
Maternity, Paternity and Adoption Leave Policy

Purpose

This policy outlines the Company policy and legislation on maternity, paternity and adoption leave.

Scope

This policy applies to all employees who meet the eligibility requirements within this policy. In support of this policy, employees are also referred to the Company's Policy on Diversity and Equal Opportunities.

Maternity

When an employee receives confirmation that they are pregnant, they should request a Form MAT B1, from a registered medical practitioner, which will give details of her expected date of childbirth. As soon as this is received, it should be given to Human Resources.

An employee who is pregnant has certain rights:

1. The right to paid time off work for antenatal care
2. The right not to be dismissed solely on account of pregnancy or maternity leave
3. The right to be paid statutory maternity pay (subject to qualifying criteria set out in the Statutory Maternity Pay section below)
4. The right to Maternity Allowance in cases where the employee does not qualify for Statutory Maternity Pay (subject to qualifying criteria set out in the Maternity Allowance section below)
5. The right to work up to 10 days (Keeping In Touch Days) during the first 39 weeks of maternity leave without losing any statutory entitlements
6. The right to take maternity leave and return to work
7. The right to the continuation of all terms and conditions of employment (excluding pay) during the period of 26 weeks' ordinary maternity leave

These rights are available to all pregnant employees, regardless of whether they work full-time or part-time. For further information, please see the relevant section below.

1. The right to time off work for antenatal and postnatal care

A pregnant employee is entitled, regardless of their length of service or number of weekly hours worked, to reasonable time off work for antenatal care if they have been advised to attend such an appointment by their doctor, midwife or health visitor. Such time off will be on full pay. The employee will not be required to make up the hours lost. After the first appointment, the employee may be required to provide the Company with an appointment card each time she requests time off work.

2. The right not to be dismissed on account of pregnancy or maternity leave

An employee has the right not to be dismissed or discriminated against for any reason connected solely with pregnancy or maternity leave. The Employment Rights Act 1996 protects employees who are prohibited, on health and safety grounds, from working in their normal jobs because of pregnancy or childbirth.

A risk assessment will be conducted of the work processes including any substances to which you are exposed in order to ascertain if there are any risks, which will prevent the employee from doing their job. Any risk to the employee or their baby, which is identified, will be eliminated or where appropriate their hours of work or conditions may be changed to avoid the risk. Alternatively, other suitable work in a safe environment will be offered, if possible.

An employee may be put on paid suspension if they cannot continue to work because a risk cannot be eliminated and no suitable alternative work can be found. The employee may continue working as close to or beyond their expected week of childbirth provided they continue to be capable of doing their job. However, their manager reserves the right to require them to be medically examined where it is felt that their health or that of their baby may be suffering as a result of them continuing to work.

Note that these provisions do not apply where the employee is signed off sick by their doctor, but rather where they are able to come to work but unable to perform their particular job duties. In the above circumstances, the employee will retain their entitlement to statutory maternity pay (if eligible) and their right to return to work after maternity leave.

3. Maternity Leave and Notification

During this statutory maternity leave period, the Company will maintain all contractual rights except for pay. In order to qualify for statutory maternity leave, the employee must provide notification no later than the end of the 15th week before the EWC (Expected week of childbirth) i.e. your 25th week of pregnancy stating: -

- o They are pregnant
- o The date, in writing, on which their maternity leave will start and that they would like to begin to receive SMP (if they qualify for it)

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- The expected week of childbirth. This should be in the form of a medical certificate (Form MAT B1), obtainable from the employee's doctor or midwife from 20 weeks before the expected week of childbirth

Within 28 days of receiving such notification, Human Resources will notify the employee of the date on which their maternity leave period will end via a meeting whereby a Maternity Leave Plan will be completed with the employee.

An employee who has already notified the date on which they intend to begin their Ordinary Maternity Leave may change that date provided that they notify the Company of the change at least:

- 28 days before the date changed or 28 days before the new date
- Whichever is the earliest, or if that is not reasonably practicable, as soon as is reasonably practicable

Employees may choose when to commence maternity leave, provided it does not begin prior to 11 weeks before the expected week of childbirth. A pregnant employee may continue working up to the date of their childbirth provided that this does not contravene Health and Safety Regulations. If, however, an employee is off sick due to a pregnancy-related illness at any time after the beginning of the fourth week before the expected week of childbirth, the maternity leave period will begin automatically on the day which follows the first day on which they are absent from work due to that illness.

The law imposes a compulsory period of maternity leave of two weeks after the date of birth.

An employee also has the right to take an additional 26 weeks of maternity leave (Additional Maternity Leave). In this instance, the right to return to the Company is to the same or a comparable job on terms and conditions not less favourable.

4. Statutory Maternity Pay

Employees are eligible for Statutory Maternity Pay (SMP) provided they have a minimum of 26 weeks' continuous service before their 'qualifying week', calculated by the end of the 15th week before the baby is expected. To calculate your qualifying week, use a calendar to count 15 weeks back from the week you're due to have your baby or use this online calculator: <https://www.gov.uk/pay-leave-for-parents>. They must also have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for NI contributions.

SMP may be paid for a period of up to 39 weeks, provided that the employee qualifies for payment. The Company pays 90% salary for the first 6 weeks, after which the statutory rate of SMP will be paid. Rates are fixed and are subject to tax and NI deductions. The SMP pay period may start on any day of the week if the employee continues to work beyond the 11th week before the week before their baby is due. The start of the maternity pay period will not be changed for cases which are triggered by the birth of the baby, or a pregnancy related absence. SMP is only payable when an employee is not attending work. It cannot be paid in addition to normal salary.

Employees with less than 26 weeks' continuous service are not entitled to Statutory Maternity Pay but may be entitled to Maternity Allowance – see further information below.

5. Maternity allowance

Women who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance which is paid by the Jobcentre Plus. Further information and instructions on how to claim can be found here: <https://www.gov.uk/maternity-allowance>

6. Keeping in touch days

During the first 39 weeks of maternity leave, you can work up to ten days during your Maternity Leave without losing your Statutory Maternity Pay, Maternity Allowance or ending your maternity leave. These are called 'Keeping in Touch' days and particularly useful for things such as training or team events but may be used for any form of work. They should make it easier for you to return to work after your leave. Keeping in Touch days may only be worked if both you and the Company agree and you will need to agree with your line manager what work is to be done on keeping in touch days and when you would like to work them. You will be paid your normal rate of basic pay for Keeping in Touch Days.

7. The right to return to work

All pregnant employees have the right (subject to notification) to take 52 weeks' maternity leave, and resume work. This right applies to all employees regardless of their length of service or the number of hours they work per week.

If an employee wishes to return to work before the end of the 26-week period, they must give the Company at least 28 days' notice. If they intend to return at the end of the 26-week period, then no notice is legally necessary. The Company would request that employees provide a week's notice as a matter of courtesy. If an employee intends to return before the end of the additional leave period, they must notify the Company in writing of the date on which they intend to return at least 8 weeks beforehand.

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The right to return to work may be exercised at any time during ordinary or additional leave periods, subject to the two-week compulsory leave period immediately following the birth.

8. Illness following maternity leave

If an employee is ill at the end of the period of maternity leave, the Company's normal sickness procedure will apply. For further information please refer to the Absence Policy on the Wiki.

9. Terms and conditions during maternity leave

Employees have the right to the continuation of all terms and conditions of employment, apart from normal pay. This includes, for example, accrual of holiday entitlement

If the employee is in the pension scheme it is managed as follows:

- If the employee elects to continue making their pension contributions while on maternity leave, the Company will also continue to make contributions to the pension scheme for the duration of ordinary maternity leave. The company's contributions are based on the employee's pensionable earnings before starting maternity leave, while the employee's contributions are based on actual earnings during maternity leave.
- If the employee chooses to opt out of their pension contributions during their maternity leave, the Company will not make any contributions to the employee's pension during that opted out period.

During additional maternity leave the employee's contract of employment will continue to exist unless either the employer or employee ends it or it expires.

Other terms and conditions, which apply during maternity leave, relate to the employer's duty of trust and confidence, and any terms, which relate to notice of termination by the employer, redundancy pay and grievance and disciplinary procedures. The employee's duty of good faith is maintained, as are any terms relating to notice on termination, disclosure of confidential information, the acceptance of gifts or other benefits and involvement in any other business.

10. Maternity rights in the event of a stillbirth or miscarriage

Stillbirth or miscarriage before the start of the 24th week of pregnancy:

In the unfortunate event that an employee suffers a miscarriage before the 24th week of pregnancy, you will not qualify for Maternity pay or Maternity Allowance.

Stillbirth after the start of your 24th week of pregnancy:

If an employee has a stillbirth after the start of your 24th week of pregnancy, they would be eligible for maternity leave, SMP, Maternity Allowance (MA) or Ordinary Maternity Leave in the usual way (OML). All employees who have suffered the loss of a child (under the age of 18) or suffered a stillbirth from 24 weeks of pregnancy on or after 6 April 2020 are entitled to Parental Bereavement Leave – please refer to the policy on the Wiki.

Birth of a child before the 25th week of pregnancy onwards:

If an employee gives birth to a child, who is unable to sustain life, they will be entitled to maternity leave, SMP, MA or OML in the usual way.

11. Fixed term contract

If an employee is employed on a fixed term contract, which would be due to expire after the 11th week before EWC and before the 6th week after the EWC, and they satisfy the criteria for receiving maternity leave with pay, they are entitled to have their contract extended to enable them to receive 39 weeks paid maternity leave.

The contract will not be extended to cover a period of unpaid leave.

Adoption Leave

Parents wishing to adopt are entitled to the same entitlements as employees commencing maternity leave. Adoption Leave consists of ordinary and additional leave and has the same notice and qualification provisions and pay.

There are a few points of difference/notes:

- Adoption leave cannot commence earlier than 14 days before the date on which the placement is expected and no later than the expected date of placement.
- The date of notice given by the adoption agency for matching with the child replaces the expected week of childbirth.
- The adoption agency will provide a matching certificate, which should be provided in place of the MAT B1 as evidence for entitlement to pay and leave purposes.

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- Where there is a joint adoption only one partner is entitled to statutory adoption pay. The other may have paternity leave entitlements.

Paternity leave Principles

- Fathers/partners who meet certain qualifying conditions have a statutory right to take 2 weeks paid paternity leave (at statutory rates) on the birth or adoption of a child for which they have or expect to have responsibility
- 'Partner' refers to someone who lives with the mother/primary carer and is in an enduring family relationship but who is not an immediate relative. This may include same sex partners.
- Paternity leave must be used to provide care and support to the mother/primary carer and/or the child and not for any other purpose.
- The right to Time Off for Antenatal Appointments does not extend to the partner of the pregnant person.

Statutory paternity leave

To qualify for Statutory Paternity Leave (SPL) the employee must have accrued a minimum of 26 weeks' service with the Company before the 'notification week', i.e. the 15th week before the expected week of childbirth (EWC) or the date they are notified of being matched with a child for adoption. They must also have average weekly earnings equal to or above the lower earnings limit for NI purposes.

Absence from work due to a period of SPL does not affect the employee's entitlement to annual leave.

The employee's contract of employment continues in full throughout the period of SPL apart from terms and conditions relating to salary.

Notice requirements

To be eligible for SPL, the employee must give written notice of his/her intention to take SPL by the 'notification week'. The notification week is the 15th week prior to the EWC, or in the case of adoption, within 7 days of being notified by the adoption agency of a placement.

The notice should set out:

- Expected week of childbirth or date on which the child is expected to be placed for adoption
- Length of leave
- Date the leave is to commence

In addition, an employee taking paternity leave on the adoption of a child should also state the date on which they were notified of having been matched with the child and provide a signed declaration that they are:

- Taking leave to support the child and/or their partner
- Have, or expect to have, primary responsibility for the child (apart from the adopter's responsibility)
- Are married to, or partner of the child's adopter

The actual date of childbirth/adoption placement date can be difficult to predict. The employee can therefore choose to specify that the SPL will commence:

- Immediately following the child's birth/placement, or
- A set number of days after the birth/placement (a specified date).

An employee may lose their entitlement to leave and/or pay if they do not give the correct notice.

If it is not practical to give notice by the required date (e.g. because the baby arrived early or the adoption placement took place earlier than expected), the employee should inform the Company as soon as is reasonably practical.

Leave arrangements

SPL cannot be taken prior to the birth or adoption and can only start from or after the actual onset of labour/ placement. Where an employee has chosen to start their SPL on the day of birth and they are at work on that day, their leave will begin the next day. Fathers/partners can use their statutory right to take (unpaid) emergency family leave to be with the mother during labour if they wish and then commence their paternity leave immediately after the birth.

Only one period of leave is allowed, even in the case of multiple births or adoption placements.

Eligible employees can choose to take either one week or two consecutive weeks' paternity leave (not odd days).

Leave must be taken within 56 days of the child's birth or placement. However, if the baby is born premature then the father/partner may elect either to take paternity leave immediately or be allowed the additional concession to take leave within 56 days of the first day

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of the expected week of childbirth as opposed to the actual date of delivery.

In the sad event of the child being stillborn the father/partner is still entitled to paid paternity leave provided they meet the eligibility criteria and the mother has reached at least 24 weeks of pregnancy. All employees who have suffered the loss of a child (under the age of 18) or suffered a stillbirth from 24 weeks of pregnancy on or after 6 April 2020 are entitled to Parental Bereavement Leave – please refer to the policy on the Wiki.

Monitoring this policy

The company reserves the right to require documentation or other evidence to support the request for time off. The company also reserves the right to refuse time off if it believes that the policy is being abused. Such circumstances might arise if, for example:

- An employee is regularly taking time off under this policy where it is apparent that lack of planning on the employee's part necessitates taking time off
- An employee is using this policy as an excuse for lateness, or
- An employee does not have a legitimate reason for absence

It is important to note that the Company may vary or amend this policy from time to time particularly to take account of changes in the law, best practice or business requirements. This document shall be revised by the appropriate person, the HR Manager or nominated deputy. You will be notified of any changes.