

**Greenhead College
Corporation**



**MATERNITY, PATERNITY
AND ADOPTION
LEAVE
POLICY**

Reviewed February 2019

MATERNITY, PATERNITY AND ADOPTION LEAVE POLICY

1. AIM

- 1.1 Greenhead College is committed to staff maintaining quality family life and a good work life balance. The purpose of this Policy is to provide an opportunity for our staff to integrate the development of career with family responsibilities.
- 1.2 This Policy explains the rights, entitlements and obligations of Greenhead College staff in relation to maternity, childbirth, paternity and adoption.

2. SCOPE

- 2.1 This procedure may apply to all Greenhead College employees (Teaching and Support Staff).

3. EQUALITY AND DIVERSITY

- 3.1 All employees have the right not to be subjected to detriment on the grounds of pregnancy, childbirth, paternity and adoption.

MATERNITY POLICY

4. INITIAL NOTIFICATION OF PREGNANCY

- 4.1 If you wish to exercise your right to maternity leave and to maternity pay and maternity absence, you must notify the Human Resources Manager, in writing, of the following:
 - a. That you are pregnant;
 - b. Your expected week of childbirth (“EWC”); and
 - c. The date that you intend to start Maternity Leave.

This notification should be given as soon as practicable, and by no later than the 15th week before the EWC. You may start your Maternity Leave on any day of the week, but this must be no earlier than the 11th week before your EWC.

- 4.2 You may change your mind about when you want to start your Maternity Leave, providing you write to the Human Resources Manager at least 28 days in advance of the intended leave, or as soon as reasonably practicable.
- 4.3 In order to be entitled to maternity leave, pregnant employees must provide the Human Resources Manager with a MATB1 (Maternity Certificate) as soon as possible in the pregnancy. This is usually issued by a doctor or a midwife no sooner than the 20th week before the baby is due.
- 4.4 Once the College have received your MATB1, you will receive a letter from Human Resources confirming your Maternity Leave entitlements.
- 4.5 Maternity Leave will start automatically on the day after birth in the event that your baby arrives early or if you are off work due to a pregnancy related illness during the four weeks before your EWC.
- 4.6 If your baby is born after the EWC, this will not affect your maternity leave or maternity pay.

5. TIME OFF FOR ANTENATAL CARE

- 5.1 All employees, regardless of their length of service, have a statutory right to a reasonable time off to attend antenatal appointments and care prescribed by a doctor, midwife or health visitor. Evidence of an appointment may be requested.

6. HEALTH AND SAFETY

- 6.1 You should arrange to review work activities in consultation with your Line Manager as soon as practicable. If appropriate, a risk assessment should be completed. Adjustments to work may be necessary and will be dealt with on a case by case basis.

7. MATERNITY LEAVE ENTITLEMENTS

- 7.1 All employees are entitled to take up to one year's (52 weeks') maternity leave (made up of 26 weeks Ordinary Maternity Leave and 26 Additional Maternity Leave) regardless of length of service with the College. Although it is up to the employee how long they wish to take, the law requires new mothers to take a minimum of two weeks leave from the date of the childbirth.
- 7.2 Maternity leave and pay are separate entitlements. Entitlements to pay will depend on length of service and whether or not you decide to return to work after maternity leave. These are detailed below.

8. MATERNITY PAY

8.1 Statutory Maternity Pay ("SMP")

You will be eligible to receive the current rate of SMP if you satisfy the following criteria:

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

- 8.2 If you have less than 26 weeks' continuous service into the 15th week before the baby is due you will not be entitled to receive maternity pay from the College, but may be entitled to a state Maternity Allowance which can be claimed via local Job Centre Plus offices. Staff will still be entitled to 52 weeks' unpaid Maternity Leave in this situation.

9. Contractual Maternity Pay

- 9.1 Staff who have over 26 weeks' continuous service will be entitled to receive contractual Maternity Pay in addition to SMP.
- 9.2 Contractual Maternity Pay will be paid for a total of 39 weeks at the following rate:
- a) 4 weeks full pay (this is inclusive of SMP); then
 - b) 2 weeks at 90% of pay (this is inclusive of SMP); then
 - c) 12 weeks at half pay plus SMP; then
 - d) 21 weeks at statutory maternity pay.

- 9.3 Any additional Maternity Leave, beyond the 39 week period, shall be unpaid for the remaining 13 weeks.
- 9.4 In the event that you do not return to work for a period of at least 13 weeks service following your Additional Maternity Leave, you may be required to repay the 12 weeks half pay, or any such part thereof as the College in its discretion may decide. You will not be required to repay any of the SMP. If you are uncertain about whether you will return to work, you may elect to have the 12 weeks half pay paid on your return to work.
- 9.5 In the unfortunate event of a stillbirth, you will continue to be entitled to SMP, if the child is born after the 24th week of pregnancy. You 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.

10. DURING YOUR MATERNITY LEAVE AND KEEPING IN TOUCH DAYS

- 10.1 During your Maternity Leave, your Line Manager will keep in regular contact with you, for example updating you on what is happening in the College and promotion opportunities.
- 10.2 You may undertake up to 10 Keeping in Touch Days (KIT) during your maternity leave (except for the first 2 weeks after childbirth), by agreement with the College. These days can be used for training, attending a team meeting etc, or just to ease returning to work. KIT days are optional and can only take place by agreement with both parties.
- 10.3 KIT days do not extend Maternity Leave or the Maternity Pay period. You will be paid for the hours that you work on your KIT day at your usual hourly rate.
- 10.4 Employees wishing to work a KIT day should contact the Human Resources Manager to arrange this.

11. THE RIGHT TO RETURN TO WORK

- 11.1 The College requires at least 8 weeks' notice of your intention to return to work after Maternity Leave. You may discuss your return date with your Line Manager and the Human Resources Manager during your Maternity Leave.
- 11.2 At the end of a period of maternity leave or maternity absence, you are entitled to return to the same or a comparable job in which you were employed on under your original contract of employment, and on terms and conditions no less favourable than those to which you were entitled to had you not been absent.
- 11.3 If the College is unable to offer you the right to return to your original job because of redundancy or a reorganisation which would have occurred whether or not you had been absent, you will be entitled to be offered suitable alternative employment, if available.

12. Flexible Working

- 12.1 Employees have a statutory entitlement to request an alternative working pattern or a change in hours of work under the Flexible Working Policy. The College has a duty to give reasonable consideration to such requests but reserves the right to refuse on business grounds. The College will give appropriate consideration to such requests, on either a temporary or permanent basis, from employees returning to work following maternity leave. Applications for flexible working must be made via the Flexible Working Policy as early as possible but not later than 8 weeks before the notified date of return to work.

13. GENERAL

Pension

- 13.1 Staff on Maternity Leave will continue to be members of the relevant pension scheme.

Salary Progression

- 13.2 Salaries will continue to be reviewed in line with normal salary review whilst on maternity leave.

Continuity of Service

- 13.3 The contract of employment continues throughout maternity leave and continuity of service will not be broken by a period of maternity leave.

Shared Parental Leave

- 13.4 Subject to eligibility, it is possible to share Maternity leave between parents. Please refer to the Shared Parental Leave Policy.

PATERNITY POLICY

1. Antenatal Appointments

1.1 Employees who are eligible for Paternity Leave are also entitled to take paid time off work to attend up to two antenatal appointments.

2. Eligibility for Paternity Leave

2.1 You must be taking time off work to look after the child and be one of the following:

- 2.1.1 The partner of the person who will give birth;
- 2.1.2 The partner of the primary adopter; or
- 2.1.3 The intended parent (if you are having a baby through a surrogacy arrangement)

2.2 You must also:

- 2.2.1 Have or expect to have responsibility for the child's upbringing; and
- 2.2.2 Have worked continuously for the College for 26 weeks ending with the 15th week before the baby is due or, in the case of adoption and fostering to adopt, for 26 weeks at the end of the week in which the adopter/prospective adopter is notified of being matched with the child

3. Entitlements

3.1 Employees who meet the above eligibility criteria can choose to either take one or two consecutive weeks of paternity leave. Paternity leave must be taken as a single block and cannot be taken as odd days or as two separate weeks.

3.2 During Paternity Leave, eligible employees will be paid by the College as follows:

- 3.2.1 5 days at normal rate of pay; then
- 3.2.2 5 days at statutory paternity rate

4. When can Paternity Leave be taken?

4.1 Employees can choose to start their Paternity Leave on any day of the week either:

- 4.1.1 From the date of the child's birth or placement (whether this is earlier or later than expected); or
- 4.1.2 From a chosen number of days or weeks after the date of the birth/placement (whether this is earlier or later than expected); or
- 4.1.3 From a chosen date after the expected date of birth/placement

4.2 Paternity Leave must be completed:

- 4.2.1 Within 56 days of the actual date of the birth/placement; or
- 4.2.2 If the child is born early, within the period of the actual date of birth up to 56 days after the expected week of birth

5. Notification Process

5.1 Employees will need to discuss their intention to take paternity leave with their Line Manager as soon as possible so that early consideration can be given to covering work during their absence.

5.2 To qualify for Paternity Leave and Pay, you must confirm to the Human Resources Manager that you wish to take Paternity Leave. This must be done in the following time frames:

- 5.2.1 For births (including surrogacy), by the end of the 15th week before the baby is due;
- 5.2.2 In the case of adoptions, within 7 days of being matched with the child.

6. Flexible Working

- 6.1 Employees have a statutory entitlement to request an alternative working pattern or a change in hours of work under the Flexible Working Policy.

ADOPTION POLICY

1. Eligibility

1.1 To qualify for adoption leave an employee must be :

1.1.1 an adoptive parent; or

1.1.2 A dual approved prospective adopter (also known as “fostering for adoption”, “early permanency” or “concurrent planning”); or

1.1.3 An intended parent in a surrogacy arrangement who are eligible for and intend to apply for a Parental Order.

2. ALLOCATION OF ADOPTION LEAVE FOR COUPLES

2.1 In the case of a couple, only one person in the couple can take the adoption leave (known as the “primary adopter”). The partner of the primary adopter may be entitled to paternity leave and pay and/or shared parental leave (please see Paternity Policy, above and Flexible Working Policy).

3. START DATE OF ADOPTION LEAVE

3.1 In the case of adoptive parents, adoption leave must begin on the date that the child is placed for adoption or up to 2 weeks before that date.

3.2 In the case of dual approved prospective adopters, adoption leave can begin at any time from two weeks before the child is expected to be placed with the family but must be taken within 52 weeks of the date the child is placed.

3.3 In the case of Parental Order parents in a surrogacy arrangement, adoption leave must begin from the date of the baby’s birth (or the next day if the employee is working on the date of the birth).

4. TIME OFF TO ATTEND ADOPTION/ANTENATAL APPOINTMENTS

4.1 Employees who are adopting are entitled to paid time off to attend adoption appointments in the period between being notified of a match and the child being placed with the family. A single adopter is entitled to paid time off to attend up to five adoption appointments in this period. In the case of a couple, one adopter is entitled to paid time off to attend up to five adoption appointments and the other adopter is entitled to paid time off to attend up to two appointments. If an adopter takes paid time off work to attend more than two appointments they are classed as the primary adopter and are unable subsequently to take paternity leave.

4.2 Employees who are Parental Order parents in a surrogacy arrangement are each entitled to take paid leave to enable them to accompany the surrogate mother to up to two antenatal appointments.

5. ADOPTION ENTITLEMENTS

ADOPTION LEAVE

5.1 In the case of a couple, only one person in the couple can take adoption leave and they are known as the ‘primary adopter’. The partner of the primary adopter may be eligible for paternity leave and pay and/or shared parental leave and pay. To qualify they will need to have completed at least 26 weeks’ continuous service

ending with the week in which they are notified of having been matched with a child, and meet any other criteria under the relevant policy.

- 5.2 Similarly, in the case of Parental Order parents, only one parent in the couple can take adoption leave/pay. The other parent may be eligible for paternity leave and pay and/or shared parental leave and pay. To qualify they will need to have completed at least 26 weeks' continuous service ending with the 15th week before the baby's birth, and meet any other criteria under the relevant policy. Maternity leave and pay are separate entitlements. Entitlements to pay will depend on length of service and whether or not an employee returns to work after maternity leave. These are detailed below.

6. ADOPTION PAY

- 6.1 Statutory Adoption Pay ("SAP") is payable for 39 weeks. 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 benefits (please contact your local Job Centre Plus to discuss your options).

7. EVIDENCE OF ADOPTION

- 7.1 Employees must give their employer documentary proof to show that they have the right to paid Statutory Adoption Leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK.

8. DURING YOUR ADOPTION LEAVE AND KEEPING IN TOUCH DAYS

- 8.1 During your Adoption Leave, your Line Manager will keep in regular contact with you, for example updating you on what is happening in the College and promotion opportunities.
- 8.2 Employees may undertake up to 10 Keeping in Touch Days (KIT) during their adoption leave, allowing work under their contract of employment, by agreement with the college. These days can be used for training, attending a team meeting etc, or just to ease returning to work. KIT days are optional and can only take place by agreement with both parties.
- 8.3 KIT days do not extend Adoption Leave or the Adoption Pay period. KIT days do not extend Maternity Leave or the Maternity Pay period. You will be paid for the hours that you work on your KIT day at your usual hourly rate.
- 8.4 Employees wishing to work a KIT day should contact the Human Resources Manager to arrange this.

9. THE RIGHT TO RETURN TO WORK

- 9.1 The College requires at least 8 weeks' notice of an employee's intention to return to work after Adoption Leave. You may discuss your return date with your Line Manager and the Human Resources Manager during your Maternity Leave.
- 9.2 At the end of a period of adoption leave, you are entitled to return to the same or a comparable job in which you were employed under your original contract of employment, and on terms and conditions no less favourable than those to which you would have been entitled had you not been absent.
- 9.3 If the College is unable to offer you the right to return to your original job because of redundancy or a reorganisation which would have occurred whether or not the employee had been absent, you will be entitled to be offered suitable alternative employment if available.

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