



Parental and Maternity leave

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Parental Leave/ Maternity policy

Parental Leave:

We believe it is important that parents should be supported, particularly in the early years of their children's lives. Similar support will be given to those who adopt and especially to those with disabled children.

Unpaid parental leave is available to all employees who have completed one year's service including service with a previous employer. Parental leave must be to care for a child.

Subject to the production of documentation (e.g. a birth certificate) evidencing both the birth date and the parents' names, a maximum of 18 weeks' unpaid leave can be taken between the date of the birth and the child's fifth birthday for each child born after 15 December 1999.

Subject to the same criteria, parents with children under five as at December 1999 and parents of children adopted within the five years preceding December 1999 are also entitled to parental leave provided it is taken by 31 March 2005 and in accordance with the other terms.

On recruitment, you must declare how much, if any, parental leave has already been taken in respect of the child or children. This will be checked with previous employers.

This leave may be taken at any time in blocks of one week within the year but must not exceed a total of four weeks (part weeks counting as a whole week) in each year. At least three weeks' notice of the required dates must be given.

We have the right to postpone the leave for up to six months for operational reasons although we will endeavour to be as flexible as possible.

Expectant fathers may book up to four weeks' parental leave to follow the birth of their babies by providing 13 weeks' notice of the dates required. We will not postpone such leave.

For adopted children (subject to the production of documentation) the leave may be taken within the five years after the date of adoption (or until the child's 18th birthday if sooner).

Parents of disabled children are entitled to maximum of 18 weeks' leave and will be able to use their leave over a longer period up until the child's 18th birthday. The leave may be taken in days which will count only as individual days. A disabled child is a child for whom disability living allowance is awarded.

Paternity Leave:

We are pleased to provide some support to your family on the arrival of a new baby by providing paternity leave.

This policy is relevant to

- ◆ Those with children born on or after 6 April 2003.
- ◆ Those whose expected week of birth begins on or after 6 April 2003.
- ◆ Children matched for adoption (i.e. on the date on which an adopter is notified by an adoption agency of having been matched with the child for purposes of adoption) on or after 6 April 2003 or placed for adoption after that date.

In addition, the following qualifying criteria must be met by fathers:

- ◆ You must be continuously employed by us for a period of not less than 26 weeks ending with the week immediately preceding the 15th week before the expected week of birth.
- ◆ Your normal weekly earnings are less than the lower earnings limit in force for the period of eight weeks ending with the week immediately preceding the 14th week before the expected week of birth (or the week in which you are notified of being matched with the child for the purposes of adoption).
- ◆ You must have or expect to have responsibility for the upbringing of the child.
- ◆ You must be the biological or adoptive father of the child, be married to, or the partner of the child's mother. (A partner is defined as a person who lives with the mother or an adopter, in an enduring family relationship but not a blood relative.)
- ◆ You must have elected to receive Statutory Paternity Pay (SPP) rather than Statutory Adoption Pay (SAP) or Statutory Maternity Pay (SMP).

A woman may be able to take paternity leave where the partner of the birth mother or adoptive mother is a woman who has or expects to have responsibility for raising the child or where a couple adopts and the adoptive father takes adoption leave.

Evidence of Entitlement:

We will ask you to produce for us in writing in one document the following information:

- ◆ Your name.
- ◆ The expected week of the child's birth and if the birth has already occurred, the date of the child's birth or the expected date of adoption.
- ◆ The length of the period of leave required.
- ◆ The date on which this leave will begin.
- ◆ A declaration that you meet the conditions as to the relationship with the child and the child's mother (or father).

Notice:

You must give us at least 28 days' notice before the date when either SPP or SAP should commence or if that is not reasonably practical as much time as is practicable. Notice must be given in writing.

Length of Leave:

Either a period of two consecutive weeks or a period of one week.

Period in which leave may be taken:

Paternity leave must be taken before the end of the period of at least 56 days beginning with the date of the child's birth or the child's placement for adoption.

Preservation of benefits:

During Paternity Leave you will be entitled to receive all your contractual benefits (e.g. accrual of holiday) except your wages/salary.

Statutory Paternity Pay (SPP):

SPP is only payable if it is your purpose at the beginning of the week to care for the child by reference to how you satisfy the qualifying conditions set out above and/or support the person by reference to whom you satisfy the qualifying conditions set out above. A week means any period of seven days.

Right to return:

You will have a right to return to the same job following absence on Paternity Leave in most cases.

Pregnancy & Maternity Guide**Introduction:**

Having a baby is a very important time. The John Graham Centre (JGC) would like to offer you as much support and information as we can during and after your pregnancy.

The purpose of this guide is to:

- Detail your entitlements to maternity leave and pay
- Explain your rights during and after pregnancy
- Help you to understand and complete the maternity leave application form

If you have any queries after reading the Guide, please do not hesitate to contact the Manager Angela Cook.

Definitions:

EWC

Expected Week of childbirth, beginning on a Sunday.

MAT B1

Maternity Certificate which is issued by your doctor or midwife giving the date on which your baby is due. This will need to be given to the office, once you are in receipt.

EMP

Enhanced Maternity Pay paid according to length of service eligibility criteria.

SMP

Statutory Maternity Pay paid according to the statutory scheme. This guarantees the minimum required by law.

Childbirth

The birth of a live child or the birth of a stillborn child after the 24th week of pregnancy. There is no distinction between live and still births in the granting of maternity leave.

As soon as you know you are pregnant:

What do I need to do?	Why?
<p>Think about when to tell us you are pregnant – the laws which protect you at work only apply once we know you are pregnant.</p> <p>Please send a letter to the Manager to confirm that you are pregnant and your due date. We can then send you the appropriate form to complete.</p> <p>Please read this guide to find out your key entitlements, rights and responsibilities such as how your holiday will be handled and how to make sure you and your baby's health are protected at work</p>	<p>Once we know you are pregnant:</p> <p>a) Health and Safety Manager Maddi Barnes will conduct a risk assessment and implement any recommendations whilst you are at work</p> <p>b) You are entitled to paid time off in order to attend ante-natal appointments and classes. JGC is entitled to ask for evidence of your appointments from the second appointment onwards. Please advise the Manager accordingly.</p> <p>c) You are protected from unfair treatment, including dismissal, which is connected with your pregnancy.</p>

What am I entitled to?

Q. Have you been continuously employed at JGC for a minimum period of 12 months before the EWC?

A. **YES** & you are planning to return to work after the baby is born you qualify for EMP. You will be paid full pay for 6 weeks, then 20 weeks at half pay (or SMP whichever is greater) then 13 weeks of SMP only (or 90% of average weekly earnings if this is less than SMP). You can also take another 13 weeks of unpaid leave if you want to.

A. **YES** & you are not planning to return after the baby is born you will qualify for SMP only. You will be paid 90% of your normal pay for 6 weeks then SMP for 33 weeks.

Please note that if you fail to return to work or do not continue in work for 3 months after your return, you will be required to repay the non-statutory elements of the payments you have received.

A. **NO**, my service is less than 12 months at the EWC you will qualify for SMP only. You will be paid 90% of your normal pay for 6 weeks then SMP for 33 weeks. You can also take another 13 weeks of unpaid leave if you want to.

If you have **LESS** than 26 weeks' service at the 15th week before the EWC you may qualify for a maternity allowance. Please contact the Manager for more information.

What happens next (at around 25 weeks before pregnancy):

What do I need to do?	Why?
<p>a) Let the Manager know by the 15th week before EWC that you are pregnant (if you haven't already)</p> <p>b) Fill in the Application for Maternity Leave and return the form to the Manager. You can start your maternity leave any time from 11 weeks before your baby is due.</p>	<p>You must give us the correct notice of your pregnancy so that you can take maternity leave and receive maternity pay. We will write to you within 28 days of receipt of your Application for Maternity Leave and Pay. We will confirm:</p> <ul style="list-style-type: none"> ▪ Your maternity leave dates ▪ Maternity pay entitlements ▪ Any annual leave you may be taking

<p>c) Send the original maternity certificate (form MAT B1) to the Manager. This is usually given to you by your midwife around the 21st week of your Pregnancy and confirms when your baby is due.</p> <p>**You are able to change your mind about the date you wish to start your maternity leave but you must give us at least 28 days' notice of this change.</p>	<p>at the beginning and end of your maternity leave</p> <ul style="list-style-type: none"> ▪ How much annual leave you will accrue whilst on maternity leave ▪ When your planned return to work date will be <p>**You are entitled to take up to 52 weeks' maternity leave. You are not allowed to return to work for the first two weeks following the birth of your child</p>
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What happens if I am ill during my pregnant or after the birth?

If you are absent from work due to illness whilst pregnant, your absence will be treated as sick leave if it is not pregnancy-related.

If your absence is pregnancy-related, you can contact the Manager, to discuss any problems you may be having.

If your absence is pregnancy related and is in the 4 weeks prior to your EWC, maternity leave will automatically be triggered on the first day of absence.

If you are ill and unable to work on the day you are due to return from maternity leave, you must follow normal sickness procedures and contact the Manager.

What happens next? (At around 30 weeks of pregnancy):

What do I need to do?	Why?
<p>Think about 'Keeping in Touch' Days. You can book up to 10 optional KIT days where after the birth of your child you come into work so you are able to keep yourself up to date. These days are paid at your usual rate of pay. A form is attached to this pack to complete if you work KIT days.</p> <p>Talk with the Manager, about the use of KIT days or perhaps discuss other means of being informed about changes while you are away.</p> <p>**You are not required to take up Keeping in Touch Days; it is up to you to choose.</p>	<p>It can help to keep in touch with the workplace when you are on maternity leave, particularly if you opt to take additional unpaid leave.</p> <p>Keeping in touch will help ease your return to work and ensure you are kept up to date with what has been happening in your absence.</p> <p>KIT days can be agreed directly with the Manager, who will advise the necessary payroll staff as required using the form at the back of this pack.</p>

What happens to my holiday during maternity leave?

All the time you are off on maternity leave, you continue to accrue holiday. You will need to complete the relevant section on the Application for Maternity Leave form to let us know how you want to take this leave.

We would recommend you take any outstanding annual leave due to you before you commence maternity leave. Annual leave accrued during maternity leave in the following leave year can added onto the end of your maternity leave subject to approval by the department, during the remainder of the leave year on the employees return to work. Employees must ensure they have sufficient leave on their return from maternity leave to cover any bank holidays that may occur from their return until the end of the leave year.

What rights do I have whilst on Maternity leave?

- You continue to be employed throughout the period of your maternity leave so your continuous employment with JGC is not affected.
- Your pension rights and contributions shall continue whilst you are on paid maternity leave. Contributions will stop during any unpaid leave period but can be repaid over instalments on your return to work. Please ask for more details on this.
- You will receive a normal pay rise at the appropriate time of year for your post according to your contract of employment.
- Your holiday entitlement will accrue at the usual rate throughout the period of your maternity leave.

What happens if my baby is born before my maternity leave start date?

If your baby is born before the date you have notified as your maternity leave start date, your maternity leave starts automatically on the day after the date of the birth.

If the baby is born 15 weeks before the EWC, maternity pay will still be payable as long as you have completed 26 weeks' service by the end of the 15th week before the EWC.

If you are entitled to EMP, this will start on the date of the birth.

If you are entitled to SMP, this will start on the day after the birth.

Sometimes the unthinkable can happen and your pregnancy ends in miscarriage or stillbirth. If this happens before the end of the 24th week of pregnancy, neither EMP or SMP will be payable. Absence in relation to this will be treated as sickness absence with the usual arrangements applying. Compassionate leave will also be applicable.

If your baby is stillborn after 24 weeks of pregnancy, maternity pay and leave will still apply. Likewise, if your baby is born early and only lives for a short time, you will retain your full rights to maternity leave and pay.

What do I do about returning to work?

It is your right to return to work after maternity leave and unless you tell us otherwise, we will assume you will be coming back to work at the end of your maternity period.

The JGC will have written to you to confirm the date you are expected back to work. If you decide to change this date, you need to give the JGC 8 weeks' notice in writing.

If you decide not to return to work you must give us at least the amount of notice required in your contract of employment. It would be helpful if you could let us know as early as you can in order that we can plan ahead.

Even if your employment ends, you are still entitled to receive SMP or Maternity Allowance for up to 39 weeks as long as you don't take up other employment during this 39-week period.

Can I change my contract when I return to work?

You have a right to request to work flexibly after your maternity leave. This applies to anyone with a child under the age of 6. If you would like to consider other options, please use the form at the back of this pack, request from office. This should be sent to the Manager along with a written request. It would be helpful if you could make any request as early as you can so we are able to

plan ahead. All requests will be given consideration and viewed in line with any operational requirements within your department.

Once you have had your baby, you also have a right to parental leave and time off to deal with a family emergency. Please see the related policies for further information.

The Government offer financial support in the form of tax credits. Please contact them directly for more information on 0845 300 3900.

On your return to work:

The Manager will arrange to carry out a new mother's risk assessment to identify risks to you as a new mother, a breastfeeding mother or to your baby. If there are any possible risks, we will do all that we can reasonably do to make alternative arrangements for you.

Date of planned review: 7.3.21

REQUEST FOR FLEXIBLE WORKING

PERSONAL DETAILS:

NAME:

JOB TITLE:

LOCATION:

MANAGER:

I would like to apply a flexible working pattern that is different to my current working pattern under my right provided in law. I confirm I meet each of the eligibility criteria as follows: (please tick)

- I have the responsibility for the upbringing of either a child under six, or a disabled child under 18.
- I am the mother, father, adopter, guardian or foster parent of the child; or married to the partner of the child's mother, father, adopter, guardian or foster parent
- I am making this request to help me care for the child
- I am making this request no later than 2 weeks before the child's 6th birthday or 18th birthday where disabled.
- I have worked continuously as an employee JGC for the last 26 weeks.
- I have not made a request to work flexibly under this right during the last 12 months.

If you are unable to tick all of the boxes then you do not qualify to make a request to work flexibly in law. JGC will look at whether it can accommodate all requests made. After submission of this application, a meeting will be arranged within 28 days in order to discuss your request further.

You should note that it may take up to 14 weeks to consider a request and possibly longer where difficulties arise. You should therefore ensure that you submit your application well in advance of the date you wish the request to take effect.

DATE OF SUBMISSION:

CURRENT WORKING PATTERN:

Please describe your current working pattern (days / hours / times worked):

MON	TUE	WED	THU	FRI	SAT	SUN

TOTAL HOURS WORKED: _____

WORKING PATTERN YOU WOULD LIKE TO WORK:

Please describe the working pattern that you would like to work in the future (days / hours / times worked):

MON	TUE	WED	THU	FRI	SAT	SUN

TOTAL HOURS WORKED: _____

When would you like this working pattern to commence from?

DATE:

OTHER POSITIONS:

If you would like us to consider any other roles/ departments within JGC that you would like to work in, please use this space.

APPLICATION FOR MATERNITY LEAVE

Name: _____ Location: _____
 Job title: _____ Manager: _____
 Home address: _____ Telephone number: _____

I wish to inform you that I am pregnant and intend to take maternity leave as follows:

Expected week of childbirth (EWC) _____
 Expected date to commence maternity leave _____
 (Cannot be prior to 11th before EWC)
 Expected return to work date _____

Holiday details

Dates of holiday to be taken prior to start of maternity leave:

From: _____ to: _____
 Please take outstanding holiday accrued prior to commencing maternity leave)

Dates of holiday to be taken after maternity leave:

From : _____ to: _____

Which pay scheme applies to you?

Enhanced maternity pay
 6 week full pay, 20 weeks half pay, 13 weeks SMP _____ (tick)

Statutory maternity Pay
 90% of normal pay for 6 weeks, SMP for 33 weeks _____ (tick)

I wish to take a further 13 weeks unpaid leave at the end
 of the pay period. _____ (tick)

Please tick the following as applicable:

I have received a copy of the maternity policy _____ (tick)

I intend to work into the 4th week prior to my EWC.

I will send in a note from my GP or midwife confirming I can do this safely at the appropriate time _____ (tick)

I will discuss the KIT days with the Manager _____ (tick)

I intend to return to work after my maternity leave _____ (tick)

I do not intend to return to work after my maternity leave _____ (tick)

I will give 8 weeks written notice if I intend returning on a different date to that notified here. _____ (tick)

Signed:

Date: