



JSENSE

MATERNITY POLICY

Last Reviewed: SEPTEMBER 2023

Next Inspection: SEPTEMBER 2024

Next Review: SEPTEMBER 2025

1. Maternity Policy

The Trustee's policy is to provide a maternity scheme which complies with the scheme of statutory maternity rights. These rights include the following:-

- paid time off for antenatal care
- maternity leave
- maternity pay benefits
- protection against unfair treatment or dismissal

For the most up to date information about your rights or entitlements you should check the Government's website on [Your maternity rights when working](#).

It is important that you notify your line manager of your pregnancy as soon as it is confirmed, which should enable the Trustees to ensure that adequate safeguards are in place for the health and safety of both you and your baby.

2. Ante Natal Care

It is normally possible to arrange ante natal appointments outside working hours but, if this is not practicable, the employee should ensure that the Chairman is aware of her/their appointments. The employee must be prepared to show to the Chairman on request the following:-

- I. A certificate from her/their registered medical practitioner, midwife or health visitor confirming her/their pregnancy; and
- II. An appointment card or similar document showing that an appointment has been made.

All pregnant employees are entitled to be given time off to keep appointments for antenatal care. The employee need not provide these documents in relation to the first appointment. Payment will be made at the normal hourly rate of pay during any time off for ante natal care.

3. Qualifying for Statutory Maternity Leave

As an 'employee' you have the right to 26 weeks of 'Ordinary Maternity Leave' and 26 weeks of 'Additional Maternity Leave' making one year in total. Provided you meet certain notification requirements, you can take this no matter:

- how long you have been with your employer
- how many hours you work
- how much you are paid

You continue to be an employee throughout your ordinary and additional maternity leave. All accrued holidays must be taken at the end of maternity leave. No payment will be given for holiday entitlement not taken.

4. Statutory Maternity Pay

Statutory Maternity Leave is for up to 52 weeks. You may be entitled to receive Statutory Maternity Pay for up to 39 weeks of the leave. You can receive Statutory Maternity Pay (SMP) for up to 39 weeks, as long as you meet the conditions. See HMRC Employer Help Book E15 (2013)

To qualify for SMP you must have been;

- employed by JSENSE continuously (some breaks do not interrupt continuous employment) for at least 26 weeks before the 15th week prior to the week your baby is due
- earning an average of at least £102 a week (before tax)

To claim SMP you must inform your line manager, in writing, at least 28 days before the date you want to start your SMP.

If you have the right to receive SMP, you will get it even if you decide to leave your job (or are made redundant) before you start receiving SMP. Also, once you start receiving it, we will continue to pay SMP to you even if you leave your job or are made redundant. You don't have to repay it if you decide not to go back to work or leave your job.

Your SMP generally starts to coincide with your ordinary maternity leave unless your baby is born sooner. The earliest SMP can start is 11 weeks before the week your baby is due.

5. How much SMP you will get

If you get SMP, the organisation will pay you according to the statutory requirements.

6. Having a child through IVF (in vitro fertilisation)

It is unlawful sex discrimination for employers to treat a woman less favourably because they are undergoing IVF (in vitro fertilisation) treatment or intends to become pregnant. They will be entitled to paid time off for antenatal care only after the fertilised embryo has been implanted.

7. Pregnancy-related illness

- 7.1 If you are off work for a pregnancy-related illness during the four weeks before your baby is due, your maternity leave and Statutory Maternity Pay will start automatically, no matter what you may have agreed.

8. Compulsory maternity leave

- 8.1 Even if you have decided not to take Statutory Maternity Leave, you must take two weeks off after your baby is born. This is called 'compulsory maternity leave'.
- 8.2 Failure to comply with any of the notice requirements can result in the loss of rights to basic leave, enhanced leave and SMP.

9. Father-to-be and time off for antenatal appointments

9.1 Employees can choose to take either 1 week or 2 consecutive weeks' leave. The amount of time is the same even if they have more than one child (for example twins).

Leave cannot start before the birth. The start date must be one of the following.

- the actual date of birth
- an agreed number of days after the birth
- an agreed number of days after the expected week of childbirth

Leave must finish within 56 days of the birth (or due date if the baby is early). The start and end dates are different

9.2 Extra leave or pay

Employees can get more leave or pay if:

- their partner returns to work and they qualify for [Shared Parental Leave and Pay](#)
- your company scheme offers more

You must make sure your paternity leave and pay policies are clear and easily accessible to staff.

9.3 Statutory Paternity Pay

Statutory Paternity Pay for eligible employees is either £172.48 a week or 90% of their average weekly earnings (whichever is lower). Tax and National Insurance need to be deducted. Employees must request paternity pay at least 15 weeks before the week the baby is expected. Notice does not have to be in writing unless you requested.

9.4 Leave for antenatal appointments

Employees can take unpaid leave to [accompany a pregnant woman to antenatal appointments](#) if they are:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long term relationship with the expectant mother
- the intended parent (if they're having a baby through a surrogacy arrangement)

They can accompany the woman to 2 appointments of up to 6 and a half hours each.

9.5 If the baby dies

Employees still qualify for paternity leave and pay if the baby is either:

- stillborn from 24 weeks of pregnancy
- born alive at any point in the pregnancy but later dies

10 Ordinary Parental Leave

Parents have the right to unpaid time off work when they need to look after their children. This is called 'ordinary parental leave' or unpaid parental leave in line with your rights as laid out by ACAS <https://www.acas.org.uk/parental-leave>

11 Maternity Support Leave

An employee who is the father or prospective father of a child is entitled to up to five days paid paternity leave to assist in the care of the child and provide support to the mother at or around the time of the birth, provided that you resume work and continue to be employed by the organisation following the period of paternity leave and provided further that the paternity leave is taken within three months either side of the birth of the child.

If you do not resume work and do not continue to be employed by the Trustees [for 12 weeks] following any period of paternity leave any payment made in respect thereof shall immediately be repayable to the Trustees, and such sum or sums shall for the purposes of the Wages Act 1986, be deductible from any payment of final salary due to you from the Trustees.

Maternity support leave forms part of Parental Leave & any employee taking one week's paid Maternity Support Leave would then be entitled to a further 12 weeks unpaid Parental Leave under the guidelines above.

During Parental Leave your Contract of Employment continues unchanged. The following terms continue -

Terms binding the employer -

- The employer's implied obligation to the employee of trust and confidence
- Any term relating to notice of termination, compensation for redundancy or disciplinary/grievance procedures

Terms binding the employee -

- The employee's implied obligation to the employer of good faith
- Any term relating to notice of termination, disclosure of confidential information, the acceptance of gifts or other benefits

12 Right to Return to Work after Parental Leave

If the leave is for less than four weeks, the employee is entitled to return to the same job. If the leave is for more than four weeks, the right is to return to the same job, or if that is not reasonably practical, to another one that is both suitable and appropriate for them to do in the circumstances. This also applies if leave of less than four weeks immediately follows additional maternity leave.

When an employee returns, their terms and conditions will not be less favourable than they would have been had they not been absent from work. Seniority, pension rights and similar rights will be as they would have been had the employee been continuously employed but without counting the times when they were actually absent from work.

13 Adoption Leave

Adoption leave and pay (this includes Statutory and Occupational Adoption Pay) will be granted and managed in accordance with the maternity leave and pay provisions as set out in Section 4 of this Policy.

However, please note the following which is specific to adoption leave and pay:

There is an entitlement to 52 weeks adoption leave for all employees wishing to adopt a child who is newly placed for adoption. It will be available to people adopting a child, who will have primary carer responsibilities for that child (the 'primary adopter').

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. For overseas adoptions, the adoption leave may start from the date the child arrives in the UK or within 28 days of this date. The law requires that a minimum of two weeks' leave must be taken immediately following the placement of the child.

This applies both to an employee who adopts on their own, and to one member of a couple where a couple jointly adopts (including same sex partners and civil partners).

A couple who jointly adopt must choose which partner will take adoption leave. The other partner may choose to take maternity support leave. If the adopter wants to share the equivalent of the adoption leave period, they can end the adoption leave and enter into shared parental leave arrangements.

13.1 Eligibility

To qualify for adoption leave, you must:

- be newly matched with a child for adoption by an approved adoption agency recognised in the UK
- have notified the adoption agency that you agree the child will be placed with you and have an agreed date of placement
- given the correct notice to the Council (see Notification Requirements below)
- produce documentary evidence confirming the adoption is taking place – usually a 'matching certificate' from your adoption agency

Adopters will not qualify for adoption leave and statutory/occupational pay in the following circumstances:

- Private adoption
- Becoming a special guardian or kinship carer
- Adopting a stepchild
- Adopting a family member

13.2 Fostering for Adoption

Parents who foster a child in the expectation that they will adopt that child are eligible for adoption leave once there is written notification of a fostering for adoption

placement. If an employee is eligible for adoption pay and leave, they will receive them from when the child comes to live with them.

If an adopter chooses not to take adoption leave at this point, they may take leave at the point when the child is matched with them for adoption (which may be some months later). Taking adoption leave at the later date (on matching) may affect

statutory adoption pay. (This is based on the final 8 weeks' salary before taking leave, so a fostering for adoption carer who takes unpaid leave while fostering will be eligible for statutory adoption leave but not statutory adoption pay, for example).

13.3 Surrogate Parents

Parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under section 54 of the Human Embryology and Fertilisation Act 2008 are able to take adoption leave and pay, if each parent meets the qualifying conditions. A parental order transfers the legal rights from the birth mother to the intended parents when a surrogate has been used to have a child.

In order to qualify for adoption leave and/or pay, the conditions are that:

- The intended parent gains a parental order in respect of the child.
or
- They intend to apply for such an order within 6 months of the child's birth and they expect the order will be made.

The employee will need to give written notice of their entitlement to adoption leave before the 15th week before the baby is due.

Where parents in a surrogacy arrangement are adopting a child through a registered adoption agency, they will be entitled to take adoption leave and pay, providing each parent meets the normal qualifying conditions set out above.

13.4 Notification Requirements

Employees should always aim to have early conversations with their managers about their proposed adoption plans, so that forward planning can take place. Formal notice to take adoption leave must be given by the employee within 7 days of being informed that they have been matched for adoption by the adoption agency (unless there is a reason that makes this impossible). Where an adopter doesn't give reasonable notice, managers do have the discretion to delay the start date of the adoption leave and pay, but not after the start of the placement date.

To make a formal notice, the employee must send a letter detailing:

- The employee's name and address
- The name and address of the adoption agency
- The date on which the employee was informed that the child would be placed for adoption with them
- The date the child will be placed with the family (e.g. the employee could provide a letter from the adoption agency)
- The date they would like the adoption leave to start.

They must also:

- Provide a declaration that they have chosen to receive statutory adoption pay and not statutory paternity pay, and
- Provide evidence from the Adoption Agency which shows basic information on matching and the expected placement dates.

After the notification is provided to the Council, a letter will be sent to the employee within 28 days which will set out the latest date on which the employee must return to work after the adoption leave.

Surrogate Parents will also need to confirm in writing the expected week of child's birth and will also need to confirm the date the child was born (after the child's birth). This should be given as soon as reasonably practicable.

Employees may bring forward or postpone the adoption leave start date, by providing written notification at least 28 days before the new start date.

13.5 Pre-Adoption Leave

Employees intending to adopt a child have the right to attend appointments for any purpose connected with the adoption. There is no qualifying period of service, meaning the right is exercisable from the first day of employment.

Employees wishing to make a request for time off for pre-adoption leave should put their request in writing to their manager.

The Council is supportive of employees who adopt and paid special leave may be authorised to support employees who are attending appointments for reasons connected to their adoption. The expectation is that this would normally amount to no more than 5 appointments, which is the statutory allowance, however any reasonable request should be given due consideration.

Only those officially adopting the child are entitled to time off to attend adoption appointments, but any reasonable request should be considered in line with the Council's commitment to flexible working.

Intended parents of a child in a surrogacy arrangement will also be eligible for unpaid time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments (of up to 6 and a half hours for each appointment).

APPROVED BY THE TRUSTEES

DATE:

SIGNED: