

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

### **POLICY STATEMENT**

The EKC Group has a clear commitment to the promotion of equality of opportunity for all employees. This policy demonstrates its duty of care in enabling employees to manage work and family life.

It is the intention through such policies to be a diverse, fair and flexible employer that attracts and retains high calibre talent, and supports the career progression of its diverse staff during their employment with Group.

Statutory maternity, paternity and adoption rights apply to leave granted to parents both before and after birth or adoption. The rights provide parents with the time needed to maintain family responsibilities while keeping their right to return to work. Fathers, adoptive parents and same sex partners are entitled to paternity or maternity leave, adoption and shared parental leave.

Please refer to the shared parental leave section of the policy which provides parents with more flexibility on how they share the care of their child in the first year following birth. This enables parents to choose to be off work at the same time and/or take it in turns to have periods of leave to look after their child.

This policy does not form part of any employee's contract of employment and the Group may amend it at any time.

Employees are also encouraged to refer to the Staff Wellbeing Policy

### **MATERNITY**

#### **1.0 INTRODUCTION**

1.1 All employees, regardless of length of service and number of hours worked, have the right to statutory maternity leave

1.2 Statutory maternity leave is 52 weeks. It is made up of:

- Ordinary maternity leave – the first 26 weeks
- Additional maternity leave – the last 26 weeks

You do not have to take 52 weeks but you must take 2 weeks' leave after your baby is born, this is called compulsory leave.

1.3 Usually, the earliest you can start your leave is 11 weeks before the expected week of childbirth.

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

Leave will also start:

- the day after the birth if the baby is early
- automatically if you're off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due

1.4 Shared Parental Leave (SPL) is available for eligible parents. Full details can be found in the Shared Parental Leave section of this Policy.

### **2.0 NOTIFICATION OF PREGNANCY & INTENTION TO TAKE MATERNITY LEAVE**

2.1 The notification procedures are a statutory obligation and therefore, in cases where these are not complied with, it may affect payment of maternity pay.

2.2 By the end of the 15<sup>th</sup> week before EWC, you must have given notice, in writing, that you are pregnant, your expected date of childbirth and when you intend to start your maternity leave along with a copy your MATB1 Certificate.

Contractual maternity pay is only due to be paid to you if you return from maternity leave. You may choose to receive this as a lump sum on your return if you are unsure about returning as failure to return will result in you needing to pay this back. You can discuss your options at your maternity meeting with your HR Officer.

2.3 If it is not reasonably practicable for you to give this notice by the 15<sup>th</sup> week before the EWC, then you must provide the information as soon as reasonably practicable.

2.4 The Group will write to you within 28 days of receipt of the above information, setting out the date on which you are expected to return to work. It is presumed that the full 52 weeks leave will be taken, unless notification is given of an earlier return.

2.5 You can change your mind about when you want to start your leave providing you write to your line manager and HR Officer at least 28 days in advance of the intended start date for your maternity leave. If it is not reasonably practicable to give such notice of change of intention, then you must provide the information as soon as reasonably practicable.

### **3.0 RETURNING TO WORK**

3.1 You are not required to inform the Group if you intend to return to work the day after your statutory maternity leave ends i.e. after the full 52 weeks, but if you wish to return to work before the end of the full maternity leave period you must give the Group eight weeks' notice of your return date in writing.

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

3.2 If you attempt to return to work early and have not given the eight weeks' notice, the Group is entitled to postpone your return by up to eight weeks but not beyond the end of the maternity leave period.

3.3 If you change your mind about your intended date of return and have further leave to be taken, you are required to give 8 weeks notice of your new return date. The notice period to be calculated back from the original intended date of return.

3.4 You will not be allowed to return to work within the 2 weeks immediately after childbirth (i.e. during the compulsory maternity leave period).

3.5 If you return to work at the end of your ordinary maternity leave i.e. the first 26 weeks, you are entitled to return to the same job you were in before going on leave, on terms and conditions no less favourable than those that would have applied had you not been on leave.

3.6 If you return after additional maternity leave i.e. week 27 or beyond you will normally return to the same job, but if there are exceptional reasons why this is not possible you will be employed on similar work (suitable and appropriate in the circumstances) and on terms and conditions no less favourable to you than if you had continued to be employed in your old job.

3.7 If you wish to amend your working arrangements on return from maternity leave you should submit a request under flexible working, details of which are available in the Wellbeing policy.

3.8 If you do not intend to return to work you should give the notice detailed in your contract of employment as a minimum.

3.9 Any employee who is unable to return to work at the end of their maternity leave period due to illness, will be treated as if they were on sick leave, and will therefore be entitled to sick pay.

### **4.0 MATERNITY PAY**

#### **STATUTORY MATERNITY PAY (SMP)**

4.1 You will be eligible to receive statutory maternity pay (SMP) if you satisfy the following criteria:

- a) you must have completed 26 weeks' continuous service at the 15<sup>th</sup> week before the expected week of childbirth; and
- b) you must be earning an amount equivalent to at least the lower earnings limit for National Insurance contributions; and
- c) you must have given the correct notice
- d) you must have given proof that you are pregnant i.e. MATB1 Certificate and

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

- e) you must have stopped work wholly or partly because of their pregnancy, or childbirth.

4.2 Statutory Maternity Pay (SMP) is paid for up to 39 weeks. You get:

- 90% of you average weekly earnings (before tax) for the first 6 weeks
- SMP flat rate or 90% of you average weekly earnings (whichever is lower) for the next 33 weeks

4.3 SMP is paid in the same way as your wages. Tax and National Insurance will be deducted.

4.4 Not all employees will be eligible for SMP, if you are not entitled we will explain why and provide you with an SMP1 Form which you can complete and submit to Jobcentre Plus to see if you are entitled to maternity allowance.

4.5 If you are awarded a pay increase between the beginning of the original calculation period and the end of the period of statutory maternity leave, your normal weekly earnings for the purposes of calculating entitlement to SMP will be recalculated as if the pay increase applied in each week of the relevant period, regardless of whether SMP has already been paid. You will be paid retrospectively for any difference between the SMP already paid and the amount payable as a result of the pay increase. *This is in accordance with the Statutory Maternity Pay (General) (Amendment) Regulations 2005 [SI 729].*

### **CONTRACTUAL MATERNITY PAY (CMP)**

4.6 You will be entitled to receive contractual maternity pay (CMP) for part of the maternity leave period if:

- a) you have completed 26 weeks continuous service at the 15<sup>th</sup> week before the expected week of childbirth (EWC); and
- b) you have satisfied the other qualifying conditions to be eligible for statutory maternity pay (SMP) as described in section 4.1.

4.7 Contractual maternity pay is paid in addition to SMP, and is paid at the rate of half-pay plus the SMP for weeks 7-18 inclusive of the maternity pay period. This is subject to the combined SMP and half pay not exceeding the normal full pay.

4.8 Maternity pay for an employee who qualifies for CMP is:

- a) 6 weeks at 90% of average weekly earnings
- b) 12 weeks at 50% of average weekly earnings plus SMP
- c) the remaining 21 weeks at SMP.

4.9 Any additional maternity leave, beyond the 39 week period, shall be unpaid.

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Page 4 of 28

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

4.10 If you do not return to work for a period of at least 13 weeks service following your maternity leave you can be required to repay the 12 weeks half pay (in respect of weeks 7-18), or lesser amount if applicable, to be determined by the Group. You cannot be required to repay any of the SMP. If you are uncertain about your return to work, you may elect to have the 12 weeks half pay paid on your return to work.

### 5.0 PENSION CONTRIBUTIONS

5.1 If you are in receipt of pay, whether salary, or SMP, or both, during your maternity leave it will be treated as though you are working normally for the purposes of access to your occupational pension scheme membership and benefits. Member and employer contributions will continue during paid maternity leave according to the scheme rules. Further guidance should be obtained from the relevant pension authority.

5.2 For periods of unpaid maternity leave, advice should be sought from the relevant pension scheme about pensionable service and contributions.

### 6.0 Early births or if you lose your baby

6.1 You can still get Statutory Maternity Leave, SMP (and CMP if applicable) if your baby:

- Is born early – If your baby is born before you have started to receive SMP or commenced maternity leave, the early birth will trigger maternity leave and entitlement to receive SMP (and CMP if applicable).
- Is still born after the start of your 24<sup>th</sup> week of pregnancy
- dies after being born

In the event of a miscarriage during or before the 24<sup>th</sup> week of pregnancy, the provisions and regulations of the sick pay scheme will apply.

### 7.0 CIRCUMSTANCES IN WHICH SMP IS LOST

7.1 You will lose your right to receive SMP if:

- a) you are taken into legal custody.
- b) you start to work for another employer.
- c) you return to work (excluding circumstances when a “keeping in touch day” is undertaken under Section 9).

## **8.0 TIME OFF FOR ANTE-NATAL CARE**

8.1 A pregnant employee is entitled to reasonable paid time off work to attend antenatal care appointments. Wherever possible you should arrange appointments at the start or end of your working day.

8.2 Antenatal care includes appointments with or made on the advice of doctors, nurses and midwives.

## **9.0 KEEPING IN TOUCH**

9.1 Special provisions apply to enable you to check in with your place of work whilst you are on maternity leave without bringing your leave to an end. These are called Keeping in Touch (KIT) days.

9.2 Except during the 2 weeks immediately after childbirth (i.e. the compulsory maternity leave period) you can attend work on a KIT day without losing your right to SMP or contractual maternity pay. Up to 10 keep in touch days may be undertaken during the maternity leave period without bringing your maternity leave to an end.

9.3 There should be no pressure on you to come into work. There is no obligation on you to undertake work, nor is there any obligation on the Group to provide work. The keep in touch days must only be arranged by mutual agreement.

9.4 If a KIT day is agreed, the purpose should be agreed in advance so that both parties are clear what you will actually do. This can include training, a meeting or other activities to help you keep in touch.

9.5 Any work undertaken on any day (even if only 1 hour) counts as a full KIT day and will be recognised as such. You will receive your normal salary for working a KIT day for the hours worked only. This is payable on the next available pay date.

## **10.0 HEALTH & SAFETY**

10.1 Pregnancy causes physical and psychological changes in an expectant mother, which may make it difficult for you to carry out work in the way it was done before you became pregnant. When you inform your college that you are pregnant, a risk assessment will be carried out and you will have the opportunity to raise any concerns.

10.2 The assessment will be reviewed periodically over the course of your pregnancy and when you return to work after your maternity leave. In exceptional circumstances, where it is not

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

possible to avoid a risk and suitable alternative work is not available, suspension on full pay on health and safety grounds must take place.

10.3 If in the early months of pregnancy, an employee is advised by an approved medical practitioner to absent themselves from work because of the risk of rubella, they will be entitled to leave with full pay.

### **11.0 TERMS AND CONDITIONS DURING MATERNITY LEAVE**

11.1 During both the 26 weeks OML and the 26 weeks AML, the you are entitled to benefit from the terms and conditions of your contract that would have applied had you not been absent except in relation to remuneration. You are bound by any obligations under your contract except those that are inconsistent with your rights to take maternity leave, such as the obligation to attend work.

11.2 Contractual annual leave that would normally accrue while you are at work continues to accrue during both OML and AML.

11.3 Periods of maternity leave and maternity absence are regarded as continuous service for the purpose of calculating your entitlement to employment benefits.

11.4 If your job becomes redundant during the course of your maternity leave, the Group will offer you any other suitable alternative work that becomes available. You will have the right to be considered for such work, even though you are on maternity leave. The offer will be made before your previous employment ends and (if accepted) the new employment will commence immediately. It must involve suitable work and the terms and conditions will not be less favourable than your old contract. If there is no suitable alternative work available, then you will be made redundant, and receive redundancy pay in line with your statutory and contractual entitlements.

### **12.0 MAINTAINING CONTACT**

12.1 Prior to commencement of Maternity leave you will complete a maternity checklist with a member of your HR team. The checklist will include arrangements for the way contact will happen, how often and who will initiate the contact. It should also cover the reasons for making contact and the types of things that could be discussed.

12.2 The Group will make reasonable contact, for example, to discuss return to work arrangements or to communicate important information, such as news of changes to the workplace that might affect you on your return.

12.3 All staff vacancies will be published on our website which you can view and apply for whilst on maternity leave.

## PATERNITY

### 1.0 INTRODUCTION

- 1.1 When you take time off because your partner is having a baby, adopting a child or having a baby through a surrogacy arrangement you are entitled to paternity leave of 2 weeks.
- 1.2 You get the same amount of leave if your partner has a multiple birth (such as twins).
- 1.3 You must take your leave in one go. A week is the same amount of days that you normally work in a week - for example, a week is 2 days if you only work on Mondays and Tuesdays.
- 1.4 Leave can't start before the birth. It must end within 56 days of the birth or the expected week of childbirth, whichever is the later. In the case of an adoption, paternity leave can take place within 56 days of the placement for adoption or a child's arrival in the UK (overseas adoptions only), or within 56 days of the first day of the expected placement, whichever is the later.
- 1.5 You must give your employer 28 days' notice if you want to change your start date.
- 1.6 You cannot get Paternity Leave if you take [Shared Parental Leave](#).
- 1.7 Any employee who is unable to return to work at the end of their paternity leave period due to illness will be treated as if they were on sick leave, and will therefore be entitled to sick pay.
- 1.8 Periods of paternity leave are regarded as continuous service for the purpose of calculating entitlements to employment benefits.

### 2.0 ELIGIBILITY

- 2.1 You must be taking time off to look after the child and be one of the following:
  - the father
  - the husband or partner of the mother (or adopter) - this includes same-sex partners
  - the child's adopter
  - the intended parent (if you're having a baby through a surrogacy arrangement)

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

There are extra conditions you need to meet to qualify for leave and pay.

### 3.0 PATERNITY LEAVE (PL):

3.1 To be eligible to take PL, an employee must:

- be an [employee](#); and
- have worked for the Group [continuously](#) for at least 26 weeks by the end of the 'qualifying week' (the 15th week before the baby is due); and
- give the [correct notice](#)

3.2 The 'qualifying week' is different if you [adopt](#). You must have worked for your employer [continuously](#) for at least 26 weeks by the 'matching week'. For adoption this is either:

- the end of the week you're matched with the child (UK adoptions)
- the date the child enters the UK or when you want your pay to start (overseas adoptions)

3.3 Shared Parental Leave (SPL) is available for eligible parents. Full details can be found in the Shared Parental Leave Policy.

### 4.0 NOTIFICATION OF INTENTION TO TAKE PATERNITY LEAVE

4.1 At least 15 weeks before the baby is due (where this is not possible, notice must be given as soon as is reasonably practicable) or within 7 days of the date the adoption agency informs you that you have been matched with the child, you must write to your Manager/HR Team confirming:

- the due date or the date the child is due to be placed with you in the case of adoption; and
- when you want your leave to start, for example the day of the birth/placement or the week after the birth/placement; and
- if you want 1 or 2 weeks' leave

4.2 You are required to provide a MATB1 or proof of adoption (can be a letter from your adoption agency or the matching certificate) or in the case of surrogacy, a written statement to confirm you intend to apply for a [parental order](#) in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

### 5.0 RETURNING TO WORK

5.1 You will have the right to return to the same job in which you were employed before the leave began.

### 6.0 PATERNITY PAY

#### STATUTORY PATERNITY PAY (SPP)

6.1 You will be eligible to receive SPP if you:

- a) have completed 26 weeks of continuous employment leading into the 15<sup>th</sup> week before the expected week of the childbirth, or with adoption, the week in which you were notified of the match;
- b) earn an amount equivalent to at least the lower earnings limit for National Insurance contributions; and
- c) notify the Group of your intention to take PL, in line with Section 4.

6.2 Not all employees will be eligible for SPP. Those below the earnings threshold should apply to the Benefits Agency to see whether they may be entitled to Income Support.

### 7.0 PENSION CONTRIBUTIONS

7.1 If you are in receipt of remuneration, whether salary or paternity pay, or both, during your paternity leave it will be treated as though you are working normally for the purposes of access to occupational pension scheme membership and benefits. Member and employer contributions will continue during paid paternity leave according to the scheme rules. Further guidance should be obtained from the relevant pension authority.

### 8.0 CIRCUMSTANCE IN WHICH STATUTORY PATERNITY PAY IS LOST

8.1 You will lose your right to receive SPP if:

- a) you are taken into legal custody.
- b) you start work for another employer during the paternity pay period that you did not work for during the 15<sup>th</sup> week before the child's expected week of birth.
- c) you return to work

## 9.0 TIME OFF FOR ANTE-NATAL CARE

9.1 Those in a qualifying relationship have the right to take unpaid leave to accompany the expectant parent to attend ante-natal appointments.

A qualifying relationship with the pregnant employee or child means that they are:

- The baby's biological father
- Expectant mother's spouse, civil partner, or partner in an enduring relationship or
- Intended parent of a child in a surrogacy arrangement (if they expect to be entitled to, and intend to apply for, a parental order in respect of the baby).

Antenatal care includes appointments with or made on the advice of doctors, nurses and midwives. Opportunities should be offered to make this time up and avoid any deduction in wages.

## 10.0 CONTACT

10.1 The Group will make reasonable contact to communicate important information, such as news of changes to the workplace that might affect you on your return.

10.2 All staff vacancies will be published on our website which you can view and apply for whilst on paternity leave.

## SHARED PARENTAL LEAVE

### 1.0 INTRODUCTION

- 1.1 Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of 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.
- 1.2 If you are [eligible for SPL](#) you can use it to [take leave in blocks](#) separated by periods of work, instead of taking it all in one go.
- 1.3 To [start SPL or ShPP](#) the mother must end her maternity leave (for SPL) or her Maternity Allowance or maternity pay (for ShPP). If she doesn't get maternity leave (but she ends her Maternity Allowance or pay early) her partner might still get SPL.
- 1.4 If you're adopting then you or your partner must end any adoption leave or adoption pay early instead.
- 1.5 If you're eligible you can take:
  - the remaining leave as SPL (52 weeks minus any weeks of maternity or adoption leave)
  - the remaining pay as ShPP (39 weeks minus any weeks of maternity pay, maternity allowance or adoption pay)
- 1.6 If neither of you are entitled to [maternity leave](#) or [adoption leave](#) then SPL will be 52 weeks minus any weeks of maternity pay, Maternity Allowance or adoption pay.
- 1.7 You can share SPL and ShPP between you if you're both eligible.

**Example:** A mother and her partner are both eligible for SPL and ShPP. The mother ends her maternity leave and pay after 12 weeks, leaving 40 weeks available for SPL and 27 weeks available for ShPP. The parents can choose how to split this.

- 1.8 SPL and ShPP must be taken between the baby's birth and first birthday (or within one year of adoption).
- 1.9 Each parent qualifies separately for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP).

## 2.0 QUALIFYING FOR SHARED PARENTAL LEAVE

2.1 To qualify for SPL, you must share responsibility for the child with one of the following:

- your husband, wife, civil partner or joint adopter
- the child's other parent
- your partner (if they live with you and the child)

You or your partner must be eligible for [maternity pay or leave](#), [adoption pay or leave](#) or [Maternity Allowance](#).

You must also:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date (or by the date you're matched with your adopted child)
- stay with the same employer while you take SPL

During the 66 weeks before the week the baby's due (or the week you're matched with your adopted child) your partner must:

- have been working for at least 26 weeks (they don't need to be in a row)
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)

This can be as an employee, worker or self-employed person. Your partner doesn't have to be working at the date of birth or when you start SPL or ShPP.

2.2 An employed parent will continue to have the right to take up to 52 weeks statutory maternity leave.

## 3.0 OPTING IN AND GIVING NOTICE

- 3.1 You can choose to opt in to SPL at any time, provided there is untaken maternity leave to share
- 3.2 You must notify the Group of your entitlement to SPL and must 'book' the SPL by requesting it in writing, providing at least 8 weeks notice.
- 3.3 You can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if you aren't sharing the leave with your partner.

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

- 3.4 If your partner is also eligible for SPL, you can take up to 3 blocks of leave each. You can take leave at different times or both at the same time.
- 3.5 You must tell your employer about your plans for leave when you [apply for SPL](#). You can change these plans later but you must give your employer at least 8 weeks' notice before you want to begin a block of leave.
- 3.6 If your employer agrees, you can split blocks into shorter periods of at least a week.

### Example

A mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who's also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

The mother also returns to work in December. She gives her employer notice that she'll go on leave again in February - this is her second block of SPL. Her employer agrees to a work pattern of 2 weeks on, 2 weeks off during the block.

- 3.7 For SPL to start the mother (or the person getting adoption leave) must either:
- return to work, which ends any maternity or adoption leave
  - give their employer 'binding notice' of the date when they plan to end their leave (you can't normally change the date you give in binding notice)
- 3.8 You can start SPL while your partner is still on maternity or adoption leave as long as they've given binding notice to end it.
- 3.9 You can give binding notice and say when you plan to [take your SPL](#) at the same time.

### 4.0 IF THE MOTHER OR ADOPTER DOESN'T GET MATERNITY OR ADOPTION LEAVE

- 4.1 The mother or adopter must end any maternity pay, adoption pay or Maternity Allowance so that they or their partner can get SPL.

### 5.0 FOR SHARED PARENTAL PAY TO START

- 5.1 The mother (or the person getting adoption pay) must give their employer binding notice of the date when they plan to end any maternity or adoption pay.
- 5.2 If they get Maternity Allowance, they must give notice to Jobcentre Plus instead.

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

- 5.3 They can't restart maternity pay, Maternity Allowance or adoption pay once it's ended.
- 5.4 You can start ShPP while your partner is still on maternity pay, adoption pay or Maternity Allowance as long as they've given binding notice to end it.
- 5.5 You can give binding notice and say when you plan to [take your ShPP](#) at the same time.
- 5.6 A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth (4 weeks if she works in a factory). If you're adopting, the person claiming adoption pay must take at least 2 weeks of adoption leave.

### 6.0 CANCELLING THE DECISION TO END MATERNITY OR ADOPTION LEAVE

- 6.1 The Mother or adopter may be able to change their decision to end maternity or adoption leave early if both:
  - the planned end date hasn't passed
  - they haven't already returned to work
- 6.2 One of the following must also apply:
  - you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
  - the mother or adopter's partner has died
  - the mother tells her employer less than 6 weeks after the birth (and she gave notice before the birth)

### 7.0 SHARED PARENTAL PAY

- 7.1 You will be paid statutory ShPP which is paid at a rate set by the Government or 90% of your average weekly earnings, whichever is lower.
- 7.2 You will be entitled to receive contractual ShPP for part of the shared parental leave period if:
  - a) you have completed 26 weeks continuous service at the 15<sup>th</sup> week before the expected week of childbirth (EWC); and
  - b) you have satisfied the other qualifying conditions to be eligible for statutory ShPP as described in section 4.1.

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

7.3 Contractual ShPP is paid in addition to ShPP, and is paid at the rate of half-pay plus the SMP for 12 weeks inclusive of the leave period. This is subject to the combined SMP and half pay not exceeding the normal full pay.

### 8.0 INFORMATION REQUIRED

8.1 We will ask for the following information within 14 days of you applying 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 your partner's employer or a declaration that your partner has no employer

8.2 If you're adopting, we will ask for the:

- name and address of the adoption agency
- date you were matched with the child
- date the child will be start to live with you
- name and address of your partner's employer or a declaration that your partner has no employer

8.3 You must give this information within 14 days of being asked for it.

### 9.0 PENSION CONTRIBUTIONS

9.1 If you are in receipt of pay, whether salary, or ShPP, or both, during your Shared Parental leave it will be treated as though you are working normally for the purposes of access to your occupational pension scheme membership and benefits. Member and employer contributions will continue during paid ShP leave according to the scheme rules. Further guidance should be obtained from the relevant pension authority.

9.2 For periods of unpaid ShP leave, advice should be sought from the relevant pension scheme about pensionable service and contributions.

## **PARENTAL LEAVE**

### **1.0 INTRODUCTION**

1.1 Eligible employees can take unpaid parental leave to look after their child's welfare, e.g. to:

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family, such as visiting grandparents

### **2.0 THE RIGHT TO PARENTAL LEAVE**

2.1 Employees with at least one year's continuous service are entitled to take a total of up to 18 weeks' per child unpaid parental leave if they have, or expect to have, responsibility for a child.

2.2 Employees (both parents) are entitled to parental leave in respect of each of their children (born or adopted) must be taken before the child's 18th birthday. Please note, all such leave is unpaid.

### **3.0 WHEN PARENTAL LEAVE MAY BE TAKEN**

3.1 A maximum of 4 weeks can be taken per child per academic year.

3.2 A minimum of one week must be taken at any one time. If less than one week is taken e.g. 2 days, only 2 days are deducted from pay, however, one week's allowance is taken from the 18 weeks allowance.

3.3 In very exceptional circumstances the Group may allow more than 4 weeks to be taken in any one academic year.

### **4.0 NOTICE/EVIDENTIARY REQUIREMENTS**

4.1 In order to be able to take parental leave, employees need to give appropriate notice to the Group of intent to take leave and must comply with any request made by the Group to produce any appropriate evidence.

4.2 The written notice required by the Group from an employee intending to take parental leave

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Page 17 of 28

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

needs to cover the following points and should:

- a) specify the dates on which the period of leave is to begin and end; and
- b) be given to the Group at least 21 days prior to taking the leave, unless there are exceptional circumstances which have been locally agreed.

4.3 In order to establish an employee's entitlement to parental leave, the Group may request evidence of:

- a) an employee's responsibility for the child in respect of which parental leave is to be taken, this may include, for example, a child's birth certificate, a parental responsibility order, an adoption order, a MAT B1;
- b) the age of the child in respect of whom parental leave is to be taken. This may include, for example, a child's birth certificate;
- c) details of any parental leave that the employee has taken during any employment with another employer.

### 5.0 POSTPONING PARENTAL LEAVE

5.1 The Group can postpone or reduce the length of parental leave by up to 6 months where an employee has given the appropriate notice but the Group considers that the operation of the business would be unduly disrupted if the employee took parental leave as requested. For these purposes "unduly disrupted" means any circumstances in which the Group's business, organisation or interests is/are likely to be seriously threatened, harmed or undermined.

5.2 It is preferable that postponement should not occur in any other than extreme circumstances. As a guide only, parental leave may be postponed in circumstances where: the Group is expecting a significant business order or is under time pressure to complete a particular business order and all the Group's employees, or a significant number of them, and/or key members of staff are needed to fill the order; the Group is undergoing a management/business restructuring which requires significant employee involvement for success; the Group will be in breach of a significant contractual obligation if the employee is granted the parental leave as requested.

5.3 The Group will not be able to postpone an employee's parental leave in the circumstances where the employee has given 21 days' notice to the Group of intent to take parental leave which commences on the day on which childbirth occurs, or the day on which the child is placed for adoption.

## 6.0 CONTACT WITH THE GROUP DURING PARENTAL LEAVE

6.1 An employee's line manager will seek to ensure that during the period that the employee is absent from work on parental leave, they will be communicated with on a regular basis. This may include:

- a) getting a copy of the Group Staff Newsletter and other relevant information/bulletins;
- b) being sent relevant key minutes and/or agendas;
- c) being sent relevant training information;
- d) being included in invitations to relevant social events.

An employee's line manager will also seek to keep in regular contact with the employee during the period of parental leave and keep other relevant staff informed about the employee's return to work.

6.2 For periods of parental leave in excess of four weeks, prior to the commencement of the parental leave, line managers should discuss with the employee arrangements for covering work and also for providing opportunities to remain in contact with the Group whilst on leave. As far as possible, such arrangements will be finalised in consultation with the employee. If the employee has staff reporting to them, they will be involved, as far as possible, in key decisions relating to the temporary reporting arrangements to cover parental leave.

6.3 Employees on parental leave should remain on relevant circulation lists and be included in invitations to work related social events as though they were still at work. Where the employee has managerial responsibilities, the Group should try to ensure that they are given the opportunity to participate in or be consulted about key decisions taken in their absence. As far as reasonably practicable, the Group should try to defer key decisions until the employee's return from parental leave.

6.4 Where suitable training opportunities arise during an employee's parental leave, they should be offered to the employee concerned if appropriate. The Group does not want parental leave to prejudice employees in terms of training and self-development.

6.5 For periods of parental leave in excess of 4 weeks, employees should be invited for a meeting with their line manager in order to provide an opportunity for discussion of any material points concerning the return to work. These may include:

- a) updating on developments at work;
- b) considering whether any retraining needs have arisen either because of the length of absence, or new technical, or other developments.
- c) organising any meetings/interviews which the Group and the employee consider necessary to enable the employee to make an effective return to regular working.

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

The meeting will also provide an opportunity to discuss and explain any necessary and unavoidable changes to the employee's work.

### **7.0 RETURNING TO WORK**

7.1 If an employee has taken parental leave for a period of four weeks or less, at the end of the period of parental leave, the employee will be entitled to return to the job in which they were employed under their original contract of employment, and on terms and conditions no less favourable than those to which they would have been entitled had they not been absent. This means they will be entitled to any pay awards and annual increments which they would have received if they had been at work.

7.2 In cases of parental leave in excess of 4 weeks, or less than 4 weeks' leave directly after additional maternity leave, the employee is entitled to return to the job in which they were employed under their original contract on terms and conditions no less favourable than those to which they would have been entitled had they not been absent unless this is not reasonably practicable for the Group, (and in the case of an employee who has taken less than 4 weeks' leave directly after a period of additional maternity leave, provided it would also not have been reasonably practicable to allow them to return to their original job at the end of her additional maternity leave) in which case they are entitled to return to a job which is suitable and appropriate for them.

7.3 If the Group cannot offer the employee the right to return to their original job because of redundancy which would have occurred whether or not the employee had been absent, the Group will offer the employee any suitable alternative employment which is available.

### **8.0 TERMS AND CONDITIONS OF EMPLOYMENT**

8.1 The employee's employment will continue whilst on parental leave.

8.2 During parental leave, the employee shall have the benefit of the Corporations implied obligation of trust and confidence and terms of employment regarding notice of termination, compensation for redundancy and disciplinary and grievance procedure. The employee shall be bound during the parental leave period by the implied duty of good faith and terms of employment regarding notice of termination, disclosure of confidential information, acceptance of gifts and participation in other businesses.

### **9.0 RECORDS**

9.1 The Group will keep detailed records of the parental leave requested and/or taken by each employee as well as details of any postponements or reductions in parental leave.

Policy Owner: Head of HR

Approving Body: Full Governing Body

Stage of approval: Approved

Date of approval: February 2018

Page 20 of 28

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

9.2 The Group will comply with any reasonable requests to disclose relevant parental leave records to the employer of an individual who was previously employed by the Group.

### **10.0 GENERAL PROVISIONS**

10.1 Any attempt by an employee to act dishonestly in respect of any element of the Group's parental leave policy will be regarded as serious misconduct and will result in the employee being subject to the Group's disciplinary procedure.

## **ADOPTION**

### **1.0 INTRODUCTION**

1.1 All employees regardless of length of service and number of hours worked, have the right to statutory adoption leave provided that the conditions set out in the scheme are satisfied.

1.2 Statutory adoption leave is 52 weeks. It is made up of:

- Ordinary Adoption Leave – the first 26 weeks
- Additional Adoption Leave – the last 26 weeks

1.3 Only one period of leave will be available in respect of an adoption arrangement. If more than one child is being adopted at the same time, this will not affect the length of the leave. However, adoption leave may be taken at a later time in respect of a fresh adoption process.

1.4 Shared Parental Leave (SPL) is available for eligible parents. Full details can be found in the Shared Parental Leave Policy.

### **2.0 NOTIFICATION REQUIREMENTS AND COMMENCEMENT OF LEAVE**

2.1 In order to take adoption leave, the employee must notify the Group of the date or expected date of the placement and the date when they wish leave to commence. This information must be provided within 7 days of them being notified by the adoption agency when a match with a child will take place or, if this is not practicable, as soon as practicable.

2.2 This information should be put in writing. The employee may vary the date when leave is taken but the employee should give the Group at least 28 days in writing before the start of the leave initially specified. Once the employee has notified the Group of the date of the placement and the date when they wish to start leave, the Group must then write to the employee within 28 days, stating the date upon which they expect the employee to return to work.

2.3 An employee can commence adoption leave on the date when the placement commences or up to 2 weeks before this date (but no earlier). If the employee is working on the date when placement commences, adoption leave may start the day after.

### **3.0 STATUTORY ADOPTION PAY**

3.1 For the first 6 weeks of adoption leave, SAP is payable at the rate of 90% of the employee's average weekly earnings. The remaining 33 weeks will be paid at the current SMP flat rate, or

Policy Owner: Head of HR

Approving Body: Full Governing Body

Stage of approval: Approved

Date of approval: February 2018

Page 22 of 28

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

else 90% of the employee's average weekly earnings if this is less than the current SMP flat rate.  
In summary:

- a) 6 weeks at 90% of average weekly earnings
- b) 33 weeks at SAP or 90% of weekly earnings if this is less than the current SMP flat rate.

3.2 In order to satisfy the Group that they are entitled to SAP, an employee must provide evidence of a letter from an adoption agency specifying the following:

- a) name and address of agency;
- b) name and address of employee;
- c) date employee was notified of adoption or likely adoption;
- d) date on which child was placed for adoption or is due to be placed for adoption. The Group may also ask for these matters in writing in order to satisfy itself that the employee is entitled to adoption leave.

### 4.0 CONTRACTUAL ADOPTION PAY

4.1 In order to be eligible for Contractual Adoption Pay (CAP), an employee must have been employed for 52 weeks or more leading into the week in which they are notified of being matched with a child for adoption.

4.2 Entitlements available for Contractual Adoption Pay (CAP) for staff with 52 weeks continuous service at the point of adoption are as follows:

For children up to 16 years old who are new to the home:

- a) 6 weeks leave at 90% of normal pay (or SAP if this is greater than 90% of normal pay);
- b) 12 weeks leave at 50% of normal pay plus the rate of Statutory Adoption Pay (SAP), not exceeding full pay;
- c) 21 weeks SAP.

4.3 Any employee who does not return to work for a period of at least 13 weeks service following their adoption leave can be required to repay the 12 weeks half pay (in respect of weeks 7-18), or lesser amount if applicable, to be determined by the Group. The employee cannot be required to repay any of the SAP. An employee who is uncertain about their return to work, may elect to have the 12 weeks half pay paid on their return to work.

## **Pension Contributions**

4.4 An employee in receipt of remuneration, whether salary, or SAP, or both, during their adoption leave will be treated as though they are working normally for the purposes of access to occupational pension scheme membership and benefits. Member and employer contributions will continue during paid adoption leave according to the scheme rules. Further guidance should be obtained from the relevant pension authority.

4.5 For periods of unpaid adoption leave, advice should be sought from the relevant pension scheme about pensionable service and contributions.

## **5.0 TERMS AND CONDITIONS DURING ADOPTION LEAVE**

5.1 During both the 26 weeks OAL and the 26 weeks AAL, an employee is entitled to the benefit of the terms and conditions of employment that would have applied if they had not been absent, except in relation to remuneration. The employee is bound by any obligations under their contract, except those that are inconsistent with their right to take ordinary adoption leave, such as the obligation to attend work.

5.2 Contractual annual leave that would normally accrue while the employee was at work continues to accrue during both OAL and AAL.

## **6.0 RETURNING AFTER ADOPTION LEAVE**

6.1 It should be presumed that the employee will take their full statutory adoption leave entitlement, i.e. the full 52 weeks, unless they notify the Group of their intention to return early in accordance with paragraph 8.3.

6.2 An employee returning to work at the end of additional adoption leave need not give the Group notice of their return. The employee can simply turn up to work on the first working day after the end of the leave period.

6.3 An employee has the right to return from adoption leave at any point before the end of the ordinary or additional adoption leave period. If they wish to return to work earlier, the employee must give at least 8 weeks notice of the date on which they intend to return. The employee should give this notice in writing, which the Group will then acknowledge in writing.

6.4 If the employee attempts to return to work earlier without having given the 8 weeks notice in accordance with paragraph 8.3, the Group is entitled to postpone their return but not beyond the date on which the 8 weeks would have elapsed and not beyond the end of the adoption leave period. The Group will inform the employee in writing if it decides to postpone their return in these circumstances.

Policy Owner: Head of HR

Approving Body: Full Governing Body

Stage of approval: Approved

Date of approval: February 2018

Page 24 of 28

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

6.5 An employee returning from ordinary adoption leave is entitled to return to the same job that they left, on the same terms and conditions as before. Notice is required in accordance with paragraph 8.3.

6.6 An employee returning from additional adoption leave has the right to return to the same job as before unless this is not reasonably practicable. If it is not reasonably practicable, the Group should find another job which is both suitable and appropriate in the circumstances.

6.7 If an employee wishes to return to work on a part-time/fixed term basis, the Group will give due consideration to any such request, which should be made in writing. Returning to work on a part-time/fixed term basis can be for example:

- a) a phased return, or reduced working hours; or
- b) job sharing

Such arrangements could be for the short-term or a permanent reduction. Where changes to work patterns are not possible, the reasons will be fully discussed and put in writing to the employee concerned.

6.8 If the employee does return to work before the end of their adoption leave, they may be able to transfer the remaining leave to their partner to enable them to take shared parental leave from their employer – see Shared Parental Leave section of the Policy.

### **7.0 REDUNDANCY**

If the employee's job becomes redundant during a period of adoption leave, the Group will offer them any other suitable alternative work that becomes available. They will have the right to be considered for such work, even though they are on adoption leave. The offer will be made before their previous employment ends and (if accepted) the new employment will commence immediately. It must be suitable for the employee and appropriate for them to do in the circumstances and the terms and conditions will not be less favourable than the old contract. If there is no suitable alternative work available, then they will be made redundant, and receive redundancy pay in line with their statutory and contractual entitlements.

### **8.0 KEEPING IN TOUCH**

8.1 A “keep in touch” day may be used during the adoption leave period to enable the employee to attend work without losing their right to SAP or contractual adoption pay. Up to 10 keep in touch days may be undertaken during the adoption leave period without bringing the adoption leave to an end.

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

8.2 There should be no pressure on employees to come into work. There is no obligation on an employee to undertake work, nor is there any obligation on the Group to provide work. The keep in touch days (and the amount of salary paid for work done on such keep in touch days) must only be arranged by mutual agreement. It is recommended that the employee should receive their normal salary for working on a KIT day.

8.3 If a KIT day is agreed, the purpose should be agreed in advance so that both parties are clear what the employee will actually do. This can include training, a meeting or other activities to help the employee keep in touch.

### **9.0 CIRCUMSTANCES IN WHICH ADOPTION LEAVE AND SAP WILL END**

9.1 In certain circumstances, placements may be disrupted and so adoption leave and pay will end after a prescribed time. The adoption leave will end if more than 8 weeks of adoption leave remain and one of the following circumstances applies:

- a) after having notified an employee that they will be matched with a child, the adoption agency notifies the employee that the child will not be placed with the employee;
- b) the child dies; or
- c) the child's placement ends.

Adoption leave will end 8 weeks after any of the three dates referred to below:

- a) the week during which the employee is notified that the placement will not take place;
- b) the week during which the child dies;
- c) the week during which the child's placement ends.
- d) In these circumstances, SAP will also terminate in accordance with these timescales.

### **10.0 CIRCUMSTANCES IN WHICH THE RIGHT TO SAP OR CAP WILL BE LOST**

10.1 An employee may lose their right to receive SAP [and CAP] if:

- a) they change employer;
- b) they return to work (except in circumstances when a "keeping in touch" day is undertaken under section 11);
- c) they are receiving statutory sick pay;
- d) the child reaches the age of 18;
- e) they are taken into legal custody or sentenced to imprisonment.

## MATERNITY, PATERNITY, SHARED PARENTAL LEAVE, PARENTAL LEAVE AND ADOPTION POLICY

### 11.0 GENERAL POINTS

11.1 The employer will keep the employee informed of staff vacancies during the period of adoption leave.

11.2 The Group is entitled to maintain reasonable contact with the employee during the adoption leave period should circumstances make this necessary. This entitlement is separate from the keeping in touch arrangements described in Section 8 above, and may be necessary to communicate and consult with the employee about issues relevant to their employment. For example:

- a) to communicate important news about the Group or to update the employee on any developments which have occurred during their absence;
- b) to keep the member of staff advised of any changes that may arise which could affect their job, such as mergers, restructuring or job evaluation; and
- c) to discuss and plan the employee's return to work.

Communication could take the form of a staff newsletter, HR bulletin or individual letter.

11.3 It is unlawful to subject an employee to a detriment or to dismiss them for having exercised their lawful right to adoption leave or for seeking to exercise it. Any such dismissal will automatically be unfair, regardless of length of service.

11.4 If the employment is terminated before the adoption pay period the right to SAP will be retained. In those circumstances, the adoption pay period will begin either:

- a) on the date the child is placed for adoption; or
- b) on the date immediately after the last day of employment where the termination occurs on or within 14 days before the expected date of placement.

11.5 Adoption leave is not sick leave, and will not be taken into account when calculating any period of sick leave entitlement.

11.6 During the adoption leave period, the contract continues to run and the employee continues to accrue statutory and contractual annual leave entitlement.

11.7 Periods of adoption leave and adoption absence are regarded as continuous service for the purpose of calculating entitlements to employment benefits.

## **12.0 GENERAL**

12.1 If an employee acts dishonestly in respect of any element of the Group's adoption leave policy this will be regarded as serious misconduct and will result in the employee being subject to the Group's disciplinary procedure.