

## **Maternity/ Paternity/ Adoption Policy**

### **Maternity Leave and Maternity Pay**

The nursery recognises and respects the rights of expectant and recent mothers to take time away from work in connection with their maternity and childbirth. None will be subjected to a detriment for exercising their right to take maternity leave in accordance with this policy or for seeking to do so.

The purpose of this policy is to ensure that staff and managers are clear about entitlements to maternity leave, the process that should be followed for arranging leave and the terms that apply during and after maternity leave.

This policy is intended to summarise your statutory rights. This is a statement of policy only and does not form part of your contract of employment.

Conditions:

An employee is required to notify her Line Manager by the end of the 15th week before the Expected Week of Childbirth (Qualifying week) or, if that is not possible, as soon as is reasonably practicable, of their pregnancy and of their expected start date of maternity leave. A maternity certificate (MAT B1) is also required by the nursery confirming the Expected Week of Childbirth (which is the week, starting on a Sunday, in which your doctor or midwife expects you to give birth).

The maternity leave may begin at any time from the start of the 11th week before the expected week of childbirth up to the day childbirth occurs (if deemed appropriate by her Line Manager). However, if the employee is on sick leave because of her pregnancy and there are fewer than four weeks before the expected week of childbirth, the employee will be deemed to be on maternity leave from the start of the pregnancy related sickness or from the fourth week before the expected week of childbirth, whichever is the later.

A woman employee is required by law to take two weeks compulsory leave immediately following childbirth, normally as part of her maternity leave.

All employees who have taken maternity leave have a right to return to work at the end of their maternity leave, subject to the conditions set out below.

Where an employee returns after maternity leave (including any approved unpaid leave following on from maternity leave) the employment will be regarded as having been continuous throughout the leave, whether paid or unpaid. Maternity leave will not be counted against the employee's entitlement to sick leave.

Holiday entitlement will continue to accrue during paid maternity leave and during statutory maternity leave but not during periods of unpaid leave following on from paid maternity leave. No allowance will accrue for any statutory holiday which may fall during the maternity leave.

If intending to return to work before the intended end date of maternity leave the employee is required to give at least eight weeks' notice in writing to the Nursery Manager. This is so as to allow mutual planning for the employee's return to work.

There will be no distinction between live and stillbirths in the granting of maternity leave.

### **Statutory Maternity Leave**

A woman employee who is pregnant is entitled to take 52 weeks' maternity leave, regardless of the length of previous employment (consisting of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML)). The leave will be unpaid unless the employee is entitled to benefit from either SMP or Union Maternity Pay (see below).

### **Statutory Maternity Pay (SMP)**

An employee is eligible to receive SMP through the nursery if she has been employed by the nursery, either full or part time, for at least 26 weeks by the end of the 15th week before the expected week of childbirth and if she is liable to pay national insurance contributions on her earnings.

SMP is payable for up to 39 weeks. The value of SMP is 90% of the employee's average weekly earnings for the first six weeks and a flat weekly rate (determined annually by the Department of Social Security) for the remaining 33 weeks.

### **Adoption Leave**

An adopting parent with 26 weeks continuous service ending in the week they are notified of a confirmed match is entitled to Statutory Adoption Leave.

The employee must inform the nursery within seven days of being informed of a match with a child for adoption and within 28 days of Adoption Leave commencing if this is practicable.

### **Statutory Adoption Pay (SAP)**

Employees are eligible to receive SAP through the nursery if they have been employed by the Union, either full or part time, for at least 26 weeks ending in the week they are notified of a confirmed match and if they are liable to pay national insurance contributions on their earnings.

SAP is payable for up to 39 weeks. The value of SAP is 90% of the employee's average weekly earnings for the first six weeks and a flat weekly rate (determined annually by the Department of Social Security) for the remaining 33 weeks.

### **Paternity Leave**

Paid paternity leave of ten working days will be granted subject to the following conditions:

Male staff shall be entitled to paid paternity leave provided they have completed at least 24 weeks continuous employment with the nursery prior to the expected date of birth, the timing of that leave to be discussed and agreed with your Line Manager. Where male staff are employed on working term-time only basis with lay-off pay during vacations, they will be entitled to paternity leave only for those periods when they would normally be at work and for which they would have been paid accordingly.

On the return to work of the employee, there shall be no loss of pay or grade or other rights under his contract of employment.

There shall be no distinction between live and stillbirths in the granting of paternity leave.

### **Parental/Family Leave**

Parental leave will be granted subject to the following conditions:

Employees who have successfully completed their 26 week probationary review will be allowed to take up to three months (unpaid) leave following the birth or adoption of a child. This period of parental leave is in addition to statutory maternity rights.

Mothers, fathers and adoptive parents may take up to 13 weeks unpaid leave over the first five years to care for each child or 18 weeks where caring for a disabled child under 18 years of age. This will apply to children born or adopted on or after 15 December 1999. In the case of multiple births 13 weeks' leave is available for each child.

Employees will qualify if they have one year's continuous service.

Employees must give a minimum of 21 days' notice before the date on which the leave is to commence. For prospective fathers where leave is to commence on the day the child is born or prospective adoptive parents, the notice must be given at least 21 days before the week in which the birth or adoption is expected to take place. Notice of double the amount of leave must be given if the employee wants to take more than two weeks at a time, e.g. eight weeks for four weeks leave.

If the parental leave taken is four weeks or less the employee is entitled to return to the same job.

If the parental leave taken is more than four weeks, the employee is entitled to return to the same job unless this is not reasonably practicable in which case he/she must return to a job which is suitable and appropriate. The right to return is on terms and conditions not less favourable.

The employee remains employed during the parental leave period and is entitled to and subject to the same terms and conditions applicable to employees taking additional maternity leave.

Date of Review	Changes Made	Signatures	Date of Next Review
15/01/15	None	A. Ferguson	January 2016
04/05/2016	None	A. Ferguson	May 2015
05/04/2017	None	A. Ferguson.	April 2018