

Maternity, Paternity, Adoption and Shared Parental Leave Policy

Compass Disability Services
Units 11 – 12 Belvedere Trading Estate
Taunton TA1 1BH

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Introduction

Compass Disability Services aims to ensure that, as far as possible, employees are able to combine their career and family responsibilities, recognising that parenthood brings additional responsibilities.

Our organisation recognises the value that working parents bring and the importance of parental choice in how to share the care of their child in the first year of birth or adoption.

The following abbreviations are used in this policy:

EWC – Expected Week of Childbirth, means the week starting on a Sunday, in which the employee’s doctor or midwife expects her to give birth.

QW – Qualifying Week means the 15th week before the EWC.

OML/AML – Statutory Maternity Leave is 52 weeks. It’s made up of:

- Ordinary Maternity Leave (OML) - first 26 weeks
- Additional Maternity Leave (AML) - last 26 weeks

Pregnant employees do not have to take 52 weeks maternity leave but must take a minimum of 2 weeks leave after the baby is born.

SMP/SPP – Statutory Maternity Pay/Statutory Paternity Pay

MA – Maternity Allowance

KIT – Keeping in Touch days

SPL/ShPP - Shared Parental Leave/Statutory Shared Parental Pay

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Maternity and Adoption Leave and Pay

This section sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth. Compass Disability Services implements the maternity rights set down in legislation.

The rights and responsibility of those who are adopting a child or having a child through surrogacy are similar to those for pregnant employees. Exact details can be found at <https://www.gov.uk/adoption-pay-leave/overview>. Compass Disability Services will fulfil its statutory requirements in relation to adoption leave and pay.

Notification of Pregnancy

On becoming pregnant, an employee should notify her line manager or the Operations Manager as soon as she feels able to do so. This is important because there are health and safety considerations for the employee and the organisation.

By the end of the QW, or as soon as reasonably practicable afterwards, the employee is required to provide the following information in writing to the Operations Manager:

- That she is pregnant
- Her EWC;
- The date on which she intends to start her maternity leave.

The employee must also provide the Operations manager with a MAT B1 form; this is obtained from the employee's doctor or midwife. The form must have either the doctor's name and address or the midwife's name and registration number on it. The MAT B1 form confirms the employee's EWC.

The employee is permitted to bring forward her maternity leave start date, provided she advises the Organisation in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided she advises the Organisation in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as is reasonably practicable.

The Organisation will formally respond with a Mat B1 Response in writing to confirm the employee's maternity leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

As soon as practicable after notifying the organisation of her pregnancy, the

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Operations Manager we will arrange to meet the employee. This will be an informal interview the purpose of which will be to ensure that:

- The employee has been informed and understands her rights regarding OML and AML, and particularly the need to give appropriate notice.
- She is aware of her entitlements to pay for OML and AML.
- She is given an opportunity to discuss any health and safety concerns and will complete an Expectant Mothers Risk Assessment.

Entitlement

All pregnant employees are entitled to a maximum of 26 weeks OML and 26 weeks AML, making a total of 52 weeks. For 39 weeks of this 52 week period, employees are also entitled to receive SMP, or MA if not entitled to SMP. Both are detailed below

Maternity leave should normally commence no earlier than 11 weeks before the EWC, unless the child is born prematurely before that date.

Maternity leave will start on whichever date is the earliest of:

- The employee's chosen start date
- The day after the employee gives birth
- The day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the EWC.

Ordinary Maternity Leave (OML)

The employee will continue to benefit from all of the rights conferred by her Terms and Conditions of Employment, except for the right to remuneration.

Prior to commencement of Maternity Leave the employee will be informed of the arrangements for covering her work and for remaining in contact whilst she is on leave. As far as possible, such arrangement will be finalised in consultation with the employee herself. If she has staff reporting to her, she will be involved in all decisions relating to the temporary reporting arrangements to cover her Maternity Leave. In addition staff on Maternity Leave will unless it has been agreed otherwise, remain on circulation lists for internal memoranda and other documents and will be included in invitations to work-related social events as though they were still at work. This may involve communication via a personal email address if this is preferable to the employee, although they will continue to have access to their works email address online should they choose to access it. As far as reasonably possible, we will seek to defer key decisions until the employee's return from Maternity Leave or at least until a reasonable period after the birth of her child.

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Right to return to work following OML

The employee will be entitled to return to the job in which she was employed before her absence on terms and conditions not less favourable than those that would have applied if she had not been absent.

The employee does not have to give notice of her return unless she wishes to return early; in which case she must give 8 weeks' notice to the Operations Manager in writing. If the employee fails to give the requisite notice, we reserve the right to postpone her return so as to obtain a maximum of 8 weeks' notice.

Additional Maternity Leave (AML)

The employee is also entitled to AML, which allows the employee up to a further 26 weeks' maternity leave after the end of OML. AML must run immediately and continuously from the end of OML.

The employee's contract of employment continues to subsist throughout the period of AML, and the employee will benefit from all of the rights conferred by her Terms and Conditions of Employment, except for the right to remuneration.

Right to return to Work after AML

The employee is entitled to return after AML to the same job or, if it is not reasonably practicable, to a suitable alternative role. The terms and conditions of such employment will be no less favourable than would have applied if she had not been absent.

The employee is required to give no notice of her intention to return if she returns at the end of the 26-week period of AML but must give 8 weeks' notice of an intention to return early, in which case she must give 8 weeks' notice to the Operations Manager in writing. If the employee fails to give the requisite notice, we reserve the right to postpone her return so as to obtain a maximum of 8 weeks' notice.

Throughout both OML and AML, the employee:

- Retains the right to notice, right to redundancy pay, access to disciplinary and grievance procedures and the employer's implied obligation of trust and confidence
- Remains bound by the policies and procedures laid down by Compass Disability Services

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If the employee decides not to return to work after maternity leave, she must give notice of resignation in accordance with the terms of her Contract of Employment.

Statutory Maternity Pay

An employee will be entitled to SMP if she fulfils the following criteria:

- She is still pregnant 11 weeks before the start of the EWC, or has already given birth
- She has given 28 days' notice of her maternity leave (unless with good reason)
- She has provided medical evidence with a form (MATB1)
- She has been employed continuously for 26 weeks up to and including her QW
- Her average weekly earnings are at least equal to the lower earnings limit for National Insurance (NI) purposes in the relevant period.

Eligible employees will be entitled to SMP for a period of 39 weeks at the following rate:

- For the first 6 weeks, at the rate of 90 percent of normal weekly earnings
- For the remaining 33 weeks, either 90 percent of normal weekly earnings or the standard rate of SMP, whichever of these is lower. SMP is paid at a rate set by the Government for the relevant tax year.

Employees who are not eligible for SMP may be entitled to claim MA, which is payable directly by the Government. An employee who is not entitled to SMP will be given a form SMP1 to allow her to make a claim for MA.

Payment of SMP cannot start prior to the 11th week before the employee's EWC.

Post-Maternity/Adoption Leave

An employee has no automatic right to return to work on fewer hours or other flexible basis than they were contracted to prior to their leave. The opportunities for flexible working will depend on the needs of the business at the time. If an employee wishes to be considered for a decrease in hours or other flexible working arrangement, they should write to the Operations Manager setting out their proposals as soon as possible before their return date so that their request can be fully considered. Please see the organisation's Flexible Working Policy for details of how to apply for flexible working.

Paternity Leave

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The employee is entitled to a maximum of 2 consecutive weeks (the employee can elect to take one) Paternity Leave if they:

- Have or expect to have responsibility for the child's upbringing; and
- Are the biological father of the child or the mother's husband or partner and
- Have worked continuously for the organisation for at least 26 weeks ending with the 15th week before the baby is due; and
- Can complete a Paternity Leave Request and Self-Certificate form as evidence that the above criteria have been met.

Paternity Leave must be taken in one go. A week is the same amount of days that the employee normally works in a week, e.g. if they only work on Mondays and Tuesdays a week is 2 days.

Leave can't start before the birth and it must end within 56 days of the birth.

Only one Paternity Leave period is available to the employee irrespective of whether more than one child is born as a result of the same pregnancy.

Paternity Leave Request and Self-Certificate Form

The employee must complete the Paternity Leave Request and Self-Certificate Form by the end of the 15th week before the baby is expected, unless this is not reasonably practical. This form should be given to the Operations Manager. The employee will be required to supply the following information:

- The week the baby is due
- Whether they wish to take one or two weeks leave
- When they want their leave to start (You don't have to give a precise date when you want to take leave (e.g. 1 February). Instead you can give the general time (e.g. the day of the birth or 1 week after the birth)
- You must give your employer 28 days' notice in writing if you want to change your start date unless the birth of the child is earlier than was expected.

Upon receipt of the Paternity Leave Request and Self Certificate form the Operations Manager will write to the employee to confirm the details that have been provided within 28 days.

The employee does not have to give notice of their return to work unless they wish to return early, in which case they must give notice to the Operations Manager in writing.

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Paternity Pay

Statutory Paternity Pay (SPP) is paid at a rate set by the Government for the relevant tax year. Employees are paid SPP or 90% of your average weekly earnings (whichever is lower).

Any money is paid in the same way as normal salary and is subject to normal tax and national insurance deductions.

Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP)

Each parent qualifies separately for SPL and ShPP. If eligible an employee can start SPL and take leave in separate blocks, instead of taking it all in one go like maternity or adoption leave. Parents can also share the leave between them if they are both eligible.

The government defines eligibility for SPL and ShPP. More information can be found at <https://www.gov.uk/shared-parental-leave-and-pay/overview>.

The employee must give notice to the organisation if they want to start SPL or ShPP, they can give notice for leave and pay at the same time if they are eligible to get both. To ensure that all necessary information is provided the employee should complete and return the forms created by the Advisory, Conciliation and Arbitration Service (Acas) to the Operations Manager. The forms can be downloaded at <https://www.gov.uk/shared-parental-leave-and-pay/applying-for-leave-and-pay>

The employee's partner must apply to their own employer if they also want SPL or ShPP.

The organisation reserves the right to request the following information within 14 days of an application for SPL or ShPP:

- A copy of the birth certificate
- A declaration of the place and date of birth (if the birth hasn't been registered yet)
- The name and address of the employee's partner's employer or a declaration that their partner has no employer

If the employee is adopting:

- Name and address of the adoption agency
- Date the employee was matched with the child
- Date the child will start to live with the employee
- The name and address of the employee's partner's employer or a declaration that their partner has no employer

The employee must give this information within 14 days of being asked for it.

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Full details on when SPL and ShPP can start, what an employee will get and how to book blocks of leave can be found at <https://www.gov.uk/shared-parental-leave-and-pay/overview>

Compass Disability Services will fulfil its statutory requirements in relation to Shared Parental Leave.

Provision for leave in the event of death of the baby

If the baby is stillborn or dies after birth, the employee is entitled to Maternity/Paternity leave and pay if the stillbirth happens after 24 weeks of pregnancy. If the stillbirth happens before the end of the 24th week of pregnancy, the employee may take special leave as detailed in the staff handbook.

Holiday During Maternity/Paternity/Adoption leave

As stated above, the employee's contract of employment remains in force during leave for all purposes except remuneration. Therefore, both statutory and contractual annual holiday entitlement continue to accrue in the normal way during leave.

Prior to the commencement of Maternity/Adoption leave, the Operations Manager will discuss the timing of the employee's holiday in relation to their forthcoming leave. The Organisation will:

- Require the employee to use all of their accrued outstanding holiday entitlement before starting leave; or
- Agree that the employee may carry the holiday forward and take it on their return to work after leave.

On the employee's return to work during the next holiday year, the employee will be able to take their full annual leave entitlement in the usual way as detailed in the staff handbook.

Work and Contact During Leave

The Organisation reserves the right to keep in reasonable contact with the employee during leave. This may be to discuss the employee's plans for return to work or to update them on developments at work during their absence.

Keeping in Touch (KIT) days

Employees can work up to 10 days during their maternity, adoption or shared parental leave. These days are called 'keeping in touch days'. KIT days are optional - both the employee and employer need to agree to them.

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The type of work and pay employees get should be agreed before they come into work. The employee's right to maternity, adoption or shared parental leave and pay isn't affected by taking KIT days.

Time off for Antenatal Care and Adoption Appointments

Once an employee has advised her line manager that she is pregnant, she is entitled to take reasonable paid time off to attend antenatal appointments made on the advice of her doctor, midwife or health visitor. Antenatal care may include relaxation and parent craft classes.

If an employee is entitled to adoption leave, they can also get paid time off work to attend 5 adoption appointments after they have been matched with a child.

Employees, who are the father of the baby, or the partner of the pregnant woman, or are the partner of someone entitled to adoption leave and have been matched with a child, have the right to time off to accompany a pregnant woman to up to two antenatal care appointments or adoption appointments. It is our policy to pay for up to 2 appointments (maximum of 13 hours) for a father/partner to accompany a pregnant woman to an antenatal appointment or adoption appointment.

This right applies irrespective of length of service.

Redundancy

Employees have the same redundancy rights as their colleagues while on maternity, adoption, paternity or parental leave.

Employees have the right to be offered any suitable alternative job if they're selected for redundancy (even if other colleagues are more suitable for the role) while on maternity, adoption or paternity leave.

More information can be found in the Redundancy Policy

Pensions

If an employee takes parental leave (maternity leave, paternity leave or adoption leave), they are encouraged to remain a member of either the workplace pension scheme or the organisation pension scheme. The employee and the organisation will continue to make contributions during paid periods of leave. If the employee decides to stop contributing, the organisation will also stop their contributions and the employee will be treated as a having left the scheme.

If the employee is a member of either the work place pension scheme or organisation pension scheme, they continue to pay contributions into the

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scheme while on paid parental leave. The organisation's contributions are based on the employee's pensionable earnings before they started the parental leave, while the employee contributions are based on their actual earnings during the parental leave. The organisation will continue to match the same level of contributions that the employee was paying before the parental leave started.

If the employee decides to take a period of unpaid leave after their paid parental leave, they do not need to continue contributing during the period of unpaid leave, the organisation will also cease contributing until the employee returns to work.

Policy Revision

This policy will be reviewed annually and amended as necessary, or earlier in accordance with any forthcoming legislation. All employees should pass suggestions or recommendations for the revision of any aspect of this policy through normal channels to the Chief Executive.

Associated Documents

Mat B1 Response

Expectant Mothers Risk Assessment

Flexible Working Policy

Paternity Leave Request and Self-Certificate form

Redundancy Policy

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