



**Greenhead College
Corporation**

**MATERNITY
AND ADOPTION
LEAVE
SCHEME 2011**

*(for paternity leave, and childcare vouchers see Working
Parents Toolkit)*

MATERNITY LEAVE SCHEME

1. INTRODUCTION

- 1.1 This scheme sets out the rights, entitlements and obligations of employees who are pregnant and wish to avail themselves of the maternity benefits provided by the Corporation.
- 1.2 The Corporation has an obligation to pay Statutory Maternity Pay (SMP), on behalf of the Benefits Agency, to those employees who are eligible to receive it. This scheme explains regulations affecting entitlement to both statutory and contractual maternity benefits.

2. INITIAL NOTIFICATION TO THE CORPORATION

- 2.1 Any employee wishing to exercise her right to maternity leave and to maternity pay and maternity absence, must notify the Corporation, in writing, of the fact that she is pregnant and of the expected week of her confinement (EWC). This notification should be given as soon as practicable, ideally by the 15th week before the EWC.
- 2.2 The employee should notify the Corporation of the date on which she intends to start her maternity leave, and, where applicable, of her intention to return to work, not less than 28 days beforehand. If the Corporation so request, this notification must be provided in writing.
- 2.3 An employee may change her mind about when she wants to start her leave providing she writes to the Corporation at least 28 days in advance of the intended leave, or as soon as reasonably practicable.

3. MATERNITY LEAVE

3.1 Ordinary Maternity Leave (OML)

All employees, regardless of length of service and number of hours worked, have the right to a statutory minimum of 26 weeks' maternity leave. Maternity leave period must include the two weeks immediately after childbirth. This is known as the compulsory maternity leave period.

- 3.1.1 If an employee is absent from work with a pregnancy related illness during the four weeks before the start of the EWC, her maternity leave will start immediately from that date.
- 3.1.2 Where childbirth occurs before the notified leave date or before the employee has notified such a date, she should notify the College that she has given birth as soon as is reasonably practicable after the birth. Early birth will trigger maternity leave and statutory maternity pay (SMP).
- 3.1.3 If the baby is born after the EWC, SMP and both OML and additional maternity leave (AML) are not affected. Employees who have 26 weeks' employment by the start of the 15th week before the EWC

have the right to take AML of up to 26 weeks starting immediately after OML.

3.1.4 In the unfortunate event of a stillbirth, the employee continues to be entitled to SMP, if the child is born after the 24th week of pregnancy. She will also be entitled to the maternity leave period. In the event of a miscarriage during or before the 24th week of pregnancy, provisions and regulations of the sick pay scheme will apply.

3.2 **Additional Maternity Leave (AML)**

Employees who have 26 weeks' continuous employment, regardless of the number of hours worked, by the start of the 15th week before the EWC have the right to take AML of up to 13 weeks at SMP and the remaining 13 weeks unpaid (making a total of up to one year), starting immediately after OML. Employees are required to give the Corporation 28 days' notice before their stated return to work date if they intend applying for AML.

3.3 When the College is in receipt of this information, it will write to the employee within 28 days, setting out the date on which she is expected to return to work, if she takes her full entitlement to maternity leave.

3.4 The employee may decide when she wishes to start her maternity leave, and she may start at any time after the beginning of the 11th week before the week in which childbirth is expected. She may wish to work beyond this date, provided she is not declared medically unfit to do so, and as near to the confinement date as she wishes.

3.5 During the maternity leave period, all employment benefits other than remuneration will be maintained, but entitlement to annual leave will not accrue during any AML period.

3.6 Employees who wish to continue pension contributions during any period of unpaid AML should contact the pension provider (TP or LG) to obtain the appropriate advice on how to do so.

4. **MATERNITY PAY**

4.1 **Statutory Maternity Pay**

Employees will be eligible to receive SMP if she satisfies the following criteria:

- a) She must have completed 26 weeks' continuous service at the 15th week before the expected week of childbirth
- b) She must be earning an amount equivalent to at least the lower earnings limit for National Insurance contributions.

An employee will lose her right to receive SMP if

- a) She is taken into legal custody
- b) She starts work for another employer
- c) She returns to work.

4.2 Employees who are not eligible to receive SMP may be entitled to receive maternity allowance from the Benefits Agency.

4.3 Employees will receive up to 39 weeks' paid leave as follows:

All Staff:

- a) The first 4 weeks of maternity leave will be at full pay, followed by the next 2 weeks at 90% of pay
- b) Then up to 12 weeks at half pay, plus 12 weeks statutory maternity pay. Statutory Maternity Pay is currently £106 per week and increases to £108.85 per week from 6th April 2007
- c) Then up to 21 weeks at statutory maternity pay.

4.4 Any Additional Maternity Leave, beyond the 39 week period, shall be unpaid for the remaining 13 weeks.

4.5 An employee who does not return to work for a period of at least 13 weeks service following her AML, can be required to repay the 12 weeks half pay, or any such part thereof as the College in its discretion may decide. She will not be required to repay any of the SMP. An employee who is uncertain about her return to work, may elect to have the 12 weeks half pay paid on her return to work.

5. THE RIGHT TO RETURN TO WORK

5.1 At the end of a period of maternity leave or maternity absence, the employee is entitled to return to the job in which she was employed under her original contract of employment, and on terms and conditions no less favourable than those to which she would have been entitled had she not been absent.

5.2 If the Corporation is unable to offer the employee the right to return to her original job because of redundancy or a reorganisation which would have occurred whether or not the employee had been absent, she will be entitled to be offered suitable alternative employment.

5.3 If any employee provides a doctor's statement stating that she is unfit for work, she may postpone the date of her return to work, whether or not she has already notified the Corporation of that date. This will then be subject to the normal sick leave and pay policy.

5.4 If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date which she has specified, she may instead return to work when work resumes.

5.5 If an employee returning from maternity leave wishes to return on a part-time basis, temporarily or permanent, the College will give consideration to any such request. Where changes to working are not possible, the reasons will be fully discussed and put in writing to the employee concerned.

5.6 Employees who wish to return to work either earlier or later than agreed with the college should provide 8 weeks notice unless the college agrees to less notice given.

6. GENERAL

- 6.1 Any pregnant employee has the right to paid time off for antenatal care appointments and must produce evidence of her appointments to her Line Manager upon request.
- 6.2 Maternity leave is not treated as sick leave and is not therefore taken into account when calculating any period of sick leave entitlement.
- 6.3 If any employee is certified by a doctor as unfit to return to work at the end of a period of maternity leave or maternity absence, the period of absence will be treated as sick leave which will be subject to the normal sick leave and pay policy.
- 6.4 Periods of maternity leave and maternity absence are regarded as continuous service for the purpose of calculating entitlements to employment benefits.
- 6.5 If in the early months of pregnancy, an employee is advised by an approved medical practitioner to absent herself from work because of the risk of rubella, she will be entitled to leave with full pay.
- 6.6 Women are protected from unfair treatment due to pregnancy, childbirth or taking maternity leave.
- 6.7 This scheme will be reviewed on a regular basis in accordance with legislative developments and the need for good practice within the Corporation.

7. KEEPING IN TOUCH DAYS

- 7.1 Employees may undertake up to 10 Keeping in Touch Days (KIT) during their maternity leave, allowing work under their contract of employment, by agreement with the college. These days can be used for training etc, or just to ease returning to work.
 - 7.2 The employee and the college will agree on the work and payment for these days. The employee cannot be required to take up Keeping in Touch Days, nor the college obliged to offer them.
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ADOPTION LEAVE

To qualify for paid adoption leave an employee must:

- be newly-matched with a child for adoption by an approved adoption agency, and
- have worked continuously at the College for 26 weeks leading into the week in which they are notified of the matched with a child for adoption (the 'matching week').

There are two types of adoption leave: 26 weeks ordinary adoption leave, immediately followed by 26 weeks additional adoption leave, giving a total of up to 52 weeks. During ordinary and part of additional adoption leave, most adopters will be entitled to Statutory Adoption Pay (SAP) from their employers on a similar basis to that governing SMP (see above).

Rights to additional paternity leave and pay when adopting a child apply in essentially the same way as they do following the birth of a child (see above).

ADOPTION PAY

SAP is payable for 39 weeks. The rate of SAP is the same as the lower rate of SMP (see earlier). Adopters whose average weekly earnings are below the lower earnings limit for National Insurance purposes do not qualify for SAP but may qualify for other welfare benefits.

BENEFITS DURING ADOPTION LEAVE

The rules covering non-cash benefits applicable during adoption leave are essentially the same as those applicable during maternity leave for those employees who expect to have an adopted child placed with them or after 5 October 2008.

RECOVERY OF SMP, SPP, and SAP

The College is able to recover the cost of SMP, SPP and SAP from the Government. The amount that can be recovered depends on the annual National Insurance payments made.