

Family Friendly UK Resources

Maternity, Adoption and Parental Policy Leave: Suggested Enhancements

4.1 Maternity pay could be offered at more than the statutory amount for employees with more than 12 months service at the 15th week before the EWC. Employees would be paid in full for a certain period, followed by half pay, then reducing to SMP only.

We suggest replacing 4.1 and 4.2 in the 'sample' policy with the following wording. Please note you will need to adjust the numbering in the sample policy accordingly so 4.3 will become 4.6 etc.:

4.1 Employees are entitled to take up to 52 weeks Maternity Leave. The member of staff can choose when to start her maternity leave. The earliest that maternity leave can start is the beginning of the 11th week before the Expected Date of Confinement (EDC). The latest it can start is the actual EDC (or day of actual birth if the baby is premature). It is up to the member of staff to decide how much maternity leave they wish to take within the 52 week limit, however a minimum of 2 weeks maternity leave must be taken following the birth of the child.

4.2 Staff may be entitled to Statutory Maternity Pay (SMP) or Maternity Allowance (MA) for part of this period. For staff with more than one year's service when they commence their maternity leave, the COMPANY NAME pays enhanced Maternity Pay (inclusive of SMP or Maternity Allowance) for some of the period. To be eligible for SMP, the member of staff:

- Must have been employed by the organisation for at least 26 weeks including (and ending with) the qualifying week (15 weeks before the baby is due).
- Must earn enough, on average, for National Insurance (NI) purposes. If the employee earns less than the lower earnings limit for National Insurance (NI) contributions she will not be entitled to receive SMP, but Maternity Allowance may apply.

4.3 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

4.4 As entitlements can be complex an outline guide is given in the table below. Further details will be provided, and entitlements confirmed, as appropriate to the employee's personal circumstances. SMP rates quoted are those current at date of this Policy.**Maternity Pay Entitlement By Length of Service**

| Up to 26 weeks service | 26 weeks to 12 months service | More than 12 months service |
|---|--|--|
| May be eligible for Maternity Allowance under DWP rules | Statutory Maternity Pay; 6 wks @ 90% av pay 33 wks @ SMP rate of £138.18 pw or 90% weekly pay, whichever is the less | Enhanced Maternity Pay XX wks @ full pay XX wks @ half pay (inclusive of SMP) XX wks @ SMP rate of £138.18 pw or 90% weekly pay, whichever is the less XX wks @ nil pay |

4.5 Staff cannot work for another employer whilst on Maternity Leave. All normal contractual rights (except remuneration) continue during Maternity Leave.

4.6 Employees are entitled to return to their previous post in cases where only 26 weeks of maternity leave have been taken. If the full 52 week period of maternity leave is taken and it is not reasonably practical to return to the original job (e.g. because the job no longer exists) the member of staff does not have the same right. In that case, alternative work will be offered with terms and conditions as if the member of staff hadn't been away.

Keep 4.3 to 4.6 from sample policy but renumber them to follow on from the grey text above, so 4.3 becomes 4.7, 4.4 becomes 4.8 etc.

6. Keep in touch days

Consideration could be given to travel expenses and childcare expenses to be given to the employee to allow them to come in for a keeping in touch day. The costs for this should be agreed in advance and a maximum limit can be set by the employer. If this is to be included in the policy, an explanation of how these expenses would be paid needs to be outlined i.e. included by the next pay day, according to the Expenses Policy etc.

You may find it helpful to include this additional wording in the section on Keep in touch days e.g.

6.2 Once an employee has used up the 10 KIT days and they do any further work, they will lose a week's SMP for the week in the Maternity Pay Period in which they have done that work.

6.3 If a week in the Maternity Pay Period contains only KIT days, the employee will be paid maternity pay for that week. If a week in the Maternity Pay Period contains the last KIT day and the employee does a further days' work in the same week for the employer paying them SMP, they will lose SMP for that week.

6.4 For any KIT days that an employee works for the organisation, they will be paid according to the Maternity Pay Entitlements, above.

6.5 COMPANY NAME will also reimburse travel costs from home to the office and any childcare costs which employees incur for KIT days. These will be paid through the next payroll on production of an authorised claim form. The amount reimbursed will be the gross amount so that the net amount after tax covers the actual cost of travel and childcare.

Other suggested enhancements to your Maternity, Adoption and Parental Leave Policy:

- Childcare vouchers. These are deductions from an employee's gross salary (up to a limit of £55 per week or £243 per month) which means they reduce the amount of tax and NI they pay and receive money they can use towards childcare costs. The cost for employers to set up the scheme varies depending on whether you can accommodate this in house or not. Having a childcare scheme could save you £400 per employee per year. For further information please use the following resource 'Setting up a childcare voucher scheme'. If you decide to set up a scheme an employee can join from the day their child is born and reference to the scheme and a contact for further information needs to be included within the policy.

Suggested wording:

10. Child Care Vouchers

COMPANY NAME offers assistance to staff with child care responsibilities via the use of child care vouchers. The purpose of the scheme is to assist with the cost of pre-school and wrap-around care. Any member of staff wishing to use child care vouchers should apply to the **Office Manager** for advice and guidance on accessing this scheme. You are eligible to receive childcare vouchers from the day your child is born.

- Support employees with their childcare responsibilities by providing onsite childcare or emergency childcare support for your employees.
- Set up Parent networks to offer peer to peer support. Encouraging employees to be peer advisers to other parents in the workplace can help working parents to feel supported and offer one another practical advice on parenting or work-life balance.