



Maternity, Adoption and Paternity Policy

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1. Statement of Intent

The scheme applies to all pregnant personnel, adopters and expectant partners regardless of the number of hours worked per week.

2. Introduction and Purpose

The initial obligation on staff requires the continuation to be employed by the college (whether or not at work) until immediately before the start of their absence.

3. Legal background or relevant legislation

- The Employment Act 2008 and

Numerous other pieces of legislation cross refer, some important examples include the:

- The Employment Rights Act 1996 as amended
- The Employment Relations Act 1999
- The Employment Rights Act 2004.
- ACAS Code of Practice

4. Related policies

Grievance Policy
Recruitment and Selection Policy
Equal Opportunities Policy

5. Link to Procedure or guidance

Please refer to Appendix 1 for full procedure and Appendix 2 for Flexible working.

5.1 Staff member notifies the college, in writing, as soon as practicable, but not later than the end of the 15th week (unless there is good cause) before the expected week of childbirth that they wish to be absent for maternity and the expected week of childbirth (EWC). If requested by the college, they will produce a certificate from a registered medical practitioner or a certified midwife stating the expected week of childbirth

5.2 Staff member will notify the college in writing at least 28 days before the absence begins, or as soon as is reasonably practicable:

- i) the date of the beginning of the absence which shall be no earlier than 11 weeks before the EWC, and
- ii) the intended date to return to work with the employer (if that is the intention)

5.3 Notification to the college, with at least 28 days notice, of any change in a previously notified date for the beginning of the absence

5.4 Does not remain at work if certified medically unfit to do so (taking into account the provisions of the Management of Health and Safety at Work (Amendment) Regulations 1994)

6 Responsibilities – Nominated Persons

The policy, procedure and support will be determined through the Human Resource Development department and will be implemented within the staff area with support of management and colleagues as agreed.

7 Monitoring, Review and Evaluation

The College will review this policy in 2015 and thereafter on a biannual basis or sooner, to take account of any new Government legislation, regulations or best practice documents, to ensure that it is kept fully up to date.

8 Communication

This policy is published on the college intranet and made available to staff on request in a number of formats as required.

9 Equality & Diversity Impact Assessment Summary

	AGE	DISABILITY	GENDER Reassignment	RACE	RELIGION or BELIEF	SEX	SEXUAL ORIENTATION
Which of the following protected characteristics may be affected by this policy or procedure? <i>(please tick the relevant box)</i>	✓	✓	✓	✓	✓	✓	✓
Other concerns (e.g. protected groups such as carers, young parents, women during pregnancy, young people living independently)	Young parents Women during pregnancy						
Does this policy impact on: <i>(please tick the relevant box)</i>	Staff ✓	Students	Parents or Carers	Members of the Public	External providers of services		
Does your assessment show that this policy/procedure might have an adverse impact on relations between different protected characteristics? <i>(please tick the relevant box)</i>	Yes			No			
If yes, can the adverse impact be justified on the grounds of promoting equality of opportunity for one group, or as part of a wider strategy of positive action in relation to particular groups? <i>(please give reasonable justification)</i>							
Consultation What steps have been taken to ensure that the different protected groups have been consulted during the development of this policy/procedure?	Policy was devised through AoC groups and amended to reflect up to date legislative requirements.						
Staff Development and Training Please list any staff development or training issues arising from this assessment.	Listed as part of staff induction and updated accordingly with line managers concerning those staff who access the policy and procedures.						
Change/Modification As a result of the Impact Assessment, have any changes/modifications to this policy/procedure been made?	No						

10 Appendices

Appendix 1

Maternity, Adoption and Paternity Procedure



On receipt of staff notification, the college will write to them within 28 days stating the expected date of return from maternity leave (see section 1 below).

1. PAYMENT

1.1 Ante-natal care: any pregnant member of staff has the right to paid time off to attend for ante-natal care and must produce evidence of appointments if requested to do so by the college

1.2 Rights to statutory maternity leave, if staff comply with section 2 above:

- a) All staff are entitled to 26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity Leave, i.e. you will be entitled to leave of 52 weeks in total
- b) To commence Ordinary Maternity Leave not earlier than 11 weeks before the EWC
- c) To choose when to start maternity leave, except that maternity leave will automatically be triggered if:
 - (i) they are absent from work "wholly or partly because of pregnancy or childbirth" after the beginning of the 4th week before the EWC
 - (ii) where the baby is born before maternity leave commences. In these circumstances the date of childbirth shall be regarded as the first day of maternity leave

N.B. Staff should notify the college as soon as is reasonably practicable to confirm that they have given birth or that they are absent wholly or partly because of pregnancy

Please refer to point 8 below for shared maternity/paternity leave option.

1.3 Pay During Ordinary Maternity Leave:

- a) Statutory Pay
Payment for staff with less than 1 year's continuous service at the beginning of the 11th week before the EWC, will be entitled to Statutory Maternity Pay or Maternity Allowance

- b) Occupational Pay
Staff with at least 1 years' continuous service at the beginning of the 11th week before the EWC, will be entitled to the following:

Weeks 1-6

For the first four weeks, full pay (inclusive of payments made by way of SMP or Maternity Allowance)

For the next two weeks 9/10ths of a week's pay (inclusive of the payments referred to above)

Weeks 7-18

Where staff have declared in writing, the intention to return to work, they will receive half pay without deduction, except to the extent that the half pay plus SMP (or MA and any dependent's allowances if the employee is not eligible for SMP) exceeds full pay. This is paid on the understanding that staff will return to employment for at least 13 weeks.

For staff not intending to return to work, payment will be the entitlement to SMP.

Weeks 19-39

For the remaining 21 weeks staff will receive SMP entitlement.

1.4 Pay During Additional Maternity Leave:

The initial 13 weeks of AML will be paid at the rate of SMP, the remaining 13 weeks will be unpaid

1.5 Refund of Maternity Pay:

In the event of staff not being available, or being unable to return to their job for 13 weeks in accordance with section 4 below, they shall refund such sum as the college at their discretion may decide. A staff member with at least one year's continuous service is, however, entitled to retain the first six weeks' payment under this scheme (N.B. payments made by way of SMP are not refundable)

1.6 Definitions

- a) For the purpose of this scheme, "**a week's pay**" shall be treated as the amount payable to the staff under the current contract of employment. If there are significant variations in the salary, the average salary over the 12 weeks preceding the date of absence shall be treated as a week's salary.
- b) **Childbirth** means the birth of a living child, or the birth of a child whether living or dead after 24 weeks pregnancy.
- c) **Continuous service** shall be calculated in accordance with the Conditions of Service Handbook.
- d) Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

3.7 Pension Benefits:

Paid maternity, paternity and adoption leave is treated as pensionable, if the employee's service before the leave starts is pensionable.

2. PROCEDURAL OBLIGATIONS

2.1 To return to the job for at least 13 weeks (including periods of college closure) as a qualifying condition to the maternity pay payable after six weeks' absence (see section 3.5). This requirement may be reduced at the discretion of the college

2.2 Where the college agrees, full-time staff may return to work on a part-time basis for a period which equates to 13 weeks of full-time service. Similarly, where the college agrees, part-time staff may return to work on a different part-time basis for a period which equates to 13 weeks' part-time service relating to the previous contract

2.3 The 13-week period (or part-time equivalent) starts from the date of return to work or the date during the college holiday on which staff are declared medically fit to be available for work

2.4 Contact during Maternity and Adoption Leave

- a) During the maternity or adoption leave period an employer may make reasonable contact with an employee, and in the same way an employee may make contact with her employer. The frequency and nature of the contact will depend on a number of factors, such as: the nature of the work and the employee's post, any agreement that the employer and employee might have reached before maternity leave began as to contact; and whether either party needs to communicate important information to the other, such as, for example, news of changes at the workplace that might affect the employee on her return.
- b) The contact between employer and employee can be made in any way that best suits either or both of them. For example, it could be by telephone, by email, by letter, involving the employee making a visit to the workplace, or in other ways.
- c) Employers should note that they must, in any event, keep the employee informed of promotion opportunities and other information relating to the job that they would normally be made aware of if they were working.
- d) Employers and employees will often find it helpful, before maternity leave starts, to discuss arrangements for maintaining contact with each other. This might include agreements on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that could be discussed.
- e) What constitutes "reasonable" contact will vary according to the circumstances. Some women will be happy to stay in close touch with the workplace and will not mind frequent contact with the employer. Others, however, will prefer to keep such contact to a minimum.
- f) However, it is important that the amount and type of contact must not be excessive or intrusive and that staff must not be required to carry out any work at home.

2.5 Work during the Maternity and Adoption Leave Period – "Keeping in Touch Days"

- a) Employees may, by agreement with their employer, do up to ten days' work – known as "Keeping in Touch days" - under their contract of employment during the maternity or adoption leave period. Such days are different to the reasonable contact that employers and employees may make with one another – described in the section above – as

during Keeping in Touch days employees can actually carry out work for the employer, for which they will be paid.

- b) Any work done on any day during the maternity pay or maternity leave period will count as a whole Keeping in Touch day, up to the 10-day maximum. In other words, if an employee comes in for a one-hour training session and does no other work that day, they will have used one of the Keeping in Touch days.
- c) The type of work that the employee undertakes on Keeping in Touch days is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the normal contract, for which staff would be paid, but could be particularly useful in enabling staff to attend conferences, undertake training activities or attend for a team meeting for example.

3. RETURN TO WORK

3.1 It will be assumed that staff will be returning at the end of Ordinary Maternity Leave, or if they choose to take Additional Maternity Leave, at the end of that period. If staff wish to return earlier than this, they must give notice in writing of:

- 8 weeks in the case of taking OML, and
- 8 weeks in the case of choosing also to take AML

Where the notice given is less than above, the college may delay the staff member's return to ensure the appropriate notice, but not beyond the end of the maternity leave period.

Staff have the right to return to their own job after 26 weeks. After 52 weeks they also have the right to return to the same job, unless there is a reason why it is not reasonably practicable for them to return to the old job, in which case they should be offered a 'similar' job on terms and conditions which are not less favourable than the original job.

3.2 Where it is not practicable, by reason of redundancy, for the college to permit a return to work in the original job, the member of staff shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to them and appropriate to the circumstances, and that the capacity and place in which they are to be employed and the terms and conditions of employment are not substantially less favourable to them than if they had been able to return to the job in which they were originally employed.

3.3 Where staff are unable to return to work due to sickness, they will be regarded as having returned to work and the provisions of the sick pay scheme will apply.

4. OTHER ABSENCES

4.1 If, in the early months of pregnancy, staff are advised by an approved medical practitioner to be absent from college because of the risk of rubella, they shall be granted leave with full pay.

4.2 Absence on account of illness which is attributable to the pregnancy, including absence on account of miscarriage, and which occurs outside the period of absence for maternity, shall be treated as ordinary absence or sick leave and shall be subject to the

conditions normally governing such leave, provided where necessary it is covered by a Doctor's statement.

5. ADOPTION LEAVE AND PAY

5.1 Statutory Adoption Leave is exactly the same as Statutory Maternity Leave with 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave. It can be taken by either of the adopted partners, with one partner taking adoption leave and one can taking 'Paternity' Leave. Alternatively shared adoption leave may apply, please refer to point 8 below. The statutory pay arrangements are at the same rate as Statutory Maternity Pay. These are the statutory provisions.

5.2 Adoption leave and pay are available to:

- Individuals who adopt
- One member of a couple, where a couple adopt jointly (the couple must choose which partner takes adoption leave)

5.3 Colleges will need to see confirmation from the adoption agency in the form of a matching certificate. To qualify for adoption leave, an employee must:

- Be newly matched with a child for adoption by an adoption agency
- Have worked continuously for their employer for 26 weeks, ending with the week in which they are notified of match with a child for adoption.

5.4 Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step parent is adopting a partner's children. Additionally in these circumstances, adoption leave is unpaid.

5.5 Adoption leave commences:

- From the date of the child's placement (whether this is earlier or later than expected), or
- From a fixed date which can be up to 14 days before the expected date of placement

5.6 If the adoption does not work out, the statutory scheme provides for the leave to continue for 8 weeks before staff return to work to provide for a recovery period.

5.7 Notice of intention to take adoption leave requires staff to inform the college of their intention to take adoption leave within 7 days of being notified by their adoption agency, that they have been matched with a child for adoption, unless this is not reasonably practicable.

5.8 The college will respond to notification by letter and set out the date on which it is expected the employee will return to work, if the full entitlement to adoption leave is taken. Adopters who want to return to work before the end of their full adoption entitlement, must give the college 28 days notice of the date they intend to return.

6. PATERNITY LEAVE

6.1 Shared leave: Eligible partners of babies born after 3 April 2011 will be entitled to take up to 26 weeks paternity leave, providing their partners have returned to employment after 20 weeks or more. Each parent can now potentially take up to six months maternity/paternity leave. Partners taking advantage of these rules will see the first

three months of their leave at statutory rate per week, while the last three months will be taken as unpaid.

Normal leave: The right to Paternity Leave and Pay allows eligible staff to take paid leave to care for their baby or to support their partner following the birth. Staff can take either one week's, or two consecutive weeks' paternity leave and during this time may be entitled to Paternity Pay.

6.2 Staff who qualify:

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner and
- have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child

6.3 Staff have the right to return to the same job after paternity leave.

6.4 Eligible staff can choose to take either one week or two consecutive weeks' paternity leave (not odd days).

a) They can choose to start their leave:

- from the date of the child's birth (whether this is earlier or later than expected), or
- from a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected), or
- from a chosen date later than the first day of the week in which the baby is expected to be born.

b) Leave can start on any day of the week on or following the child's birth but must be completed:

- within 56 days of the actual date of birth of the child, or
- if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

6.5 Only one period of leave is available to staff irrespective of whether more than one child is born as the result of the same pregnancy.

6.6 Statutory Paternity Pay:

a) During their paternity leave, staff who meet entitlement requirements will qualify for Statutory Paternity Pay (SPP).

b) Statutory Paternity Pay is paid for either one or two consecutive weeks as the staff chooses. The rate of Statutory Paternity Pay is the same as the standard rate of Statutory Maternity Pay.

- c) Staff who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes, do not qualify for SPP. Staff who do not qualify for SPP, or who are normally low-paid, may be able to get Income Support while on paternity leave.

6.7 Notice of intention to take paternity leave:

- a) Staff must inform the College of their intention to take paternity leave by the end of the fifteenth week before the baby is expected, unless this is not reasonably practicable. They must notify to the College:
- the week the baby is due
 - whether they wish to take one or two weeks' leave
 - when they want their leave to start.

6.8 Staff can change their mind about the date on which they want their leave to start providing they tell the College at least 28 days in advance (unless this is not reasonably practicable). Staff must notify the date they expect any payments of SPP to start at least 28 days in advance, unless this is not reasonably practicable.

Self certificate:

Staff must provide completed documentation as evidence of their entitlement to SPP



Flexible Working Procedure

There are many different forms of flexible working that cover the way our working hours are organized during the day, week or year. Flexible working may include part time work, flexi time and overtime. Flexi time usually allows employees to choose within set limits, when to begin and end work, making sure core times of the day or annualized hours which ensure core periods of year are covered.

1. Application for Flexible Working

- 1.1 All staff may request to have flexible working considered. Your request should be well in advance to allow appropriate consideration and planning. As an employer we have the right to run the business effectively and will review all requests in consideration of the needs of the business and possible short or long term impacts, as well as considering suitable options in line with your request.
- 1.2 Any flexible working arrangement does not mean any less accountability and your co-operation will be required in making sure relevant role responsibilities and outcomes are still facilitated appropriately.
- 1.3 Flexible working must be requested using the Flexible Working Application Form (as attached). You can use this form to make an application to the College to work flexibly under the right provided in law to help eligible employees care for their children and specified adults. Before completing this form, you should first check that you are eligible to make a request. For further information, please speak to a Lead HR Advisor.

You should note that under the right it may take up to 14 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to a Lead HR Advisor well in advance of the date you wish the request to take effect.

It will help the College to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing the final two questions, you must think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to Human Resource Development department and you should keep a copy for your own records. The College then has 28 days after the day your application is received either to agree to your request or to arrange a meeting with you to discuss your request. If your request is granted, this will constitute a permanent change to your terms and conditions of employment unless otherwise agreed.

FLEXIBLE WORKING APPLICATION FORM

Name of employee: Date of Application:	
Describe your current working pattern: (days/hours/time worked)	
Describe the working pattern you would like to work in the future: (days/hours/times worked)	
Date you would like the proposed new working pattern to commence from:	
Impact of the new working pattern: (State how you think the proposed change in your working pattern will affect the College and your work colleagues)	
Accommodating the new working pattern: (State how you think the effect on the College and your work colleagues can be dealt with)	

Child care

Please tick here if you are completing this declaration.

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

- I have responsibility for the upbringing of either a child under 17 or a disabled child under 18.
- I am either the mother, father, adopter, guardian or foster parent of the child or I have a residence order relating to the child, or I am married to or the partner or civil partner of the child's mother, father, adopter, guardian or foster parent or a person who has a residence order relating to the child.
- I am making this request to help care for the child.
- I am making this request no later than the day before the child's 17th birthday, or 18th birthday where the child is disabled.
- I have worked continuously as an employee of the College for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Adult care

Please tick here if you are completing this declaration.

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

- I am making this request to help care for an adult aged 18 or over who is either married to me, or is my partner or civil partner, or is my relative or who lives at the same address as me. I understand that a 'relative' means a mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, son, son-in-law, step-son, daughter, daughter-in-law, step-daughter, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent, and that this includes adoptive relationships and relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption.
- I have worked continuously as an employee of the College for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Other reason

Please tick here if you are completing this declaration.

I would like to apply to work a flexible working pattern that is different to my current working pattern for the following reasons:

I declare the above information to be correct. I understand that it is a serious disciplinary offence to provide false information on this form.

Signed by employee:.....

Date signed:

HRD Purposes only:

Date application received.....

Assigned to HR Advisor.....