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## **MONEY BOX LIVE**

**Presenter: PAUL LEWIS**

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**LEWIS:** Hello. Having a baby can be one of the most expensive things you ever do in life - and one of the nicest, of course. But today Money Box Live looks at your rights to a bit of help through benefits and tax credits and through your rights at work. There are changes in April: fathers, partners and civil partners can get more leave and possibly more pay if the baby or adoption is due on 3<sup>rd</sup> April or later. And from April 6<sup>th</sup> all parents will have the right to ask for flexible working if they have a child under 18 rather than the current limit of 17. But there are big reductions in some benefits beginning in April, including tax credits. People on higher incomes will get less. There'll be less for childcare and no extra payment anymore for babies under 1 year old. Child benefit itself will be frozen, won't increase with inflation. There are also cuts in housing benefit, which will affect some tenants of private landlords. Press reports over the weekend suggested that firms employing 10 or fewer people could be given some exemption from the rules about maternity and paternity leave. The government won't comment on that speculation. But our experts here will answer your questions about benefits and rights for those with babies or children. You can call Money Box Live now: 03700 100 444. With me today, Andrew Cowler is a Helpline Manager with the arbitration service ACAS; Will Hadwen is a Rights Adviser with the charity Working Families; and Lucy McLynn is a partner with lawyers Bates Wells and Braithwaite. Our first question is from Katie in London.

**KATIE:** Hi there. Katie. Hello.

**LEWIS:** Katie. Hello, your question?

**KATIE:** Yes, I've just recently started a new job in February and my civil partner, Becky, is due to give birth on April 1<sup>st</sup>. And I just wanted to know what benefits we're entitled to.

**LEWIS:** Right, so you started work in February and your partner's baby is due on April 1<sup>st</sup>. Okay, well let's start with Will Hadwen.

**HADWEN:** Okay, well the bad news is that in terms of paternity pay for you, you started your job too recently because the general rule is that you would need to have started before the pregnancy began. You could talk to your employer, particularly if you told them about the birth before you started. It may be that they will be generous enough to give you some paid time off, but they don't have to.

**LEWIS:** And Lucy McLynn?

**McLYNN:** And the other problem is that the expected date of birth of your baby is 1<sup>st</sup> April. So that's falling before the 3<sup>rd</sup> April, which will mean that you're not under the new rules that would allow dads or partners to share part of the time off at work with the mother as well.

**LEWIS:** Just explain to us how those work, Lucy, because they're quite complicated. I was certainly tying myself up in knots earlier today trying to understand.

**McLYNN:** Well the way it's sort of been presented in the media is that where a mother is entitled to take up to a year off as time off, of which 9 months are paid in one form or another, that right to the time off and to the pay would be shared with the dad. And I'm using that in a non-gender specific sense because that could also be a female partner of the mother. But it's not quite as simple as that because it's not a simple question. If the mother goes back after 6 months, the dad can then take 6 months and there's an overall cap of a year because the rules are a bit more

complicated. The dad can take anywhere between 2 to 26 weeks paternity leave. And as long as he's taken it all before the child reaches the age of 1, between the two parents actually they could have taken longer than a year off between them. But the amount of money that they will get will remain at 39 weeks between them.

**LEWIS:** So it is fairly complicated and I must say that there have been complaints about it from the Federation of Small Businesses I think today about the burden on small employers - trying to understand it first and then trying to do it second. And Andrew Cowler from ACAS, just talk to us a bit about ... It's all very well to say you can ask your employer. Can you actually get some sort of arbitration if the employer says no to some requests like having extra leave because your partner is having a baby?

**COWLER:** If you qualify for the additional paternity leave and your employer disagrees and there's a dispute, then yes there is something available. You'd be expected to try and resolve it in the workplace first, but if that isn't possible then ACAS offers something called pre-claim conciliation where we'd act in between trying to find an agreement between both sides.

**LEWIS:** And could Katie apply for some kind of parental leave because she will be counted as a parent... she will be a parent when the baby's born?

**COWLER:** Once she's got a year's service, then she would be able to apply for parental leave, yeah.

**LEWIS:** So, Katie, I think you're a bit scuppered both by the date of birth and by the date you started your job, but has that been helpful?

**KATIE:** It has been very helpful. Thank you very much.

**LEWIS:** We have had an email from another person in a similar position, Nicola, who we're hoping to get on the phone, but I'm not sure if we're going to manage it

now. So the general rules, just to be absolutely clear, Andrew, the general rules for civil partners are exactly the same as a man and a woman who are married or indeed not married?

**COWLER:** Absolutely. It applies to a spouse, father, partner or civil partner. The rule that they're looking at really is that there's somebody who's in an enduring family relationship with the mother who isn't an immediate family member.

**LEWIS:** Right, okay. Anyway, thanks very much for your call, Katie. And if we can get Nicola on later, I'm sure we will. Let's move onto Bill now from Bristol. Bill, your question?

**BILL:** Okay. This is a maternity allowance question on behalf of my daughter-in-law who is due on November 2<sup>nd</sup> in 2011. For the 66 week test period, she's been registered with the Inland Revenue as self-employed but exempt from paying class 2 contributions. At the same time during that 66 week period, she took paid employment for 20 weeks and paid class 1 national insurance contributions. She wants obviously to maximise her maternity allowance. Does she need to pay more class 2 contributions or will her class 1 contributions from her employment cover it?

**LEWIS:** Okay, Bill. I think if nothing else, that question shows how ridiculously complicated all this is. And I think the only person in the room who hasn't been flawed by that is Will who's going to tell us the rules.

**HADWEN:** Hello Bill.

**BILL:** Hello.

**HADWEN:** On an initial assessment, I think it's okay because, as you may know, there are two rules to get maternity allowance. First of all, you need to have worked for 26 weeks in the calculation period, which is 66 weeks before the baby is due. So presumably if you count her self-employment and her paid employment, she has

worked for more than 26 weeks?

**BILL:** Yes, I don't think there's any problem about her being eligible, but we're trying to maximise the ...

**HADWEN:** (*over*) Right, yes, of course. Now the second condition is that you must have earnings of at least £30 in 13 of those weeks, and clearly she does. In fact you said she was in paid employment for 20 weeks.

**BILL:** Yes, but that doesn't give you the full maternity allowance, does it?

**HADWEN:** I think it will actually. I think that's okay.

**BILL:** Are you sure about that?

**HADWEN:** I can double check for you because the earnings condition only has to be met in 13 weeks. So I think she uses the weeks in which she was employed and then she will, as you put it, maximise her maternity allowance. (*looks for information*)

**LEWIS:** There's a lot of rustling of paper going on here.

**HADWEN:** Yes.

**BILL:** Going through the regulations, we found that very obscure.

**HADWEN:** Well I can tell you, Bill, that average weekly earnings are calculated over at least 13 weeks in the 66 week test period.

**LEWIS:** Okay.

**BILL:** We thought that she would have to earn at least ... 90% of her earnings needed to be greater than £128 a week for her to get the maximum allowance.

**HADWEN:** Only in the 13 weeks. For the 13 weeks, that would be true.

**BILL:** In the 13 weeks, 90% of her salary has to exceed £128 a week. Is that right?

**HADWEN:** Well not quite. To get the maximum, in 13 weeks she has to have earnings such that 90% of it would be £124.88 or whatever it's going up to in April. If you're not sure, I recommend that you contact our helpline and have a chat about it.

**LEWIS:** And this is the Working Families helpline.

**HADWEN:** The Working Families helpline.

**LEWIS:** And I imagine there'll be a link to that on our website. If not, I'm sure you can find it.

**BILL:** Well thank you very much.

**LEWIS:** Well thank you, Bill. It just, as I said, illustrates how complicated these rules are. Just let me read an email on a similar topic. And this is from Anne who says ... This is maternity rights for self-employed women. 'What maternity allowance is there after the baby is born and what financial help is there for self-employed women who can't work during pregnancy?' Well again, I think.

**HADWEN:** Well the thing about being self-employed is it may not necessarily matter that you haven't worked as long as you have paid your national insurance contributions and kept your business going so that you can show that you meet the two conditions for maternity allowance: one, you've worked for at least 26 weeks; and, secondly, that you have high enough earnings. And in terms of someone who's self-employed, that is either you've paid class 2 or you've had a certificate of low earnings exception, although in the latter case you'll get a very small amount of maternity allowance.

**LEWIS:** But again it shows how complicated these things are and Working Families helpline can help. And in theory, it would be, what, your local Job Centre Plus who would help you?

**HADWEN:** Yes in theory, and you could certainly go to them. But I would say that in that instance probably the best thing is to make a claim (because you don't want to lose out) and then try and get advice.

**LEWIS:** Make a claim. And then if it's turned down, get advice.

**HADWEN:** Exactly.

**LEWIS:** Yes, okay. Okay, well thanks for your email Anne. And we're now going to Crayford where Geraldine has a question. Geraldine, your question?

**GERALDINE:** Oh hello. This is a question for my daughter actually. She's worked for over 11 years for the council London Borough of Tower Hamlets and they're closing the nursery, so they have made her redundant. She finishes at the end of this month, March. And she's pregnant. Her baby's due 1<sup>st</sup> September and she wants to know if she's entitled to maternity allowance from the government.

**LEWIS:** Right, so this is another maternity allowance question. This seems to be the issue of the day really, Will.

**HADWEN:** Well luckily I have a handy chart with me, Geraldine, so that I can look back and see when the 66 week test period started. So you said the baby was due 1<sup>st</sup> September?

**GERALDINE:** Yes.

**LEWIS:** Just explain to the rest of us, Will, what the 66 week test period is. What is this period?

**HADWEN:** Well it's quite different to maternity pay, so it does confuse people a lot.

**LEWIS:** And this is maternity allowance ...

**HADWEN:** This is maternity allowance.

**LEWIS:** ... which is a benefit from the government if you can't get maternity pay.

**HADWEN:** So if you don't qualify for maternity pay, then you may be entitled to maternity allowance. And the conditions for that are completely different and they look at a test period which is 66 weeks before the baby's due. So with a due date of 1<sup>st</sup> September, that would mean the 66 week test period started on 30<sup>th</sup> May 2010. She's going to finish work at the end of March 2011. So without needing to look at a calendar, I can see she's got her 26 weeks.

**GERALDINE:** Right.

**HADWEN:** Does that answer your question?

**GERALDINE:** So she'll be entitled?

**HADWEN:** She should be entitled.

**LEWIS:** She should be entitled, yes.

**GERALDINE:** Okay, that's lovely.

**LEWIS:** Geraldine, thank you for your call. I'm glad we could sort that one out. And I'm going to read an email now and I'm just flinging this at the panel. I do hope that I'm doing the right thing. This is from Christienne who says 'I've been in the UK for 6 years. I'm on a spousal visa, which is stamped 'no public funds'. Does this include statutory maternity allowance?' She's self-employed, she pays her contributions.



‘And what about child benefit? Can my partner apply for the child benefit? He is British.’

**HADWEN:** Okay.

**LEWIS:** Will, it’s you again. (*laughter*)

**HADWEN:** Sorry to dominate.

**LEWIS:** Sorry to Lucy and Andrew, but it’s you again.

**HADWEN:** Maternity pay is not a public fund. It’s a statutory payment.

**LEWIS:** She’s self-employed. This is maternity allowance.

**HADWEN:** Maternity allowance is not a public fund either.

**LEWIS:** Right.

**HADWEN:** The idea being that it’s not exactly a contributory benefit. It was once upon a time and so you have worked and you have paid contributions for it.

**LEWIS:** So she could be entitled to that. And of course she or indeed her partner could be entitled to the child benefit.

**HADWEN:** She wouldn’t be able to claim child benefit for child benefit is a public fund, as are tax credits. But her partner can claim the child benefit; and her partner could also, depending on income, claim the tax credits, which works in a way that ignores the fact that the other partner has no recourse to public funds, but it just means they don’t get the couple element.

**LEWIS:** Right, okay. Well good news for Christienne. Thanks very much for your

email. I hope you were able to listen to that. If you've heard things that are complicated or you haven't quite been paying attention, then you can listen again on our website: [bbc.co.uk/moneybox](http://bbc.co.uk/moneybox). That will be available shortly after we go off air. And there'll be a transcript in a couple of days where you can read all those things that you didn't quite take down. Now we're going to John who's calling on his mobile. John, your question?

**JOHN:** Yeah, I'm calling about paternal leave. And I feel like there's some confusion about paternity leave, like when a kid is born; and then paternal leave, which is, the way I understand it, within the first 5 years of a child's life you have the right to 13 weeks off in 1 week periods.

**LEWIS:** John, I think you mean parental leave actually.

**JOHN:** Parental. Okay, sorry. Yeah, that would make more sense. This is all encompassing, isn't it?

**LEWIS:** Let's go to Lucy McLynn.

**McLYNN:** Yes, as we've clarified there are two completely separate rights. There's paternity leave, which is a right to take 1 or 2 weeks leave, and that applies to the dad or to the partner of the mother. And then separately there's a right that applies to either parent, which is to take up to 13 weeks off, as you say up until a child's 5<sup>th</sup> birthday. Or longer - both a longer period and longer time to take it - if the child is disabled.

**JOHN:** Okay. I guess in my situation, I wanted to ask. My employers seem to have a (*mobile starts breaking up*) ... and I couldn't find the written ... in the handbook ... and applied for it and I was able ... last week for last year. When I went back again, they've brought in a policy that says that it observes the right if you apply for the old leave for ...6 months. I find it really difficult.

**LEWIS:** John, your phone is breaking up every sort of fourth or fifth word, but I think we got the gist of that. Andrew, just explain what the rules are. His employer I think wants to postpone the leave. He's applied for parental leave and the employer says he has a right to say well no, not just yet.

**COWLER:** Yes, in the regulations that give us parental leave, it does give the employer the ability to postpone the leave up to 6 months if taking the leave at the time when the parent wants it would cause damage to the business. So it needs to be reasonable.

**LEWIS:** And the test of reasonable is always an odd one, Lucy, isn't it?

**McLYNN:** Yes, there is quite a range of different reasonable responses. But if in fact the parental leave was being taken at the time that the child was being born, then the right to defer it wouldn't apply. That's obviously not the case we're talking about here with John.

**LEWIS:** And what can John do? I mean he's got a problem. He wants one thing. His boss is saying no, you haven't got a right to it. Can he go to ACAS or are there steps before that, Andrew?

**COWLER:** Yes, they can try and work something out themselves. If he believes that the employer's response isn't reasonable, then he could look to take things further - firstly by putting a complaint in writing to the employer; and then if that doesn't work, think about conciliation or possibly going to an employment tribunal.

**LEWIS:** And of course people are always worried about doing that because they think their job's a bit fragile, especially nowadays with so many people out of work and so many people being made redundant.

**COWLER:** Yes, well this is one of those things where you're asserting a statutory right. So if you got treated less favourably or dismissed because of it, then it may be

seen as automatically unfair dismissal.

**LEWIS:** Yes. Lucy?

**McLYNN:** I was also just thinking that I mean an interesting question for John might be how mothers who are seeking to exercise the right to parental leave have been treated. I mean for instance if you had a mother who'd been on maternity leave and at the end of her maternity leave was saying now I'd like to take parental leave and that had always been granted by the employer, there could potentially be a sex discrimination issue there about mothers having greater access to taking parental leave when they want to than John as a father, as a man within that employer.

**LEWIS:** That would have to be what that employer had done with other employees if indeed there are men and women in there.

**McLYNN:** Exactly, but it's an interesting angle I think for a father potentially.

**LEWIS:** Yes. Lawyers will always find an angle, Lucy. Well done, thank you very much. *(laughter)* We'll move onto ... Thank you very much for your call, John. I'm sorry we couldn't hear that clearly from you, but thank you for calling and I hope you sort that out. Sarah is calling us now from Birmingham. Your question, Sarah?

**SARAH:** Hiya. I'm currently 34 weeks pregnant and I'm due at the end of April. I'm due to go on maternity leave on 28<sup>th</sup> March. I've worked for my employer for 2 years, but I've got a fixed term contract that actually finishes on 31<sup>st</sup> March and it isn't being extended, so I am being made redundant like kind of three days after. And I suppose where I stand is am I still entitled to my maternity pay and my redundancy pay?

**LEWIS:** Right. That's one I think again for Lucy.

**McLYNN:** Yes, hello Sarah.

**SARAH:** Hiya.

**McLYNN:** Yes, you certainly would be entitled to your statutory maternity pay because you've already passed the date when your entitlement to that crystallises, which is 15 weeks before your expected week of childbirth. So that's safe. No need to worry about that. In terms of redundancy, was your fixed term contract for a full 2 year period?

**SARAH:** I had a year and then it was extended for another year, so it's been like 2 years and 1 month in total that it's been.

**McLYNN:** That's fine. Then you'll be eligible for statutory redundancy as well.

**SARAH:** My employer at the minute is telling us that I'm not entitled to any redundancy whatsoever. And I have spoken to them and said that I thought my understanding was that after 2 years I was still entitled to it, and they said no.

**McLYNN:** Have they said why they've said no?

**SARAH:** No, they haven't said anything. They've just said it's a fixed term contract, you're not getting redundancy basically.

**LEWIS:** And is it different, Lucy, because it was a 1 year contract but then it was extended by another year and a bit, so that turned it into a 2 year contract in effect? Is that what's happened here?

**McLYNN:** As long as there was no gap between contracts.

**SARAH:** There was no gap whatsoever.

**McLYNN:** Then Sarah's been continuously employed for 2 years. I think the problem sometimes is there's a bit of misunderstanding by some employers still because it

used to be the case that fixed term contracts were exempt from redundancy payment and you weren't treated in the same way when you were a fixed term employee. But that changed some years ago now, so it's a little surprising still to encounter that kind of attitude. But it strikes me it's probably just a point of ignorance.

**LEWIS:** But again, Andrew, Sarah says one thing. Our expert lawyer agrees. What can she do to try and enforce this right against an employer who's just saying no?

**COWLER:** Well again if she feels she's being treated unfairly, then she can talk to them about that, put a complaint in writing and then consider taking it further. But there's something I would like to ask you, Sarah, and that's what will happen to your role when your contract ends?

**SARAH:** Basically, as far as I know at the minute, it's kind of gone.

**COWLER:** Right.

**SARAH:** They are fundraising to kind of continue it, but I don't know. Obviously I don't know if there'll be any funding comes in or doesn't come in in that time.

**LEWIS:** So it's a genuine redundancy in other words?

**COWLER:** Right, yeah. So, yeah, if you've got 2 complete years of service, it's difficult to see why you wouldn't receive redundancy pay.

**SARAH:** If I do take it to an employment tribunal, which is kind of where it's heading at the minute because I mean it's gone on since January and it's just at loggerheads at the minute - they're saying that I'm definitely not entitled and I'm kind of saying I think I am - what would happen then for a reference because obviously I've had 2 years employment from them and I don't want my reference to be jeopardised when I start looking for a job kind of at the end of my maternity?

**COWLER:** Okay. If you go through conciliation, then that can be part of the agreement that comes out of it. You can agree on what kind of reference you receive as well as any kind of settlement that you agree on. If you go to tribunal, there's less scope for that.

**LEWIS:** But they can't give you a bad reference just because you've gone to a tribunal, Lucy?

**McLYNN:** Well they could do. I mean an employer could ... Well they couldn't give you an inaccurately bad reference. They couldn't say oh Sarah was a rubbish employee when the reality was that the reason they didn't want to give her a good reference was because she took them to tribunal. They could say in the reference employment ended and then she took us to an employment tribunal, which probably a prospective employer might view as a bad reference. But what I'm thinking is whether Sarah would be able to ... if her claim included an element of sex discrimination, then if she gets a bad reference as a consequence of that, she can say it's victimisation. So I think the way that I would be advising Sarah to bring her claim would be claiming her redundancy payment, claiming for her statutory maternity pay and also saying that their failure to pay her statutory maternity pay was sex discriminatory, and that will give her greater protection in terms of future dealings.

**LEWIS:** Right, so wheel out the big guns right at the start. I mean Sarah, do you find that ... I mean if it was me, I think I'd find that a bit frightening really. I don't know. Are you happy to do that?

**SARAH:** I think at the minute ... You know I'm kind of at the end of my tether as such because you know when you just feel like I've worked for them for 2 years, I've you know not really taken any time off. nothing ... You know and I've been there. And then all of a sudden the first time I've really needed them for anything, I feel like they've just totally turned their back on us and kind of ... It's been really hard and I just didn't expect kind of a battle.

**LEWIS:** No, so you're annoyed ...

**SARAH:** And at the minute, I don't know where I stand.

**LEWIS:** You're annoyed enough to do it, so I think that's probably a good state to be in.

**SARAH:** Probably, yeah.

**LEWIS:** And should she go to ACAS first or go straight to a tribunal or get legal advice?

**COWLER:** We offer something called pre-claim conciliation, so that can only take place before a claim has been lodged to the tribunal.

**LEWIS:** Right, so she could ring ACAS and get that. And then if that doesn't work, she could consider a tribunal. That might be a sort of way through. Sarah, a lot for you to and obviously not a good time for you to be doing it, but good luck with that and I hope you've find that advice useful. I'm going to move on because we've got a few calls to get in and not much time. Lauren is calling us from Worcester. Lauren, your question?

**LAUREN:** Hello there. Yes, I was wondering if I'd been treated fairly by my employers who are Worcestershire County Council. I'm a youth worker and I've been in service for 5 years or a bit more. I took maternity leave and then when I wanted to return to work, the first time I looked into this - Ruben, my little boy, was 6 months old - they weren't happy for me to breastfeed, only to express milk. So I waited a while and I looked into returning to work again once he was closer to a year old. It's a very emotive subject, whether to keep your job or breastfeed instead. *(laughs)*

**LEWIS:** Well indeed, especially when the health advice is you should breastfeed and probably you should keep your job as well.

**LAUREN:** Yes.



**LEWIS:** Lucy, what are the rights here?

**McLYNN:** Breastfeeding is quite a grey area really because there's not a great deal of law that covers it directly and there's not been very much case law around it. What is clear is that under health and safety law an employer has to provide suitable rest facilities for nursing mothers, and that's about as far as the law goes. So that wouldn't be going so far as to say an employer would have to allow you to have your child brought into the workplace and give you the space and opportunity to breastfeed. It probably goes far enough to say that they'd have to give you the opportunity to express your milk and to store it if they could do that reasonably practicably.

**LEWIS:** Lauren, you wanted to come in there?

**LAUREN:** Thank you. Yeah that was as far as I got with them really. I felt very bullied even when meeting sort of human resources and so on. My direct manager was supportive and other members of staff. I've actually been part for a few years of running a young parents' group where we regularly had creche and children and children that were breastfed, and we were encouraged by health visitors that we liaised with you know to pass on what the British Health Foundation and others say about breastfeeding - to breastfeed until 2 years old at least if you can.

**LEWIS:** Andrew, briefly, what do you think Lauren should do? What are her rights here?

**COWLER:** Well the rights in a sense have already have been covered. If she wants to actually see what the guidance is, then the HSE website is a very good place to see that.

**LEWIS:** The Health and Safety Executive.

**COWLER:** Yes, so [hse.gov.uk](http://hse.gov.uk). There's excellent pieces of information on there.

**LEWIS:** Okay. Lauren, thanks very much for your call and good luck with that. I'm sorry, it's a slightly grey area. Jane briefly in Billingham. Could you be very brief, Jane, because we're almost out of time?

**JANE:** Yes, my daughter-in-law has a responsible job in London for a big organisation and she wanted to leave to spend a little bit more time at home. They were going to move and she has another child. But they persuaded her to take a sabbatical. She's now pregnant and she's wondering whether her rights continue during this sabbatical to maternity leave, etcetera?

**LEWIS:** Let me try and get a quick answer. Lucy?

**McLYNN:** Yes, assuming that she's remained employed by the company while she's been on sabbatical, then her right to take maternity leave would be intact because that's a right that goes hand in hand with employment. Her right to maternity pay though, she probably won't get because it depends on what you're earning in the 15<sup>th</sup> week before the child is due, and if she's on an unpaid sabbatical then she won't have been earning.

**JANE:** Yes, but do you remain an employee during a sabbatical? I suppose that's my question really - because then you'd automatically continue to get your rights, wouldn't you?

**McLYNN:** Well you'd continue to get leave but not pay, but it will depend entirely on what the contractual agreement was with her employer, I'm afraid.

**LEWIS:** On the sabbatical. So if she's an employee, she's alright. If she wasn't, then she's not. But probably was. And very briefly, Sandy in Surrey. Sandy, you really will have to be very brief.

**SANDY:** Okay, hello. We fostered a little child for 2 years and now we've been approved to adopt her in December 2010. My partner had wanted to take the adoption

leave entitlement, which we understand would be up to a year, but his employer is saying no, they will only allow 2 weeks. So we just wondered you know what's correct there, please.

**LEWIS:** Okay, briefly.

**HADWEN:** Okay, Sandy, unless you have taken adoption leave, in which case you take adoption leave and your husband would take paternity leave because you can't both take adoption leave, then that doesn't sound right. Assuming your husband meets all the conditions, including length of service with his employer, then you should be entitled to the adoption leave.

**SANDY:** Right, brilliant. No, I haven't taken anything and he does actually.

**LEWIS:** Okay. Sandy, thanks for your call. I must cut you off because we're almost out of time.

**SANDY:** Okay, thank you.

**LEWIS:** And I'm just going to have time to thank Will Hadwen from Working Families; Lucy McLynn of Bates Wells and Braithwaite; and Andrew Cowler of ACAS. Thanks for all your calls. As I said, you can listen again and read a transcript in a couple of days. Next Wednesday is the Budget, but we'll be here taking calls on mortgages and first thoughts on the Budget. But on Thursday at mid-day we'll have an hour's Budget Call with me and my colleague, Vincent Duggleby. Two weeks today, which is March 30<sup>th</sup>, Money Box Live will be live in Plymouth at the Drake Circus Shopping Centre. You can be in the audience and watch us in action and also get advice all day as part of the BBC Money Advice Road Show. Meanwhile I'm back at noon on Saturday with Money Box, on my Twitter Paul Lewis Money, and here again, as I said, next Wednesday afternoon.