

MATERNITY, PATERNITY ADOPTION & PARENTAL LEAVE POLICY

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Maternity Leave and Pay

See also Sections 4.2 BDAT Staff Handbook

- (a) *Continuous periods of service as defined by statute law, the burgundy book and green book shall be deemed to qualify as service with the Board for the purposes of maternity pay and maternity leave.*
- (b) *Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.*

Ante-natal care

All staff members who are pregnant, regardless of their length of service, or hours of work, are entitled to reasonable time off with pay for ante-natal appointments made on the advice of a registered medical practitioner, midwife or health visitor. The Line Manager should be notified of the pregnancy as soon as it has been confirmed, and the date and time of any ante-natal appointments.

Duties during pregnancy

A risk assessment will be carried out to identify any risk to the employee or the baby's health. All staff members who are pregnant, regardless of their length of service or hours of work, are entitled to be offered alternative duties if at any time during their pregnancy it becomes impossible for health and safety reasons for them to continue to perform the duties for which they are employed. If alternative work is not available, they may be suspended on pay for as long as it is impossible for them to perform their duties. Medical evidence that it is impossible for them to perform their duties will normally be required.

Statutory Maternity Pay (SMP)

- (i) All staff members who have been continuously employed by the Board for 26 weeks at the beginning of the 15th week before the expected week of confinement (ECW) are entitled to statutory maternity pay, provided they earn the minimum amount specified by law (which changes from time to time).
- (ii) The rate of SMP is 90% of average weekly earnings for the first 6 weeks, followed by a rate equivalent to the current rate of Statutory Sick Pay (which changes from time to time by law) for a further period of up to 33 weeks. SMP is not payable before the employee has ceased work because of pregnancy or after she has returned to work.
- (iii) To qualify for the right to maternity pay, the employee must notify the line manager, in writing, that she is pregnant and of the expected week of childbirth and produce the Mat B1 Certificate signed by a doctor or registered midwife confirming the expected week of childbirth. The employee must also by the 15th week (notification week) before the EWC, give, in writing, the date when she intends to take leave.
- (iv) If you do not qualify for SMP, please request a form SMP1 from the HR Manager detailing the

reasons why. This should be taken to the local Jobcentre Plus Office as it is likely that you will be entitled to either Maternity Allowance or Incapacity Benefit. For further details of any state benefits, contact your local Jobcentre Plus or www.jobcentreplus.gov.uk.

Maternity Pay Period

The following applies both to BDAT maternity pay and to SMP.

- (i) Staff members can choose within limits when they wish their maternity pay period to begin. It can begin at any time from the beginning of the 11th week before the ECW until the date the child is born. It will begin automatically if the employee is absent from work because of her pregnancy at any time after the beginning of the 4th week before the ECW (see 5.6 (iii) below).
- (ii) Maternity pay will be paid monthly at the same time and in the same way as the normal salary.

Maternity Leave

- (i) All women in employment have the right to 52 weeks statutory maternity leave. The leave is broken into 2 parts:
 - (a) 'Ordinary' Maternity Leave (26 weeks): there are no service qualifications for maternity leave, but the employee should give notice to the Line Manager of her intention to take leave at the 15th week (notification week) before the EWC. An employee is allowed to adjust the start of her maternity leave as long as she gives 4 weeks' notice.
 - (b) 'Additional' Maternity Leave (26 weeks): this continues ordinary maternity leave. The right of return is to the same job, but if this is not practicable, then a similar job, with no less favourable terms and conditions will be offered.
- (ii) The maternity leave period begins either on the date when the employee notifies the Line Manager she wishes it to begin (which can be no earlier than the beginning of the 11th week before the week the baby is due) or on the first day the employee is absent from work for a pregnancy related reason during the last 4 weeks before the baby is due.
- (iii) During the maternity leave period, the contract of employment remains in existence and the employee is entitled to her benefits under the terms of her contract of employment except for remuneration/pay.
- (iv) To qualify for the right to maternity leave, the employee must give to the BDAT written notice that she is pregnant and of the expected week of childbirth and produce the Mat B1 Certificate signed by a doctor or registered midwife confirming the expected week of childbirth. The employee must also give in the written notice the date when she intends the maternity leave to begin. At least 28 days' notice must be given or as much notice as possible if 28 days' notice cannot be given. The employee must also give 28 days' notice if she wants to make any changes to the agreed start of her leave. Alternatively, if the maternity leave period begins automatically because of absence from work for a

pregnancy related reason, the employee must notify the Line Manager of this fact as soon as possible.

- (v) BDAT will always consider cases of hardship and the Line Manager is available to give help and assistance in cases of uncertainty or difficulty.

Return to Work

- (i) The date is agreed before maternity leave starts. BDAT will write to the employee within 28 days of receiving the application for maternity leave, stating the return to work date. The right of return, from 'ordinary' maternity leave, is to the same job on the same terms and conditions. If the employee chooses to take additional maternity leave (up to 26 weeks), then she still has the right to return to the same job on the same terms and conditions, but if it is not practical to keep her job open, then she has the right to return to a suitable alternative job.
- (ii) The maternity leave period can last for up to 52 weeks. The employee may, if she wishes, return before the end of the 26 weeks ordinary leave or the full 52 weeks, provided that she has given the Board at least 8 weeks written notice of her intention to do so. However, she may not return to work from her maternity leave in the period of 2 weeks beginning with the birth of her baby and the maternity leave period may be extended accordingly.

Keeping in Touch Days

- (i) Keeping in touch can help to make it easier for both employee and employer when it becomes time to return.
- (ii) The employee is not obliged to do any work or attend any events during maternity leave but if both employer and employee agree, she can do up to 10 days work during her maternity leave. These are known as 'Keeping in Touch Days'. They are not limited to the employee's usual job – they could be used for training or other events. It may be helpful for the employee to use some 'Keeping in Touch Days' to ease her return to work, although, she still cannot work during the first two weeks after the birth.
- (iii) *Both employer and employee must agree which days will be worked and what that work will be.*
- (iv) The employee cannot be required to take up 'Keeping in Touch Days' and the employer may not be able to offer them. The employee cannot be penalised for refusing to take up a 'Keeping in Touch Day'.
- (v) If you are not in receipt of BDAT Maternity Pay, then arrangements will be made to ensure that you receive your normal rate of pay for any such days.

Paternity Leave and Pay

Ordinary Paternity Leave ('OPL')

- (i) To qualify for Statutory Paternity Leave, staff members must have been continuously employed for 26 weeks by the BDAT at the 15th week before the child's estimated week of children ('EWC'), ie at notification week and remain in employment with the BDAT up to the birth of the child.
- (ii) Paternity leave must be completed within 56 days of the birth and is for a maximum of two weeks. Staff members may not take leave in single days and must choose whether to take one or two weeks' leave.
- (iii) Staff members must notify the Line Manager during the 15th week before the EWC that they intend to take paternity leave and tell the Line Manager when the baby is due.
- (iv) Staff members must intend, at the start of the paternity pay period, to care for the child or support the mother.

Additional Paternity Leave ('APL')

- (i) The right to APL will only apply to fathers of children born on or after 3 April 2011. New mothers will have the choice to transfer up to 26 weeks' leave to the 'father' should they wish to do so, which can be taken by the father once the mother has 'returned to work'.
- (ii) The employee must give his employer a minimum of 8 weeks' notice of his intention to take APL, and also complete a declaration which includes 'leave notice' specifying the week of the EWC and the dates the father has chosen for their period of leave, and an 'employee declaration' confirming he will help care for the child.
- (iii) APL must be taken in a continuous block. It should start no earlier than 20 weeks after the child is born and end no later than the child's first birthday.
- (iv) Staff members must have been continuously employed by the employer for at least 26 weeks ending with the week immediately prior to the 14th week before the EWC and remain employed until the week before taking APL.
- (v) The mother must be entitled to maternity leave, SMP or maternity allowance.

Paternity Pay

- (i) To qualify for Statutory Paternity Pay, staff members must have been continuously employed for 26 weeks by BDAT at the 15th week before the EWC, ie at notification week and remain in employment with the Board up to the birth of the child. They must earn the minimum amount specified by law (which changes from time to time).
- (ii) The employee must give the Line Manager 28 days' notice of the start of his paternity leave and pay and complete a certificate confirming that he is in a relationship with the child's mother. The Inland Revenue has provided a form, SC3.
- (iii) If the employee's partner is adopting a child, and he/she is asking for statutory adoption pay and leave, then he/she must also have been employed for 26 weeks before the week in which the matching certificate is issued and remain employed by BDAT until the child starts living with the adopter.
- (iv) This is given for one or two weeks at the same rate as the flat rate of SMP, or 90% normal earnings if these are less than the standard rate of statutory paternity pay.

Adoption Leave

The rules for adoption are different depending on whether the child is adopted from the UK or overseas. The following guidance applies to UK adoptions; for advice or information relating to arrangements for overseas adoption, please contact the Line Manager. An eligible employee has the right to 52 weeks statutory adoption leave and 39 weeks' pay. The leave is broken into 2 parts:

- (i) 'Ordinary' Leave (26 weeks): the right of return, from 'ordinary' adoption leave, is to the same job, on the same terms and conditions.
- (ii) 'Additional' Leave (26 weeks): this continues ordinary adoption leave. The right of return is to the same job, but if this is not practicable, then a similar job, with no less favourable terms and conditions will be offered.

Adoption leave and pay are not available when one partner formally adopts the child of the other partner.

To be eligible for statutory adoption leave or pay, staff members must have 26 weeks' service with the BDAT before the week in which the matching certificate is issued. A matching certificate is issued by an approved adoption agency confirming that the individual has been matched with a child for adoption. The employee should notify the Line Manager no more than 7 days after they are matched for placement of when they intend to take leave and the date the child is expected for placement. If the employee cannot meet this deadline, they should contact the Line Manager as soon as possible.

Either one of the couple may take the equivalent of statutory maternity leave and pay, and the other, the equivalent of statutory paternity pay and leave.

- (i) There are no additional rights if more than one child is adopted.
- (ii) If the employee is taking statutory adoption leave, s/he may choose to start leave on the day the child is placed with them for adoption or at a predetermined date not earlier than 14 days before the expected date of placement and no later than the expected date of placement. S/he should discuss this with the Line Manager the date with him/her. On receipt of the employee's request, the Line Manager will then write to the employee confirming the date on which leave will start and the expected date of return from ordinary or additional adoption leave. If the employee wishes to return to work earlier than the agreed date, s/he must give the BDAT 8 weeks' notice.