**Kinship Friendly Employer Scheme: template kinship care leave letters for employers**

***Purpose: These template letters provide a foundation for Gold and Silver standard employers to use to respond to employees who request kinship care leave.***

***There are a series of letters for employer’s use covering a different scenarios that may happen during an employee’s kinship care absence period.***

***The grey sections allow individual employers to tailor these to their own policies/practices and employers could also choose to add additional information into these letters, for example, details of an Employee Assistance Plan which can still be accessed during a period of paid leave.***

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| **Reference** | **Title** |
| 01 | Confirming Leave and Pay Arrangements (*Reflecting 2023/4 Statutory Adoption Pay*) |
| 02 | Returning to work before the expiry of their full kinship care leave period |
| 03 | Responding to requests for keeping-in-touch during kinship care leave |
| 04 | Requesting employee to ‘work’ keeping in touch day |
| 05 | Informal enquiries about employee’s intentions on returning to work after kinship care leave |
| 06 | Employee not returning to work following kinship care leave |
| 07 | Employee who fails to return to work following kinship care leave |

**01 – Confirming Leave and Pay Arrangements**

Dear <<Employee's Name>>

**Re: Kinship Care Leave and Pay**

Thank you for advising us of your request to take Kinship Care Leave.

We confirm that your leave will commence on <<Date>>. If you wish at a later date to change the commencement date of your leave, you must notify [Name – Job Title or Department] no later than [employers timeframe, other statutory period is 28] x days before your intended revised start date or [period set out above] x days before [original proposed start date], whichever is sooner, or if that is not reasonably practicable, as soon as it is reasonably practicable for you to do so.

**Leave**

In line with [Company Name] policy, you are entitled to 52 weeks leave. You are not required to take the whole 52 weeks leave.

**Pay Arrangements**

During your kinship care leave period, you are entitled to receive 39 weeks’ pay, which is based on Statutory Adoption Pay rates.

[For equivalent to statutory adoption leave] You will receive 90% pay for the first six weeks and then £172.48 per week for the following 33 weeks. This will be paid to you in line with your contract of employment.

OR

[For equivalent to enhanced adoption leave] You are eligible for enhanced kinship care pay. Therefore, you will receive £X pay for X and then £X per week for the following XX weeks. This will be paid to you in line with your contract of employment.

**Returning from Leave**

Given the date you have chosen to start your leave, your kinship care leave will end on [date] and you will have to return to work on the first working day after this date. If you decide to return to work before the end of this period, you must give [employers time frame (other statutory period is eight weeks] notice of the date on which you wish to return. If you do not give this notice, or give insufficient notice, we will have the right to postpone your return date for a number of days equivalent to the unexpired portion of the [period set out above] notice period, or until the end of your kinship care leave period if that occurs earlier.

[As you have chosen to take more than 26 weeks leave, you are entitled to return to your current role of [insert current job title] at the end of your leave. However, if it is not reasonably practicable for you to return to your current role, we may offer you a suitable and appropriate alternative position with terms and conditions of employment that are equivalent or superior to those under which you are presently employed**.**]

**Contractual Arrangements**

*Annual Leave*

You will continue to accrue annual leave whilst on kinship care leave.

It has been agreed that you will take x days/hours of your current years’ entitlement before your leave starts. Any accrued and untaken leave will roll forward into the next leave year allocation.

*Pension*

If you have enrolled into [Company Name] pension scheme, we will continue to make contributions based on your monthly pay. Contributions will cease during periods of unpaid leave.

*Rewards*

You may continue to access rewards provided by [provider name] under Company Name’s benefit package

OR

You and your family may continue to access rewards provided by [provider name] under Company Name’s benefit package

OR

Company to set out which benefits will not continue during kinship care leave e.g. car allowance.

**Keeping In Touch**

You are eligible to work for us for up to 10 days (known as "keeping-in-touch" days) during your leave without bringing your kinship care leave to an end. For these purposes, "work" can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

During your period of leave, we may contact you about the possibility of working keeping-in-touch days. You may also write to us to request to work keeping-in-touch days. However, you are under no obligation to agree to attend work and we are under no obligation to offer you keeping-in-touch days.

In any event, we reserve the right to maintain reasonable contact with you from time to time during your kinship care leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

Please refer to our [POLICY/FRAMEWORK NAME] for further information.

Finally, we would like to remind you that, if you decide that you do not wish to return to work at the end of your kinship care leave, you must still give us proper notice of termination of your employment in accordance with your contract of employment.

# If you have any questions about any aspect of your kinship care leave or pay entitlement, please do not hesitate to speak to [name].

# Yours sincerely

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# Name

# **Job Title**

# For and on behalf of <<Company Name>>

**02 - Returning to work before the expiry of their full kinship care leave period**

Dear <<Employee's Name>>

**Request to return to work early from kinship care leave**

Thank you for informing us that you wish to return to work early from your kinship care leave.

I confirm that your kinship care leave will now end on [date]. This means that you are due to return to work on [date], which is the next working day after the revised end date for your kinship care leave.

**Terms and conditions of employment**

You will be returning to the same role on the same terms and conditions of employment as if you had not been absent. This includes returning to your normal rate of pay on your return to work.

OR

As you are aware, there have been some changes to your role while you have been on kinship care leave meaning that it is not reasonably practicable for you to return to your former role. You have been consulted about these changes and you have agreed that these will take effect on your return from kinship care leave. As already discussed, you will be on no less favourable terms and conditions of employment than those that applied to the role that you carried out prior to your kinship care leave, meaning that you will return to your normal rate of pay on your return to work.

**Practicalities of your return to work**

On your first day back at work, please aim to arrive at your normal start time of [time] and report to [me/name of individual/the HR department] so that we can take care of any administrative matters and ensure that you settle in smoothly.

OR

As you will be working remotely, on your first day back at work, [I/name of individual/the HR department] will call you at your normal start time of [time] so that we can take care of any administrative matters and ensure that you settle in smoothly.]

[Provide any additional information here about what will be happening in the employee's first week back, including:

* return to work induction
* where the employee will be located, for example if their workstation has moved;
* if the employee is working remotely, arrangements that may apply;
* reference to any return-to-work plan that has been agreed with the employee;
* instructions on collecting equipment, such as a laptop; and
* any meetings in the employee's first week back, for example any catch-up meetings with their line manager or colleagues.]

**Queries or concerns**

We hope you enjoy the remainder of your kinship care leave and look forward to welcoming you back on [date].

In the meantime, please do not hesitate to contact [me/name of individual/the HR department] if you have any queries or concerns.

# Yours sincerely

# Name

# **Job Title**

For and on behalf of <<Company Name>>

# **03 - Responding to requests for keeping-in-touch during kinship care leave**

Dear <<Employee's Name>>

**Your keeping-in-touch (KIT) days request**

We are happy to hear that your kinship care leave has been supporting you and your family during this new chapter in your lives.

You have requested to work on [date(s)] for the purpose of [details of what the employee wishes to do during keeping-in-touch day]. If we agree, you are eligible to work for up to 10 days during your kinship care leave without bringing your leave to an end.

For these purposes, "work" can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

In the circumstances, we are happy to agree to your request to work on [date(s)]. Please contact [name of individual] as soon as possible to make the necessary arrangements for you to work on [this date/these dates.

OR

As we are unable to accommodate your request, we now look forward to your returning to work from kinship care leave on [date]. In the meantime, we hope the remainder of your kinship car leave continues to support you and your family.

# Yours sincerely

# Name

# **Job Title**

# For and on behalf of <<Company Name>>

**04 - Requesting employee to ‘work’ keeping-in-touch day**

Dear <<Employee's Name>>

**Keeping-in-touch (KIT) days**

We are happy to hear that your kinship care leave has been supporting you and your family during this new chapter in your lives.

As you know, we are expecting you to return to work from your kinship care leave on [date]. However, you are eligible to work for us for up to 10 days during your kinship care leave without bringing your leave to an end.

For these purposes, "work" can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

We would like to invite you to work on [date(s)] for the purpose of [details of what the employee will be doing during keeping-in-touch day]. Please be aware that you are under no obligation to agree to work. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree. However, given that one of the purposes is to enable you to keep in touch with the workplace during your absence, we hope that you will agree. We would be grateful if you could let [name] know by no later than [date] whether or not you are willing to agree to work for us on [date(s)].

We look forward to hearing from you.

# Yours sincerely

# Name

# **Job Title**

For and on behalf of <<Company Name>>

**05 - Informal enquiries about employee’s intentions on returning to work after kinship care leave**

Dear <<Employee's Name>>

**Confirmation of your intentions about returning to work**

I hope you and the family are well.

We understand that the needs of your family may have changed and we would like to support you with your return to work. If you would like to discuss this, please do not hesitate to contact me.

If you do intend to return to work, it would be helpful if you could confirm the date that you intend to return and let us know whether there are any special arrangements that you would like us to make on your return.

However, if you do not intend to return to work, or are unsure, it may be helpful if you discuss this with us as early as possible.

If you decide not to return you should give notice of resignation in the usual way in accordance with your contract of employment.

As a matter of procedure, we must advise that once you have given notice that you will not be returning to work, you cannot change your mind without our written agreement.

I would be grateful if you would let me know your decision as soon as possible. Please do not hesitate to contact [me/name of individual/the HR department] if you have any queries or concerns.

# Yours sincerely

# Name

# **Job Title**

For and on behalf of <<Company Name>>

**06 – Employee not returning to work following kinship care leave**

Dear <<Employee's Name>>

**Your intention not to return to work after kinship care leave**

Thank you for informing us that you do not intend to return to work at the end of your kinship care leave. We understand that the needs of your family look different and we would like to support you as much as possible during this change.

As you know, you were entitled to take [number] weeks' kinship care leave. As you commenced leave on [date], your expected date of return to work is [date], which is the next working day after the end of your kinship care leave.

**Notice required**

As you have decided that you do not wish to return to work, you are required to give us [number] [weeks'/months'] notice of termination of your employment, in accordance with your contract of employment. We require you to confirm your resignation in writing.

This means that, if you wish the termination of your employment to coincide with the date on which you would have been returning to work (so that you would continue to receive pay for as long as you are entitled to it, you must give us notice of your resignation by [date].

You may, of course, give us notice of your resignation earlier than this date (for example, if you have a new job to go to), meaning that your employment would terminate, and your contractual pay would come to an end, [number] [weeks/months] from the date of your notice.

OR

This means that, as it is less than [number] [weeks/months] until you are due to return to work, your notice period will now expire after your kinship care leave has ended.

[We may require you to return to work during your notice period. If you do not wish to do so, you will not be paid for any part of your notice period that you are not willing to work. **or** Provided that you give us your notice of resignation by [date], we will pay you in lieu of working the period from the end of your kinship care leave until the date your notice is served.]

**Queries or concerns**

If you have any queries or concerns, please do not hesitate to contact [me/name of individual/HR].

# Yours sincerely

# Name

# **Job Title**

For and on behalf of <<Company Name>>

**07 - Employee who fails to return to work following kinship care leave**

Dear <<Employee's Name>>

Following your period of kinship care leave which began on [date], we were expecting you to return to work on [date that the employee should have returned]. The total period of kinship care leave to which you were entitled was 52 weeks and this period came to an end on [day before the date that the employee should have returned].

We appreciate that your priorities may have changed and would like to be as supportive as possible. In order to do this, we would like to establish the reason for your non-attendance at work from this date. Please contact [name] on [telephone number **or** by email] as soon as possible to discuss your return to work and so that we can resolve any possible misunderstanding in relation to your return date.

If you are sick and therefore unfit to return to work, please advise us as soon as possible. In this case, our normal sickness absence notification procedures [as set out in our sickness absence policy] apply.

If you have decided that you do not wish to return to work, you are still required to give us [number] [weeks'/months'] notice of termination of employment in accordance with your contract of employment and we would ask you to confirm your resignation in writing.

We would also advise you that if you do not wish to return to work, as your notice period would now expire after your kinship care leave has ended, we may require you to return to work during your notice period. If you do not wish to do so, you will not be paid for any part of your notice period that you are not willing to work.

We look forward to hearing from you as soon as possible.

# Yours sincerely

# Name

# **Job Title**

For and on behalf of <<Company Name>>