

Policy on Maternity, Adoption, Paternity and Parental Leave and Pay

This policy is designed to make employees aware of their rights and entitlements during and following pregnancy and adoption and conforms to statutory and HM Revenue and Customs regulations.

The policy is a high level summary and should be read together with the separate detailed procedural guidance. The procedural guidance includes full details of when and how to apply for maternity, paternity, adoption or shared parental leave and pay.

Who is covered by this policy?

1. **For maternity / adoption leave and pay:** any employee of the Nursery who has become pregnant or who has been matched with a child for adoption.
2. **For shared parental leave:** the partner of any such employee whether or not they work for this Nursery (subject to certain qualifying and earnings criteria); or an employee whose partner has become pregnant or been matched with a child for adoption.
3. **For paternity leave and pay:** any employee of the Nursery whose partner has become pregnant or been matched with a child for adoption.
4. **For unpaid parental leave:** any employee with at least one year's service who has a child under 18 years old.

Notifying the Nursery

If you are pregnant, adopting or think you may be entitled to paternity or shared parental leave, please notify the Manager as soon as possible, but no later than the dates set out in the procedural guidance attached to this policy.

If you are pregnant, you should notify your Manager as soon as you receive medical confirmation of your pregnancy for Health and Safety reasons. If you do not wish at this early stage to have others knowing of your pregnancy it will be kept between you and the Manager / Administration Manager. In all cases, arrangements will be made for you to meet with the Administration Manager for an informal interview to ensure that you understand:

- your right to leave
- your right to return to work
- the Nursery's flexible working policy
- your entitlement to pay during leave
- health and safety issues if relevant.

What am I entitled to?

If you are an employee who is pregnant or adopting:

- You will be entitled to take up to 52 weeks maternity / adoption leave if you want to, irrespective of your length of service or earnings with the Nursery.
- **We will pay you statutory maternity / adoption pay if**, 15 weeks before the expected birth or adoption, you have been employed by us continuously for at least 26 weeks, and your average weekly earnings are at least equal to the lower earnings limit for National Insurance contributions (refer to the Government website at www.gov.uk to see rates).

- Statutory maternity / adoption pay is payable for 39 weeks; for the first six weeks it is paid at 90 percent of your average weekly earnings. The following 33 weeks will be paid at the statutory rate set by the Government each tax year.
- Irrespective of whether you are entitled to statutory maternity / adoption pay, for the full 52 weeks you retain all your contractual entitlements (with the exception of your pay) and your contractual annual leave entitlement will continue to accrue.

If you are a father to be, adopter or will share the responsibility with a partner for bringing up a child:

- If 15 weeks before the expected birth or adoption you have been employed by us continuously for at least 26 weeks you will be entitled to 2 weeks **paternity leave**.
- If your average weekly earnings are at least equal to the lower earnings limit for National Insurance contributions we will pay you **statutory paternity pay** during your leave.

If you are a parent with a child who is under 18 years old then:

- After one year's service you can take up to 18 weeks **unpaid parental leave** for that child.
- This allowance applies to each of your children, with a maximum of 4 weeks taken per year.

Time off for Ante-Natal care

If you are pregnant you are entitled to take time off during your normal working hours to receive ante-natal care. Ante-natal care includes appointments with your GP, midwife, clinics or other medical practitioners. You may be required to provide an appointment card. There will be no deduction from your salary for attendance, including any time spent travelling and waiting for appointments.

Wherever possible, please try to arrange appointments as close to the beginning or end of the day as possible. If you work part-time, please try to arrange appointments on your days off, where possible.

Health and Safety

If you have notified that Nursery that you are pregnant, arrangements will be made to alter your working conditions should any tasks be identified as posing a risk to your health or that of your unborn child.

Am I entitled to share maternity / adoption leave and pay with my partner?

Shared parental leave is designed to give parents / adopters more flexibility in how to share the care of their child in the first year following birth or adoption. If you are eligible you can share up to 50 weeks leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. To be eligible you must meet the following criteria:

- You (or your partner) must be entitled to maternity / adoption leave, or statutory maternity / adoption pay (or maternity allowance from the Government) and you must share the main responsibility for caring for the child with your partner.
- In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows:
 - **Step 1 - Continuity test:** if you are seeking to take shared parental **leave**, one parent / adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was

notified of having been matched with a child or adoption) and they should still be employed in the first week that shared parental leave is to be taken.

The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks.

- **Step 2 - Individual eligibility for pay:** To qualify for shared parental **pay** the parent / main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth / adoption.

Although the situation around pregnancy and adoption appears complex, it is normally quite straightforward to work out your entitlement. Therefore as soon as you know you are pregnant or have been matched with a child for adoption, please let us know as soon as is practical. We will calculate your entitlement and the relevant dates for you.

Can I return to work after my leave?

For maternity, adoption and shared parental leave:

- If you return to work after a period of leave which was **26 weeks or less**, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.
- If you return to work from a period of leave which was **greater than 26 weeks**, the Nursery will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable than would have applied had you not been on leave.

For paternity leave – you will be able to return to the same job that you left with the same terms and conditions

Miscarriage or stillbirth

If you miscarry or have a stillbirth after 24 weeks pregnancy you will retain your full maternity leave and pay entitlement.

Keeping in touch and training days

Whilst on maternity or shared parental leave you will still receive internal information and will be included in work related events. Attendance is optional.

This policy was adopted by the Trustees of Sevenoaks Day Nursery Trust

Signed on behalf of the Trustees

Role of signatory (e.g. chairperson etc.)

Date

Sevenoaks Day Nursery

PROCEDURAL GUIDELINES FOR MATERNITY, PATERNITY, ADOPTION AND PARENTAL LEAVE AND PAY

What should I do once I know I am pregnant or have been matched with a child for adoption?

Congratulations on your big event! There are a few things you now need to do so we can ensure you get all you are entitled to and that the process goes smoothly for you and the organisation. Here is what you need to do:

Let us know..

- Please let us know as soon as possible. You should have a chat with your manager about your situation **especially if you are pregnant** as there are health and safety issues which we must consider. Your manager will arrange a risk assessment to ensure your work doesn't put you or your baby at any risk. You will also be entitled to take reasonable paid time off work to attend antenatal appointments as advised by your doctor, registered midwife or health visitor. If you are the partner you may also take unpaid time off to attend up to two ante-natal clinic visits.
- When you receive it from your doctor or midwife, we will need your **MAT B1** form which confirms your pregnancy and when your baby is expected. If you are adopting we will need a copy of the **matching certificate** completed by the adoption agency.
- At least 15 weeks before the due date for your baby, please let us know when you intend to take your maternity leave. If adopting, within 7 days of the date in which you were matched with the child we will need the expected week of the placement and the date on which you intend to start your adoption leave. Don't worry these dates can still be changed if you give us at least 28 day's notice before the new start date or, if that is not possible, as much notice as is reasonably practicable.
- If you plan to start adoption leave before the actual date of placement, you must be sure that the placement will be going ahead on the date agreed before you start your leave. If the placement is delayed for whatever reason and adoption leave has already commenced, you cannot stop and start it again at a later date.
- If you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your baby is expected, then you must let us know that is the case and your maternity leave will start automatically at that point.
- If you miscarry after 24 weeks pregnancy you will retain your full maternity leave and pay entitlement.

Your maternity or adoption leave.

- Regardless of the number of hours you work or your length of service, you are entitled to 26 weeks "ordinary" maternity / adoption leave. During this period all your contractual entitlements are maintained with the exception of your pay, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue. You are entitled to return to the same job that you left if you return after the ordinary leave period.

- You are also entitled to take up to 26 weeks “additional” maternity / adoption leave immediately following your ordinary leave. During this leave your contractual terms and conditions such as holidays continue to accrue. You also have the right to return to a job on no less favourable terms and conditions than the job you had at the commencement of the leave period. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable. Your continuity of service will be preserved.
- Except during the first two weeks after childbirth, you can agree to work or to attend training for up to 10 days during either ordinary maternity leave or additional maternity leave, without that work bringing your period of maternity / adoption leave to an end and without a loss of a week’s SMP. These are known as “keeping-in-touch” days.
- We will also maintain reasonable contact with you from time to time during your maternity / adoption leave. This may be to discuss changes within the Nursery, your plans for returning to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.
- We will let you know before starting your ordinary maternity / adoption leave whether you have any outstanding holiday entitlement. We will ask you to take all your outstanding holiday before commencing your leave.

Returning to work

- Once we know the start date of your maternity / adoption leave, we will inform you in writing of the date on which you are expected back at work if you take your full 52 week entitlement to maternity / adoption leave. You are expected to return on this date unless you notify us otherwise.
- If you want to return to work earlier than the expected return date please give us at least **eight week’s notice** of your date of early return. If you fail to do so we may have to postpone your return to such a date as will give us eight week’s notice, provided that this is not later than the expected return date.
- If you are unable to attend work at the end of your maternity leave due to sickness or injury, our normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- If you worked full-time prior to maternity / adoption leave you have no automatic right to return to work on a part-time basis or to make other changes to your working pattern. However, all requests for part-time work or other flexible working arrangements will be formally considered in line with the operational requirements of the Nursery.
- If you decide not to return to work after maternity / adoption leave, you must give us notice of your resignation as soon as possible and in accordance with the terms of your contract of employment. If your notice period would expire after maternity / adoption leave has ended, we may require you to return to work for the remainder of the notice period.

- If you are fully entitled to receive statutory maternity / adoption pay, then you will receive your full 39 week entitlement even if you resign.

How can I share parental leave with my partner?

Firstly you and your partner must meet the eligibility criteria described earlier. If you do:

- You can effectively “convert” a period of maternity / adoption leave and pay into shared parental leave and pay that can be taken by either parent.
- Your partner can take shared parental leave at the same time with you when you are on maternity leave or shared parental leave.
- Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks of as little as a week with our agreement.
- When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.
- Shared Parental Leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date.

Here is how you and your partner should go about opting in to shared parental leave:

1. The mother / main adopter must bring their period of maternity / adoption leave to an end by letting their employer know at least **8 weeks** before the date she intends to curtail the leave. It is important to note though that maternity leave cannot be brought to an end before the end of the two week compulsory maternity leave period.
2. The balance of maternity leave at that point becomes available for the partner to share as shared parental leave. This notice of curtailment can be given before or after the birth / placement; if notice is given before, there is a six-week window after the child's birth / adoption, during which a mother / primary adopter who has previously stated she intends to share her leave can change her mind and decide to remain on leave however if notice is given after the birth/adoption then, the notice is binding.
3. Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when. As you are one of our employees, please complete the form at Appendix 1.
4. If requested within **14 days** of letting us know about your intention to take shared parental leave, you should provide us with a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.

5. The information about how and when you and your partner are intending to take shared parental leave is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete the form at Appendix 2. We will need at least **8 week's notice** of each period of leave, and you can submit a total of three requests. That is you can take up to three periods of shared parental leave.
6. If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.
7. If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we will need to discuss with you whether our business can support such a work pattern. If it cannot we will try to agree an alternative arrangement with you, or we may need to refuse the request.
8. We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business. You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and we are under no obligation to offer you any work. These 20 days are in addition to the 10 keeping in touch days available during maternity or adoption leave.
9. While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

This all sounds complex, but it is really quite simple. Here are some **examples** to help clarify how shared parental leave works.

1. *The mother / main adopter ends her leave after 26 weeks, and the balance of the leave and pay - 26 weeks leave and 13 weeks statutory maternity / adoption pay is available to be shared between the parents as they choose. The father takes 10 weeks leave and pay, while the mother returns to work. He then returns to work and the mother takes the remaining 16 weeks leave and 3 weeks pay.*
2. *Baby is born prematurely and the mother immediately commits to taking 27 weeks maternity leave and pay leaving 25 weeks leave and 12 weeks pay to be shared with the father. The father takes 2 weeks paternity leave when baby is born and then immediately takes the 25 weeks leave and 12 weeks pay. Both parents return to work after 27 weeks having used all their shared parental leave.*
3. *The main adopter takes the first 10 weeks adoption leave and pay, and then commits to returning to work at week 22. This then frees up 30 weeks shared parental leave and 17 weeks pay. His partner takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the main adopters adoption leave so she and the main adopter can look after the child together. She then takes a further 8 weeks' leave and last 5 weeks of pay while the main*

adopter returns to work. When the partner then goes back to work, the main adopter takes the last 10 week of shared parental leave.

In total the main adopter has taken 32 weeks leave and 22 weeks pay while the partner has taken 20 weeks leave and 17 weeks pay.

Returning to Work from Shared Parental Leave

- If you wish to alter your return date from shared parental leave, please ensure you give us notice as follows:
 - If you wish to extend your SPL, at least 8 weeks notice from the originally agreed return date.
 - If you wish to shorten your SPL, at least 8 weeks notice from the new return date.
- If you return to work after a period of shared parental leave (including any maternity / adoption leave) which was **26 weeks or less**, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.
- If you return to work from a period of shared parental leave (including any maternity / adoption leave) which was **greater than 26 weeks** we will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable than would have applied had you not been on leave.

Do I have any further statutory rights to parental leave?

- Yes. If you have completed one year's service with us, you are entitled to **18 weeks** unpaid parental leave for each of your children born or adopted. The leave can start once the child is born or placed for adoption, or as soon as you have completed a year's service, whichever is later. You can take it at any time up to the child's **18th birthday**.
- Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless your child is disabled. You cannot take off more than four weeks during a year. A "week" is based on your normal working pattern.

For the purposes of this unpaid parental leave, a 'week' equals the length of time an employee normally works over 7 days. So if you work part time 3 days a week, one 'week' of parental leave equals 3 days.

Please ensure you give us at least **21 days notice** in writing if you intend to take unpaid parental leave. As unpaid parental leave is transferable between employers, please also confirm whether you have already taken some of your entitlement with another employer and how much.

Appendix 1

Notice of Entitlement and Intention to Take Shared Parental Leave

(Please read the **Policy on Maternity, Adoption, Paternity and Parental Leave**)

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Basic Details

Employee Name:	
Are you the mother / main adopter of the child or the partner of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave:	

Notice of curtailment of maternity / adoption leave

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby (or four weeks if you are employed in factory work).

I wish my maternity / adoption leave to end on the following date:	
Signed:	Date:

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	
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Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates)	
Number of weeks of shared parental leave / pay you intend to take	
Number of weeks of shared parental leave / pay the other parent intends to take	

Shared Parental Leave and Pay Dates

<p>Please detail the start and end dates of the shared parental leave/ pay that you intend to take. This should tally with the number of weeks you have indicated above that you will take.</p>	
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The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please indicate "Yes": **Yes / No**

If you indicate "No", then please complete Appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

Declarations

By the Employee

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- I meet the eligibility criteria for shared parental leave

If appropriate:

- I meet the eligibility criteria for shared parental pay
- I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy
- I consent to you retaining and processing the information contained in this form

Signed: _____

Date: _____

By the Employee's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks
- I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

- I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)
- I consent to you retaining and processing the information contained in this form

Signed: _____

Date: _____

Appendix 2

Notice to Take or Vary a Period of Shared Parental Leave

(Please read the **Policy on Maternity, Adoption, Paternity and Parental Leave**)

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (Appendix 1) and have had your eligibility for shared parental leave confirmed.

Name of Employee	
Name of Partner	

Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request

We confirm that we agree to the request / variation outlined above.

Signed: (Employee)_____

Date:_____

Signed: (Employee’s Partner)_____

Date:_____