of staff must also give the Committee at least 28 days' notice in writing of their Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

The member of staff must also notify the Committee of the date the child arrives in Great Britain within 28 days of that date. The Committee may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

### **Starting adoption leave**

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OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

The member of staff must notify the Committee of the Intended Start Date. The Committee will then write to the member of staff within 28 days to inform of the expected return to work date if the member of staff takes the full entitlement to adoption leave (Expected Return Date).

The member of staff can postpone the Intended Start Date by informing the Committee in writing at least 28 days before the original date or, if that is not possible, as soon as possible.

The member of staff can bring forward the Intended Start Date by informing the Committee in writing at least 28 days before the new start date or, if that is not possible, as soon as possible. Shortly before the adoption leave starts the Committee will discuss with the member of staff the arrangements for covering the work and the opportunities to remain in contact, should the member of staff wish to do so, during the leave. Unless otherwise requested, the member of staff will remain on circulation lists for internal news, job vacancies, training and work-related social events.

### **Statutory Adoption Pay**

Statutory adoption pay (**SAP**) is payable for up to 39 weeks. It stops being payable if the member of staff return to work sooner or if the placement is disrupted. The member of staff is entitled to SAP if:

- the member of staff has been continuously employed for at least 26 weeks at the end of the Qualifying Week and still employed by the cylch during that week;
- the average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government; and
- the member of staff has given the Committee the relevant notifications as specified in this policy.

SAP is paid at a prescribed rate which is set by the Government for the relevant tax year, or at 90% of the average weekly earnings calculated over the Relevant Period if this is lower.

SAP accrues with each complete week of absence but payments shall be made on the next normal payroll date. Income Tax, National Insurance and pension contributions shall be deducted as appropriate.

If the member of staff leaves the employment for any reason (for example, if the member of staff resigns or is made redundant) the member of staff shall still be eligible for SAP if he/she has already been notified by an agency of a match with a child. In such cases, SAP shall start whichever is the later of

- 14 days before the Expected Placement Date; or
- the day after the employment ends.

If the member of staff becomes eligible for a pay rise before the end of the adoption leave, the member of staff will be treated for SAP purposes as if the pay rise had applied throughout the relevant period. This means that the SAP will be recalculated and increased retrospectively, or that the member of staff may qualify for SAP if he/she did not previously qualify. The Committee shall pay the member of staff a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.



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#### **Terms and conditions during OAL and AAL**

All the terms and conditions of employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:

- benefits in kind (if any) such as life insurance, health insurance, gym membership and use of a company vehicle shall continue;
- annual leave entitlement under the contract shall continue to accrue; and
- pension benefits (if any) shall continue.

#### **Annual leave**

During OAL and AAL, annual leave will accrued at the rate provided under the contract. Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during the adoption leave, members of staff should ensure that they have taken the full year's entitlement before starting their adoption leave. The holiday year runs from 1 January to 31 December.

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### **Pension**

During OAL and any further period of paid adoption leave the Committee shall continue to make any employer contributions that would usually be made into a money-purchase pension scheme, based on the earnings that would have been if the member of staff had not been on adoption leave [provided that the member of staff continue to make contributions based on the adoption pay he/she receives]. If the member of staff wish to increase the contributions to make up any shortfall from those based on the normal salary the member of staff should contact the Treasurer.

During unpaid AAL the Committee shall not make any payments into a money purchase scheme and the time shall not count as pensionable service under the final salary scheme. The member of staff does not have to make any contributions but they may do so if they wish, or missed contributions can be made up at a later date.

### **Redundancies during adoption leave**

In the event that the member of staff's post is affected by a redundancy situation occurring during their adoption leave, the Committee shall write to inform the member of staff of any proposals and shall invite them to a meeting before any final decision is reached as to the member of staff's continued employment. Employees on maternity and adoption leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

### **Disrupted adoption**

Adoption leave is disrupted if it has started but:

- the member of staff is notified that the placement will not take place;
- the child is returned to the adoption agency after placement; or
- the child dies after placement.

In case of disruption the entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless the entitlement to leave and/or pay would have ended earlier in the normal course of events.

### **Keeping in touch**

The Committee/Leader may make reasonable contact with the member of staff from time to time during the adoption leave.

The member of staff may work (including attending training) on up to ten days during adoption leave without bringing the adoption leave to an end. This is not compulsory and arrangements, including any additional pay, would be discussed and agreed with the Committee.

Shortly before the member of staff is due to return to work, the Committee may invite the member of staff to have a discussion (whether in person or by telephone) about the arrangements for the return. This may cover:

- updating the member of staff on any changes that have occurred during the absence;
- any training needs; and
- any changes to working arrangements (for example, if a request to work part time has been made).

### **Expected Return Date**

Once the member of staff has notified the Committee in writing of their Intended Start Date, the Committee shall send a letter within 28 days to inform the member of staff of their Expected

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Return Date. If the start date changes the Committee shall write to the member of staff within 28 days of the start of adoption leave with a revised Expected Return Date.

The Committee will expect the member of staff back at work on the Expected Return Date unless the member of staff informs the Committee otherwise. It will help the Committee if, during the adoption leave, the member of staff is able to confirm that he/she will be returning to work as expected.

### **Returning early**

If the member of staff wishes to return to work earlier than the Expected Return Date, they must give the Committee at least eight weeks' notice. It is helpful if this notice is given in writing.

If the member of staff does not give enough notice, the Committee may postpone the return date until four weeks (or eight weeks as appropriate) after the notice is given, or to the Expected Return Date if sooner.

### **Returning late**

If the member of staff wishes to return later than the Expected Return Date, the member of staff should either:

- request unpaid parental leave, giving the Committee as much notice as possible but not less than 21 days; or
- request paid annual leave in accordance with their contract, which will be at the discretion of the Committee.

If the member of staff is unable to return to work due to sickness or injury, this will be treated as sickness absence and the usual sickness policy will apply. In any other case, late return will be treated as unauthorised absence.

### **Deciding not to return**

If the member of staff does not intend to return to work, or are unsure, it is helpful if this is discussed with the Committee as early as possible. If the member of staff decides not to return resignation notice should be given in accordance with the contract. The amount of adoption leave left to run when notice is given must be at least equal to the contractual notice period, otherwise the Committee may require the member of staff to return to work for the remainder of the notice period. Once notice has been given that the member of staff will not be returning to work, they cannot change their mind without the Committee's agreement. This does not affect their right to receive SAP.

### **The employee's rights when they return**

The member of staff is normally entitled to return to work in the same position as they held before commencing leave. The terms of employment shall be the same as they would have been had they not been absent. However, if any period of AAL has been taken for more than four weeks' parental leave, and it is not reasonably practicable for the Committee to allow the member of staff to return into the same position, the Committee may give the member of staff another suitable and appropriate job on terms and conditions that are not less favourable.

### **Returning to work part-time**

The Committee will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part time, but members of staff do have a statutory right to request



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flexible working and the Committee will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

#### **FLEXIBLE WORKING**

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

Employees with at least 26 weeks' continuous service who have caring responsibilities for certain children and adults have a statutory right to request flexible working. That right is recognised by the formal right to request procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in this policy.

Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in this policy to the Committee, who will consider the request according to the business and operational requirements.

Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.

Any employees interested in flexible working are advised to request an informal meeting with the Committee manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request.

#### **Responsibility for implementing the policy**

The Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Leader.

The Leader has a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote the aims and objectives with regard to flexible working

All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives.

#### **Forms of flexible working**

Flexible working can incorporate a number of changes to working arrangements:

- reduction or variation of working hours;
- reduction of the number of days worked each week;
- working from a different location;
- starting a job share;
- working a set number of hours a year rather than a week (annualised hours);
- working from home (whether for all or part of the week);
- working only during term-time (part-year working);
- working compressed hours; and/or
- working flexi-time.

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### **Eligibility for the formal right to request procedure**

Requests under the formal procedure can only be made by employees who meet the criteria set out below.

To be eligible to make a request under the formal procedure, the person must:

- be an employee
- have worked for the cylch continuously for 26 weeks at the date the request is made;
- have caring responsibilities; and
- not have made a formal request to work flexibly during the last 12 months (each 12-month period runs from the date when the most recent application was made).

Employees who want to work flexibly to care for a child must:

- be making the request in respect of a child who is under 17 or, if the child is disabled, under 18
- be responsible for bringing up the child and be making the request to enable them to care for the child; and be either:
- the mother, father, adopter, guardian or foster parent of the child; or
- married to, or the partner of, the child's mother, father, adopter, guardian or foster parent. In this context "partner" means a person who is not a relative but, whether of different sex or

the same sex, who lives with the child and the mother, father, adopter, guardian or foster parent in an enduring family relationship.

Employees who want to work flexibly to care for an adult who is in need of care must be (or expect to be)

- the person who cares for that adult, and be
- married to, or the partner or civil partner of, the adult
- a relative of the adult
- neither of the above, but living at the same address as the adult.

### **Making a formal flexible working request**

The member of staff will need to submit a written application if the flexible working request is to be considered under the formal procedure.

The written and dated application should be submitted to the Committee and, in order to meet the requirements of the formal procedure and to help the Committee consider the request, it should:

- state the reason for the request, whether to care for a child or adult
- give details of the demands of the caring responsibilities
- provide as much information as possible about the current and desired working pattern, including working days, hours and start and finish times, and give the date from which the member of staff would like the desired working pattern to start
- address the effect the changes to the working pattern will have on the work completed, that of colleagues and on service delivery. If the member of staff has any suggestions about dealing with any potentially negative effects, these should be included in the written application
- information should be provided to confirm that the member of staff meets the eligibility criteria set out in this policy
- state whether a previous formal request for flexible working has been submitted and, if so, when

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- ideally be submitted at least two months before the member of staff wishes the changes requested to take effect.

The Committee might be able to agree to the proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Committee will write to the member of staff, confirming the decision and explaining the permanent changes that will be made to the contract of employment.

If the proposal cannot be accommodated, discussion between the Committee and the member of staff may result in an alternative working pattern that can be of assistance.

### **Formal procedure: meeting**

Where necessary, the Committee will arrange to meet with the member of staff within 28 days of the application being submitted. The member of staff may bring a colleague (who may be a trade union representative) to the meeting as a companion if they wish. The companion will be entitled to speak during the meeting and confer privately with the member of staff, but may not answer questions on their behalf.

In most cases, the meeting will be held at the usual place of work. However, the Committee will ensure that the meeting is held at a time and place that is convenient to the member of staff.

The meeting will be used to consider the working arrangements the member of staff has requested. The member of staff will be able to explain how the arrangements will accommodate the caring responsibilities. The Committee will also discuss what impact the proposed working arrangements will have on the work and that of colleagues. If the arrangements the member of staff has requested cannot be accommodated, discussion at the meeting will also provide an opportunity to explore possible alternative working arrangements.

The Committee may suggest starting new working arrangements under an initial trial period to ensure that they meet the needs of the member of staff and those of their colleagues.

### **Formal procedure: decision**

Following the meeting, the Committee will notify the member of staff of the decision in writing within 14 days.

If the request is accepted, or where the Committee proposes an alternative to the arrangements requested, the Committee will write to the member of staff with details of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The member of staff will be asked to sign and return a copy of the letter. This will be placed on the personnel file to confirm the variation to the terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that will be also discussed.

The member of staff should be aware that changes to the terms of employment will be permanent and that another formal request cannot be made until 12 months after the date of the original application.

If the Committee needs more time to make a decision, they will ask for the member of staff's agreement to delay the decision for up to a further 14 days.



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There will be circumstances where, due to business and operational requirements, the Committee are unable to agree to a request. In these circumstances, the Committee will confirm this in writing:

- giving the business reason(s) for turning down the application;
- explaining why the business reasons apply; and
- setting out the appeal procedure.

The eight business reasons for which the Committee may reject the request are:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods that the member of staff proposes to work; and
- planned changes.

#### **Formal procedure: appeal**

If the request is rejected, the member of staff has the right to appeal.

The appeal must:

- be in writing and dated
- set out the grounds on which the appeal is based
- be sent to the Committee within 14 days of the date on which the member of staff received the written rejection of the request.

The Committee will arrange for a meeting to take place within 14 days of receipt of the appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered the request, the member of staff may be accompanied by a colleague.

The member of staff will be informed in writing of the decision within 14 days of the date of the appeal meeting.

If the appeal is upheld, the member of staff will be advised of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The member of staff will be asked to sign and return a copy of the letter. This will be placed on the personnel file to confirm the variation to the terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that the Committee will also discuss.

The member of staff should be aware that changes to the terms of employment will be permanent and they will not be able to make another formal request until 12 months after the date of the original application.

If the appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply. The member of staff will not be able to make another formal request until 12 months after the date of the original application.

#### **Breaches of the formal procedure**

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There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with the member of staff, the Committee will write to confirm the extension and the date on which it will end.

If the member of staff withdraws a formal request for flexible working, they will not be eligible to make another formal request for 12 months from the date of the original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

- a member of staff fails to attend two meetings under the formal procedure without reasonable cause; or
- the member of staff unreasonably refuses to provide information required to consider the request.

In such circumstances, the Committee will write to confirming that the request has been treated as withdrawn.

### **Making an informal flexible working request**

Employees who wish to make an informal request for flexible working may make a request to the Committee, who will consider it according to the business and operational requirements.

It will help the Committee to consider the request if:

- the request is made in writing and confirm whether the member of staff wishes the change to the current working pattern to be temporary or permanent
- the member of staff provide as much information as possible about the current and desired working pattern, including working days, hours and start and finish times, and give the date from which they want the desired working pattern to start
- the member of staff thinks about what effect the changes to the working pattern will have on the work that they do and on colleagues, as well as on the service delivery and that of colleagues. If the member of staff has any suggestions about dealing with any potentially negative effects, these should also be included in the written application. The Committee can then consider whether they are workable
- if the member of staff gives details of the demands of the caring responsibilities, if there are any. The Committee will advise of what steps will be taken to consider the request, which may include inviting the member of staff to attend a meeting, before advising of the outcome of the request.

### **HOLIDAY RIGHTS**

The Committee will:

- ensure that workers who work throughout the year receive holiday pay of 5.6 weeks a year including bank holidays. However, this will vary for staff working less, e.g. working school years. School term workers (39 weeks a year) have a right to 4.7 weeks including bank holidays;
- ensure that members of staff who leave receive the correct holiday pay, up to the last day of employment;
- count holidays pro rata for part-time workers, either in terms of the number of days worked every week, or the number of weeks worked a year;
- note clearly in the Work Contract what the holiday pay procedure is and if the same sum is not paid regularly over 12 months, to note when exactly the Holiday Pay will be paid.