



UTC PLYMOUTH

Maternity/Paternity/Adoption Leave Policy

At some time during your career with UTC Plymouth you may well want to start a family or come to us already with a family. We have family friendly policies which include maternity, adoption, paternity, birth and adoption support leave, flexible working, and other rights of parents.

Maternity Leave

UTC PLYMOUTH recognises the need to retain the skills and services of its employees and wishes to encourage them to return to work following the birth of their children. This policy describes the rights of employees of UTC Plymouth to a number of maternity benefits.

The following definitions are used in this policy:

"Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

"Qualifying week" means the 15th week before the expected week of childbirth.

If you are pregnant and working under a contract of employment you qualify for statutory maternity leave and so are entitled to 26 weeks maternity leave followed by 26 weeks additional maternity leave if, by no later than the 15th week before your expected week of childbirth (EWC), you give your employer notification in writing of your pregnancy, the EWC and the date you intend to start maternity leave.

You may change the date you intend to take your maternity leave by giving your manager a minimum of 28 days' notice.

You can start your Statutory Maternity Leave any time from 11 weeks before the beginning of the week when your baby is due. If you are off work because of your pregnancy within four weeks of the EWC, you will start your Statutory Maternity Leave automatically from the following day.

Although it is up to you to decide how much of the 52 weeks maternity leave you wish to take, the law requires that a minimum of 2 weeks must be taken after the actual birth.

In the unfortunate event of a stillbirth occurring within the sixteen weeks before the EWC, normal maternity pay and appropriate maternity absence entitlements will apply.

Antenatal care

If you are pregnant you have the right to paid time off to attend antenatal care appointments. This covers medical examinations, relaxation classes and parent craft training.

However you are requested to minimise disruption to your work duties through such appointments and your manager is entitled to request evidence of any antenatal appointments.

Your manager may ask you for evidence of any antenatal appointments from your second appointment onwards. If asked, you should show your manager a medical certificate showing you are pregnant and an appointment card or some other written evidence of your appointment.

Risk Assessment

We will carry out a risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last 6 months or who are still breastfeeding. We will provide information as to any risks identified in the risk assessment and any preventative and protective measures that have been or will be taken if we consider that as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work. We will take such steps as are necessary (for as long as they are necessary) to avoid those risks.

Statutory Maternity Pay

You should pass to your manager your MATB1 certificate from your doctor or midwife. Once the MATB1 is received we will write to you in order to confirm your pay entitlements and the date you will be expected to return to work. These certificates are available from 20 weeks of pregnancy.

To qualify for Statutory Maternity Pay (SMP) you must have been:

- Employed by UTC Plymouth continuously for at least 26 weeks into the 15th week before the week your baby is due (the qualifying week)
- Earning on average an amount which at least equals the lower earnings limit which applies on the Saturday at the end of your qualifying week.
- If earnings are below the lower earnings limit we will issue a form SMP1 and return the original MATB1 in order to claim Maternity Allowance.

You must work up to and into the qualifying week to remain eligible for SMP. A week for these purposes begins on a Sunday and ends on a Saturday. SMP will not be due where your contract ends and is not renewed before the 15th week before the EWC. However, your eligibility for SMP will be unaffected by your contract ending where:

- your contract ends and is not renewed during the 15th week before your EWC and you have worked during that week; or
- your contract ends and is not renewed after the 15th week before your EWC

Statutory maternity pay is payable for up to 39 weeks, with the first six weeks payable at 90% of the employee's average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. It is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Return to work

Your manager will assume that you will take all 52 weeks of your Statutory Maternity Leave. If you take the full 52 weeks, you do not need to give notice that you are returning to work.

If you wish to return earlier, for example, when your Statutory Maternity Pay ends, you must give at least eight weeks' notice. You must tell your manager that you:

- are returning to work early
- want to change the date of your return

If you decide not to return to work at all, you must give your employer notice in the normal way.

Expiry of the contract during maternity leave

If your contract is due to end while you are still on maternity leave, the case for extending or renewing your contract will be considered in the normal way. If the decision is taken not to renew your contract, your employment will end on the date in your contract, but your entitlement to SMP will not be affected. We will continue to consider redeployment opportunities for you until the date your maternity leave ends. Annual leave accrued at the end of your contract will be calculated and pay for any accrued but untaken holiday will be paid to you.

If you are selected for redundancy while on Maternity Leave, we shall write to you with our proposals and to invite you to a meeting before any final decisions are made. You have the right of first refusal to any suitable alternative vacancies.

Ordinary Paternity Leave

If you are a father to be or will share the responsibility with a partner for bringing up a child, you may have the right to Statutory Paternity Leave and Pay as set out in this policy.

If your wife, civil partner or partner gives birth to a child, or you are the biological father of a child you are entitled to two weeks' ordinary paternity leave provided that you have 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. In respect of an adopted child, you must have 26 weeks continuous service by the week you are notified of having been matched with your child for adoption.

To qualify for ordinary paternity leave, you must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Length of Ordinary Paternity Leave

If you qualify for paternity leave you may take either one or two weeks leave. Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or a chosen number of days or weeks after that date. You cannot take odd days off and if you take two weeks they must be taken together. A week is based on your usual working pattern.

To qualify for Ordinary Paternity Leave you must inform your manager in writing:

- when the baby is due or when the child is expected to be placed with you for adoption
- whether you want one or two weeks ordinary paternity leave
- when you want your ordinary paternity leave to start

You must give your manager the correct amount of notice. You should tell them in writing either:

- at least 15 weeks before the beginning of the week when the baby is due
- within seven days of being told by the adoption agency that you have been matched with your child

If you wish to change the timing of your Ordinary Paternity Leave, you must give 28 days' written notice of the new dates.

Ordinary Paternity Pay

Ordinary Statutory Paternity Pay is paid for up to two consecutive weeks, depending on the period of Ordinary Paternity Leave.

You must complete and sign a self-certificate declaring that you are entitled to ordinary paternity leave and ordinary statutory paternity pay.

Pay during ordinary paternity leave will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for ordinary statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts his/her paternity leave.

Additional Paternity Leave

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work before using her full entitlement to Maternity Leave.

Additional Paternity Leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work.

The earliest that Additional Paternity Leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional Paternity Leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks. You must remain in continuous employment until the week before the first week of Additional Paternity Leave.

You must give your manager eight weeks written notice of the date you wish to take this leave and, if applicable, Additional Statutory Paternity Pay to commence. You will also need to state the end date of Additional Paternity Leave and Statutory Paternity Pay. At the same time, you will be asked to provide evidence that the mother or primary adopter has returned to work.

During the period of additional paternity leave, the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

If the employee is eligible to receive it, salary may be replaced by statutory paternity pay for some, or all, of the additional paternity leave period, depending on the length and timing of the additional paternity leave.

Pension regulations will apply as set out by your pension provider, for further information you should refer to your pension providers web pages

Eligibility for additional paternity leave

In order to be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- He/she must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, he/she must have been matched with the child for adoption. In both cases, he/she must be taking the leave to care for the child.
- He/she must have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child.
- He/she must remain in continuous employment until the week before the first week of additional paternity leave.
- The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work.

Additional Statutory Paternity Pay

Additional statutory paternity pay may be payable during some or all of additional paternity leave, depending on the length and timing of the leave. An employee is entitled to additional statutory paternity pay if:

- he/she is the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the child's primary adopter, and, in the case of a birth child, expects to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) or, in the case of adoption, has been matched with the child for adoption, and in either case intends to care for the child during the additional statutory paternity pay period;
- he/she has a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child (the "relevant week");
- he/she remains in continuous employment until the week before the additional statutory paternity pay period begins;

- his/her average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
- the mother is entitled to statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter is entitled to statutory adoption pay, and the mother or primary adopter has returned to work;
- the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired; and
- he/she gives proper notification in accordance with the rules set out above.

Any statutory paternity pay due during additional paternity leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

Expiry of your contract during Paternity Leave

If your contract is due to end while you are on Paternity Leave, the case for extending or renewing your contract will be considered in the normal way. If the decision is taken to end your contract, your employment will end on the date in your contract. However, we will continue to consider redeployment opportunities for you until the date that your Paternity Leave ends.

Your Statutory Paternity Pay will not be affected and annual leave accrued to the end of the contract will be calculated and you will be paid for any accrued but untaken holiday. Where employment has ended we reserve the right to offer you the choice to have your SAPP paid in a lump sum.

If you are selected for redundancy while on Paternity Leave, we shall write to you with our proposals and to invite you to a meeting before any final decisions are made. You have the right of first refusal to any suitable alternative vacancies.

Statutory Adoption Leave

If you are a working parent who has been matched with a child for adoption or if you have had a child placed with you for adoption, you may be entitled to Adoption Leave and Pay as set out in this policy.

To qualify for Statutory Adoption Leave you must be newly matched with a child by an adoption agency ('matched' means that the adoption agency gives you the details of the child they think is suitable for you to adopt) and have worked continuously for UTC Plymouth for at least 26 weeks before the beginning of the week when you are matched with a child

If you qualify, you have the right to 52 weeks of Statutory Adoption Leave. This is made up of 26 weeks of Ordinary Adoption Leave followed by 26 weeks of Additional Adoption Leave.

You can start your leave either:

- from the date the child starts living with you or
- up to 14 days before the date you expect the child to start living with you

You must notify your manager that you want to take Adoption Leave no more than seven days after you have been notified that you have been matched with a child for adoption, or as soon as is practical after this. You must tell your Manager the date on which you expect the child to be placed with you and the date on which you want your Statutory Adoption Leave to start.

If you wish to change the timing of your Ordinary Adoption Leave, you must give 28 days' written notice of the new dates.

Where a couple adopts a child, only one parent is entitled to take Adoption Leave. The other parent may be able to take paternity leave.

Statutory Adoption Pay

You will qualify for Statutory Adoption Pay (SAP) provided that your average earnings are not less than the Lower Earnings Limit for National Insurance Contributions. SAP is payable for up to 39 weeks at a rate set by the government for the relevant tax year, or at 90% of your average weekly earnings if this figure is lower than the government's set weekly rate. If your earnings are below the Lower Earnings Limit we will issue a SAP1.

Statutory Adoption Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

To qualify you must have been:

- Matched with a child for adoption by an adoption agency
- Employed by UTC Plymouth for at least 26 weeks up to and including the week the adoption agency told you that you had been matched with a child for adoption.
- Average weekly earnings at or above the lower earnings limit

To claim Statutory Adoption Pay you must give UTC Plymouth documentary evidence from the adoption agency. This will usually be a 'matching certificate'.

Expiry of your contract during Adoption Leave

If your contract is due to end while you are on Adoption Leave, the case for extending or renewing your contract will be considered in the normal way. If the decision is taken to end your contract, your employment will end on the date in your contract. However, UTC Plymouth will continue to consider redeployment opportunities for you until the date that your Adoption Leave ends.

Annual leave accrued at the end of your contract will be calculated and pay for any accrued but untaken holiday will be paid to you.

If you are selected for redundancy while on Adoption Leave, we shall write to you with our proposals and to invite you to a meeting before any final decisions are made. You have the right of first refusal to any suitable alternative vacancies.

Keeping in Touch Days

UTC Plymouth will offer an employee on maternity, additional paternity and adoption leave the opportunity to work for up to 10 'Keeping in Touch Days'. These days may be either separate days or one or more blocks of several days. Examples of these days could include the opportunity to attend a relevant training course or departmental meeting. An employee offered such work is under no obligation to agree to do it. If, however, you do agree your manager, with advice and guidance from the Head of Administration and HR, will discuss with you the terms of the work assignment including what you will be paid.

Agreeing to work up to 10 'Keeping in Touch Days' will not affect your statutory maternity, paternity or adoption pay entitlement or your entitlement to continue on leave until the due return date.

Terms and Conditions during Maternity, Paternity and Adoption Leave

All the terms and conditions of your employment remain in force during Maternity, Paternity and Adoption Leave except for the terms relating to pay. In particular annual leave entitlement under your contract shall continue to accrue.

Parental Leave

UTC Plymouth recognises the need to assist employees with managing the sometimes conflicting demands of parental and work responsibilities. We recognise that as an employer we should aim to work in partnership with parents to make it possible for them to plan to play a full role in their family responsibilities, whilst at the same time being able to play a full and effective part within their working environment.

To qualify for Parental Leave you must be an employee and have at least one year's continuous service. You are entitled to Parental Leave for children aged under five (or under 18 if your child is disabled) if you are the parent either:

- Named on the child's birth certificate
- Named on the child's adoption certificate
- With legal parental responsibility for the child

If you do not live with your children but keep formal parental responsibility then you have the right to Parental Leave.

Your employer may ask for evidence that you are entitled to Parental Leave which may include:

- The child's birth certificate
- Papers confirming the child's adoption or the date of placement in adoption cases
- The award of disability living allowance for the child

Amount of Parental Leave

A total of up to 18 weeks Parental Leave may be taken for each child up until their fifth birthday by each parent. For adopted children this can be until the fifth anniversary of their placement with you or until their 18th birthday, whichever comes first.

If your child is disabled each parent has the right to take up to 18 weeks' parental leave until their 18th birthday.

Statutory Parental Leave is unpaid.

Applying for Parental Leave

Parental Leave may be taken in blocks or multiples of one week only, subject to a maximum of four weeks a year, unless the child has been awarded disability living allowance in which case one day at a time or blocks or multiples of one day may be taken and more than four weeks can be taken per year.

To apply:

- An employee must give the employer at least 21 days' notice of the date on which he or she intends a period of Parental Leave to start and the duration of the period of leave.
- An expectant father who wants to take Parental Leave beginning on the day his child is born must specify the expected week of childbirth, and duration of the intended period of leave, at least 21 days before the expected week of childbirth.
- An employee wishing to take Parental Leave from the date of a child's placement for adoption must specify the week in which the placement is expected to occur and the duration of the intended period of leave, at least 21 days before the beginning of the expected week of placement
- An employer may postpone a requested period of Parental Leave to a period beginning up to six months later (and ending before the child's 18th birthday) if the employee's absence from work during that period would unduly disrupt the operation of its business. However, an employer has no right to postpone a period of Parental Leave that is intended to begin on the day on which the employee's child is born or placed for adoption.

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Flexible working

The right to request Flexible Working provides eligible employees with the right to request a flexible working pattern which UTC Plymouth will consider seriously.

To be eligible to request Flexible Working, you must:

- Be an employee
- Have worked for UTC Plymouth for 26 weeks continuously
- Not have made another application to work flexibly under the right during the previous 12 months

You will have the statutory right to ask if you:

- Have or expect to have parental responsibility of a child aged under 17
- Have or expect to have parental responsibility for a disabled child under 18 who receives Disability Living Allowance (DLA)
- Are the parent/guardian/special guardian/foster parent/private foster carer or as the holder of a residence order or the spouse, partner or civil partner of one of these and are applying to care for the child are a carer who cares, or expects to be caring for an adult who is a spouse, partner, civil partner or relative; or who although not related to you, lives at the same address as you.

Applying

The process of making a request and UTC Plymouth considering the request can take up to 14 weeks. So if you are thinking about changing your work pattern, speak to your manager as early as possible.

You should also be aware that if UTC Plymouth agrees to your request, then it may result in a permanent change to your contract of employment. If you request a flexible working pattern that will result in you working fewer hours, your pay will reduce too.

To request flexible working you should write a letter stating that you wish to apply for Flexible Working and give a copy to your manager and the Head of Administration and HR.

When your letter has been received, a meeting will be arranged between your manager, the Head of Administration and HR and yourself, to discuss it further. You may be accompanied at these meetings by a Co-worker or trade union representative.

Any change to working pattern will be permanent with no right to revert to the previous working pattern. However you and your manager may agree to trial the arrangement for a period before deciding whether to adopt the new working pattern as a permanent change.

Having made one application you will not be eligible, under the Flexible Working (Procedural Requirements) Regulations 2002, to make another request to vary your working pattern for a period of one year

Withdrawing application

If you decide to withdraw your application then you should write a letter stating that you wish to withdraw your request for Flexible Working and send this to Head of Administration and HR, notifying your manager that you have done so.

If you do not attend a scheduled meeting under the process above on more than one occasion your application will be taken to have been withdrawn.

Appeal

If your request for flexible working is refused, you can appeal the decision by writing a letter clearly stating the grounds of appeal. This will form the basis of discussion at a meeting between you and the Principal of UTC Plymouth and the Head of Administration and HR. The Principal will also discuss (or ask for clarification on relevant points) the appeal with your manager.

Time off for Dependants

This time off for dependant's policy gives you the right to take a reasonable amount of unpaid time off work to deal with certain situations affecting your dependants. You have the right to take a reasonable amount of unpaid time off work when it is necessary to:

- Provide assistance when a dependent falls ill, gives birth, is injured or assaulted;
- Make longer-term care arrangements for a dependent who is ill or injured;
- Take action required in consequence of the death of a dependant; and
- Deal with an unexpected incident involving your child during school hours.

A dependant for the purposes of this policy is:

- Your spouse, civil partner, parent or child;
- A person who lives in the same household as you, but who is not your tenant, lodger, boarder or employee; or
- Anyone else who reasonably relies on you to provide assistance, make arrangements or take action of the kind referred to above.

You must inform us as soon as possible if you need to take time off and the period of time off work required.

VERSION CONTROL SHEET

POLICY NAME: Maternity, Paternity, Adoption Leave Policy

Policy Prepared by: Julie Rae

Document date	Filename	Mtg submitted	Summary of changes required
Feb 14		Staffing	New Policy
Mar 17		FGB	Reviewed

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