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**Maternity, Paternity and Adoption Leave Policy**

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# Introduction

[Company Name] will follow all UK legislation relating to Maternity and Paternity Leave for staff. Good communication practices and adherence to all relevant requirements and legalities will remain a prominent feature for [Company Name]. Every effort will be taken to provide a safe and efficient workplace.

Within this Maternity, Paternity and Adoption Leave Policy we demonstrate how we can support our staff throughout their pregnancy and post-natal period or paternity leave period while taking due regard for the business needs.

# Policy Statement

At [Company Name] we want to ensure all staff are given support and encouragement before, during and after their return to work from maternity or paternity leave.

No staff will be treated less favourably, suffer detriment or be dismissed because they request any of the above leave. [Company Name] is committed to promoting fair and equal treatment inside the workplace.

However, misuse of the above leave, such as the use of leave for reasons other than to care for the child, support the mother or partner or failure to follow the correct procedure may result in disciplinary action being taken.

The policy pertains to staff taking maternity, paternity or adoption leave including part-time staff.

In applying this policy, [Company Name] will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, or any other personal characteristic.

# Scope

This policy and the procedures will apply to all new and expectant mothers (Maternal) and Fathers (Paternal) at [Company Name].

The Registered Manager will take responsibility for the policy.

# Definitions

The following abbreviations are used in this document:

**EWC:** The expected week of childbirth is the date/week beginning on a Sunday and ending Saturday that the staff members doctor or Midwife expects the baby to be born.

**MATB1:** The maternity certificate or form obtained from a GP or Midwife which is provided to confirm a pregnancy and expected week of childbirth. Available from the 20th week of childbirth.

**OMP:** [Company Name] Occupational Maternity Pay is an optional payment that you can make as an employer in addition to SMP/OMP- **[Add or Delete as required]**.

**QW:** Qualifying week – the 15th week before the expected week of childbirth

**SMP**: Statutory Maternity Pay

**AML**: Addition Maternity Leave – 26 weeks

**MA**: Maternity Allowance (paid by the Department of Work and Pensions)

**SAP:** Statutory Adoption Pay (paid by the Government)

**SAL**: Statutory Adoption Leave

**SPL**: Statutory Paternity Leave – From the actual birth, an agreed number of days after the birth or an agreed number of days after the expected week of childbirth

**SPP:** Statutory Paternity Pay – Paid by the Government

# Ante-Natal Care

**Notification requirements**

Staff will be required to notify [Company Name] as soon as possible of their pregnancy to enable them to take any/all reasonable steps to safeguard their safety and safety of the unborn child.

To qualify for maternity leave, staff will furnish [Company Name] with written notification by the qualifying week or as soon as possible after this of the following information:

* Their pregnancy
* Their EWC
* The date that they want to begin their statutory maternity leave period can be any time from the 11th week before the EWC.

It would be advised that the staff member also provide a MATB1 to their line manager. The certificate must have either doctor’s name and address on it, or if issued by a midwife, her name and registration number.

[Company Name] want to ensure a good communication processes and fairness with all employees as the safety of all our employees is paramount to us.

A meeting will be conducted between the staff member and [Company Name] to discuss entitlements and the processes involved. The meeting will include discussions on the amount of leave, risk assessment, any question or concerns the staff member may have.

**Human Resources**

[Company Name] will provide guidance and support about this procedure and administer and advise staff members about changes to pay.

# Health and Safety

Staff are encouraged to communicate with their line manager if they are worried about their health and safety at any time. A risk assessment will assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind which could involve a risk of harm or danger to their health and safety or the health and safety of their baby and the risk arises from either process, working conditions or physical, chemical or biological agents in the workplace. If applicable, [Company Name] will provide information as to any risks identified in any risk assessment and discuss necessary alterations.

# Time off Work for Ante-Natal Care

Staff will be entitled to paid time off during normal working hours to receive their ante-natal care. Antenatal care may include relaxation and parenting classes that a doctor, midwife or nurse/health visitor has advised staff to attend, as well as scans, tests and other medical appointments.

To be entitled to take time off for antenatal care, except in the case of their first appointment, staff will be required to produce written evidence from a medical practitioner or midwife stating that they are pregnant. Evidence of the appointment should also be produced, such as an appointment card on request of their line manager. As much advance notice as possible must be given of antenatal appointments and staff should try to arrange them as close to the start or the end of their working day as possible.

# Commencing Maternity Leave

Staff may begin their maternity leave at any time from the beginning of the 11th week before the EWC until the date of childbirth.

Compulsory maternity leave starts on the day after childbirth occurs.

If the baby is born before maternity leave was due to start, staff must notify [Company Name] in writing of the date of the birth as soon as reasonably practicable.

The law requires all staff members to take a minimum of two weeks of compulsory maternity leave immediately after the birth of their child. During this period work must not be undertaken for the Company, this includes doing any work from home.

**Length of maternity leave**

Subject to meeting the requirements above, staff are entitled to 52 weeks maternity leave in total, broken down as follows:

* 26 weeks Statutory maternity leave (SML), including 2 weeks of compulsory maternity leave
* 26 weeks additional maternity leave (AML) starting immediately after SML.

This is regardless of the number of hours worked or length of service.

[Company Name] will assume that staff are taking their full entitlement to 52 weeks unless notified otherwise. Line managers will have this confirmed in writing.

During SML and AML, staff will remain entitled to receive their standard contractual terms and employment conditions, except for remuneration. Additionally, any benefits in kind will continue, annual leave entitlement will continue to accrue and pension contributions will continue to be made.

**[Delete as appropriate: For Defined contribution pension scheme]** Pension contributions will be based on the amount of actual pay staff are receiving whilst the company’s contributions will be based on the salary, they would have received had they not gone on maternity leave (i.e. it will continue to make any employer contributions that it usually makes). Staff may wish to increase their own contributions to make good any shortfall whilst they are in receipt of less than their usual salary.

**[Delete as appropriate: For Defined benefit pension scheme]** The period of statutory maternity leave will count towards staff pensionable service and benefits will continue to accrue as set out in the pension scheme rules. Pension contributions will be based on the amount of actual pay they are receiving whilst the Company’s contributions will be based on the salary the staff member would have received had they not gone on maternity leave (i.e. it will continue to make any employer contributions that it usually makes).]

Staff should endeavour to take any outstanding annual leave that may be due prior to commencing statutory maternity leave. Annual leave must be taken in the year that it is earned and therefore if the holiday year is due to end during maternity leave, staff should take the full year’s entitlement before starting their maternity leave.

**[Delete/add as appropriate. Only applies if [Company Name] offer Occupational Maternity Pay/additional pay benefits]**

**Occupational Maternity Pay**

* OMP is add entitlement here

**Statutory Maternity Pay**

SMP is payable for up to 39 weeks during maternity leave. Staff are entitled to SMP if:

* they have been continuously employed by [Company Name] for at least 26 weeks at the end of the QW and you are still employed during that week
* their average weekly earnings in the eight weeks up to and including the QW are not less than the lower earnings limit for National Insurance contributions
* they are still pregnant eleven weeks before the start of EWC (or have already given birth)
* they provide a MAT B1 certificate stating your EWC
* they give [Company Name] proper notification of their pregnancy in accordance with the rules set out above.

For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of average weekly earnings calculated over the period of eight weeks up to and including the QW. For the purpose of calculating average weekly earnings, shift allowances, on-call allowance, over-time payments, bonuses and commission are all included.

The standard rate of SMP is paid for the remaining 33 weeks (or less if the staff member decides to return to work sooner). This is paid at a rate set by the government for the relevant tax year, or 90% of their average weekly earnings calculated over the period of eight weeks up to and including the QW if this is lower than the government’s set weekly rate.

If the staff member becomes eligible for a pay rise between the start of the original calculation period and the end of their maternity leave (whether ordinary or additional maternity leave), the higher or standard rate of SMP will be re-calculated to take account of their pay rise, regardless of whether SMP has already been paid. This means SMP will be re-calculated and increased retrospectively, or that the staff member may qualify for SMP if they did not previously. A lump sum will be paid to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

SMP is paid into the staff member’s bank account in the same way salary is normally paid.

SMP is treated as earnings and is therefore subject to income tax and National Insurance deductions.

Payment of SMP cannot start prior to the eleventh week before EWC. SMP can start from any day of the week in accordance with the date maternity leave starts.

SMP is payable whether the staff member intends to return to work or not after maternity leave.

It is important for maternity pay purposes that the staff member notifies their line manager if, during the maternity pay period, they are taken into legal custody or start to work for another employer.

If the staff member has been working for [Company Name] for less than 26 weeks at the QW, they are not eligible to receive SMP. They may, however, be able to apply to the Department for Work and Pensions for state maternity allowance if they meet their qualifying conditions. In these circumstances, [Company Name] will provide staff members with the form SMP1 within seven days of determining that they do not qualify.

# Paternity Leave

If staff want to take time off to care for the baby or support the birth mother. They are eligible for Ordinary Paternity Leave if:

* the staff member intends to have responsibility for the baby's upbringing
* they are either the biological father or the birth mother's husband or partner.
* they have 26 weeks continuous service with [Company Name] in the mothers' 25th week of pregnancy and continues employment up to the birth date.

Staff who adopt may also take Paternity Leave if they do not take adoption leave.

The maximum duration of the basic statutory leave is 2 weeks, and it must be taken between the date of the baby's birth or any day of the week following the delivery and within 56 days of the baby's birth date.

The staff member must inform [Company Name] of their intention to take paternity leave by the end of the fifteenth week before the baby is due.

The staff member must provide the following details:

* The start date of the leave.
* The week the baby is due.
* The duration of the leave.

**Statutory Paternity Pay**

If the staff member’s spouse, partner or civil partner gives birth or adopts a child, they may be able to claim Statutory Paternity Pay to help take time off work to provide support.

The rate of Statutory Paternity Pay (SPP) is the same as SMP.

Staff who take Paternity leave are entitled to:

* Return to the same job.
* Return to the same terms and conditions of employment.
* Not be subjected to a disadvantage, unfair treatment or dismissal.

# Shared Parental Leave

Staff may be eligible to share the balance of leave (and pay) with their spouse, civil partner or cohabiting partner, or the father of the child, (if they are also eligible) as shared parental leave (and statutory shared parental pay, if applicable. These arrangements are open to discussion with [Company Name].

* Leave, and Maternity pay may be shared (with the staff member’s partner) following the first 2 weeks after the birth.
* Shared parental leave can also be taken consecutively or concurrently but it must start no earlier than the date on which the baby is born, and it must end no later than 12 months after the date of childbirth

# Adoption Leave

Qualifying staff members may take up to 52 weeks of adoption leave. Some surrogate parents are also entitled to adoption leave.

If a couple jointly adopts a child, one adoptive parent may take adoption leave, and the other may be able to take paternity leave and shared parental leave in broadly the same way as they do, following the birth.

**Adoption pay**

Statutory Adoption Pay (SAP) is payable for 39 weeks, and there is a qualifying service requirement of 26 weeks' continuous employment. The rate of SAP is the same as SMP (see above). Adopters whose average weekly earnings are below the lower earnings limit for National Insurance purposes do not qualify for SAP but may be eligible for other government benefits.

# Stillbirth and Miscarriage

Miscarriage or stillbirth can be a traumatic experience and each staff member will experience their loss differently and have individual needs. [Company Name] acknowledges the personal nature of miscarriage or stillbirth and is committed to supporting staff in practical and reasonable ways. This section sets out your rights on miscarriage or stillbirth, as well as the support [Company Name] can provide.

If a staff member suffers a miscarriage or stillbirth, their rights differ depending on when that event occurred. A miscarriage for these purposes may also include an ectopic or molar pregnancy where a termination is then carried out on medical grounds.

If a staff member suffers a miscarriage before 24 weeks of pregnancy, they will not be entitled to take maternity leave. Still, they may need some time off work which the management at [Company Name], which will be discussed on an individual basis with the staff members. This will usually be taken as sick leave, during which the Company's sickness absence policy will apply.

If a staff member suffers a stillbirth after 24 weeks of pregnancy, their entitlement to maternity leave and pay will not be affected. Parental bereavement leave is also available to staff who suffer a stillbirth.

When the staff member is then well enough to return to work, [Company Name] will ensure that, if required, appropriate support is given on their return. This may include:

* a meeting with their line manager where any specific needs can be discussed.
* a phased return to work on a reduced hours basis or a temporary working from home arrangement, where practicable and subject to the agreement of their line manager
* temporary adjustments to duties and responsibilities, again where practicable and subject to the agreement of their line manager
* professional counselling with independent, trained counsellors through an employee assistance programme or advice helpline (telephone number: ................... **[insert telephone number]** - this is an entirely confidential service and any discussions you have with a counsellor will be strictly confidential unless the staff member chooses to share the details with [Company Name].

# Contact During Maternity Leave

[Company Name] wish to keep communication lines open and facilitate Keeping in Touch days and news to do with [Company Name] with staff members while they are on Maternity Leave.

[Company Name] reserves the right in any event to maintain reasonable contact with staff members from time to time during their maternity leave. This may be to discuss plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

**Keeping in touch days**

During the first 2 weeks from childbirth, staff may agree to work for [Company Name] for up to a maximum of 10 days during either their ordinary or additional maternity leave without that work bringing the period of their maternity leave to an end and without loss of a week’s SMP. These are known as “keeping in touch” days. Any work carried out on a day shall constitute a day’s work for these purposes.

[Company Name] has no right to require staff to carry out any work, and staff members have no right to undertake any work, during their maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping in touch days, is entirely a matter for agreement between the Company and staff members. Any keeping in touch days worked do not extend the period of maternity leave. Once keeping in touch days have been used up, the staff member will lose a week’s SMP for any week in which they have agreed to work for [Company Name].

# Returning to Work

Staff members will be formally advised in writing by [Company Name] of the date on which their maternity leave will end and the date on which they are expected to return to work if they take your full 52-week entitlement to maternity leave. Staff are expected to return on this date unless they notify [Company Name] otherwise.

Whilst under no obligation to do so, it would assist [Company Name] if staff members could confirm as soon as convenient during their maternity leave that they will be returning to work as expected.

On returning to work at [Company Name] at the end of the AML period, staff members will be entitled to return to the same job with the same terms and conditions that they had before taking maternity leave.

If staff qualify for shared parental leave and wish to return early from maternity leave for this purpose, they must also give [Company Name] eight weeks' notice.

If staff members decide that they do not wish to return to work after their maternity leave, they are required to give us notice of their resignation. Notice period to resign is set out in contracts of employment. Where staff members choose to quit without returning to work, [Company Name] will require repayment of any contractual maternity pay above their statutory entitlement that they have received during maternity leave.

If staff members cannot return on the agreed date due to sickness, they must inform their line manager immediately.

# Flexible Working

[Company Name] will try to accommodate requests for flexible working. However, they must also consider the needs of the business when assessing and granting any requests.

If staff members would like flexible work options to be considered, they should write to their line manager setting out their proposals as far in advance of their return date as possible, so that there is adequate time for full consideration of their request.

# Monitoring

To ensure this policy remains both useful and current, regular auditing processes will take place.

Any unwanted issues related to this policy will be investigated and recorded.

# Related Policies

* EDHR Policy
* Health and Safety Policy
* Recruitment Policy

# Legislation and Guidance

**Relevant Legislation**

* Equality Act 2010
* The Health and Safety and Work Act 1974
* The Maternity and Parental Leave and the Paternity and Adoption Leave (Amendment) Regulations 2006

**Guidance**

* ACAS Guidance <https://www.acas.org.uk/maternity-paternity-and-adoption-leave-and-pay>
* Maternity, Paternity & Adoption Rights | Factsheets | CIPD.
* [Maternity, Paternity & Adoption Rights | Factsheets | CIPD](https://www.cipd.co.uk/knowledge/fundamentals/emp-law/maternity-paternity-rights/factsheet)

# Summary of Review

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| --- | --- |
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| Were changes made? |  |
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