

Family Friendly UK Resource

Sample policy: Maternity, Adoption and Parental Leave Policy

1. This Policy explains the entitlement to maternity, adoption and parental leave and gives employees direction and procedural guidance which is relevant to their maternity, adoption and parental leave rights and applications. This policy takes into account the rights set out in the Additional Paternity Leave Regulations 2010, The Maternity and Parental Leave and Paternity and Adoption Leave (Amendments 2006), Employment Act 2002, Sex Discrimination Act 1975 and the Work and Families Act 2006.
2. **Eligibility.** Any employee, irrespective of length of service is entitled to maternity leave or contractual terms and conditions. Maternity leave is for a maximum of 52 weeks.
3. **Terminology.**
 - Expected Week of Childbirth (EWC)– the Sunday before the expected due date
 - Qualifying week – 15th week before the EWC
 - MatB1 – certificate given by midwife or GP which states the expected due date
 - SMP – Statutory Maternity/Adoption Pay which is provided by the organisation. As of the 1st April 2014 SMP was £138.18 per week; for updates please check www.Gov.uk/maternity-pay-leave
 - MA – Maternity/ Adoption Allowance which is applied for directly by the employee
 - OML – Ordinary Maternity/Adoption Leave, the first 26 weeks of the maternity leave
 - AML – Additional Maternity/Adoption Leave, the second 26 weeks of the maternity leave
 - CML – Compulsory Maternity Leave, 2 weeks following birth where an employee cannot return to work. Considered as part of the OML.
4. **Maternity Leave and Pay:**
 - 4.1 Employees with 26 weeks continuous employment by the qualifying week and whose weekly earnings are above the lower limit for NI contributions will be entitled to SMP. This entitles them to 6 weeks at 90% of their average weekly earnings and 33 weeks at 90% of their weekly earnings or the SMP rate as stated by the Government for that financial year (currently £138.18 per week) whichever is lower. The remaining 13 weeks will be unpaid.
 - 4.2 Employees who do not meet the requirements for Maternity Pay may be entitled to Maternity Allowance. This is claimed directly from the Benefits Agency via their local Job Centre. To be eligible they must have been in employment for 26 weeks out of the 66 weeks before the EWC. Employees will need to complete the MA1 form which is available at www.gov.uk/maternity-allowance
 - 4.3 To qualify for maternity leave (paid or unpaid) the employee must notify their manager that they are pregnant, the expected week of childbirth by means of the MatB1, and the date they intend to start and finish maternity leave. The start date can be no earlier than 11 weeks before the EWC and can be no later than the expected due date. The

employer will then write to the employee within 28 days setting out the specified return date and providing information on the employee's local Family Information Service centre where they can access further information about maternity leave, pay and rights. 8 weeks notice is required from the employee if they would like the return date to change.

- 4.4 Ante natal care. Employees have the right to a reasonable amount of paid time off for ante natal care. This can include appointments recommended by a GP, Midwife or Health visitor as part of the antenatal care, relaxation classes and parent-craft classes. Employees are expected to provide their employer with appointment cards or other documentation to show an appointment has been made. Reasonable notice of appointments should be given to managers by employees wherever possible.
- 4.5 Shared Parental Leave. Transfer of maternity leave so a partner can take Additional Paternity Leave is available for all employees. Employees have the right to transfer maternity leave to their partner, spouse or biological father of their child after 20 weeks of the child's birth and this will include the transfer of any SMP if there is any outstanding. This will not include the payment of any contractual maternity pay that the employee is due. Further details on this are included in the Paternity and Parental Leave Policy.

5. Adoption Leave and Pay:

- 5.1 Adoption Pay. Employees must have 26 weeks continuous service ending with the week that they are notified of a match with a child from the agency. Couples who adopt will nominate one partner that will take the adoption leave. This will be paid in exactly the same way as outlined under section 4 Maternity Pay. The partner that does not take the adoption leave may be entitled to paternity or additional paternity pay or leave.
- 5.2 To qualify for adoption leave (paid or unpaid) employees should notify their manager within 7 days of being told they have been matched with a child and provide any documentation from the matching panel. Once a date has been arranged for the child to be placed with the employee they should let their manager know when they expect their adoption leave to start and their expected return date. The start date can be no earlier than 14 days before the child is expected to start living with the employee and no later than the day they started living with the employee. If the adoption is from overseas then the leave will start on the day the child enters Great Britain and the employee will need to provide evidence of this by producing a plane ticket or entry clearance documents. The employer will then write to the employee within 28 days setting out the specified return date. 8 weeks' notice is required from the employee if they would like the return date to change.
- 5.3 Transfer of adoption leave so a partner can take Additional Paternity Leave is available for all employees. Employees have the right to transfer adoption leave to their partner, spouse or biological father of their child after 20 weeks of the child being placed with them and this will include the transfer of any SAP if there is any outstanding. This will not include the payment of any contractual adoption pay that the employee is due. Further details on this are included in the Paternity and Parental Leave Policy.

- 6. Keeping in touch days.** Employees on maternity/adoption leave are entitled to use up to 10 keeping in touch days. These are paid days for the employee to use for training or work related events and employees. They are intended to help employees keep in touch with the workplace and allow them to do some work during the Maternity Pay Period without affecting their SMP. Employees should arrange these directly with their manager. They are not compulsory and the employee can use all or none of the 10 they are entitled to. Arrangements should be made for contact during the period of maternity/adoption leave, which may be via e-mail or telephone.
- 7. Parental Leave.** All employees who have one years' service with the organisation are entitled to 18 weeks of unpaid parental leave. They can take four weeks a year for the care of their child up to the age of 14 or 18 for a disabled child. Parental leave should be taken in periods of at least one week and employees should apply to their managers for this in the same way as is agreed for annual leave.
- 8. Surrogacy.** If an employee is acting as a surrogate for another person or will be receiving a child via surrogacy both are entitled to maternity leave and pay as long as they fit the criteria listed above. This is the case even if both parties are employees of the same organisation. A birth certificate and transfer of parental right certificate will need to be provided in order for the leave and pay to be granted.
- 9. Breastfeeding at work.**
COMPANY NAME, as a family friendly organisation, offers help and support to mother's who are breastfeeding when they return to work. If an employee will be breastfeeding when they return to work, they would need to notify the organisation in advance of their return so appropriate arrangements can be made e.g. a private room for expressing, a fridge to store expressed milk, flexible hours.
- 10. Return to work.** All employees have the right to return to their original post or on no less favourable terms and conditions if they return within 52 weeks of the maternity/adoption leave start date. Accrued annual leave can be taken before the return to work date. Any requests for flexible working can be made through the procedure listed within the Flexible Working Policy.
- 11.** Should an employee wish to raise a grievance regarding a procedural concern they can do so at any time by following the process set out in the Grievance Policy.
- 12. Review.** The organisation will review this policy every 3 years. The next review will therefore be held on **DATE**.