

## **MATERNITY, PARENTAL and ADOPTION POLICY AND PROCEDURE**

The following policy covers the key elements of an employee's entitlements during and following pregnancy, following adoption and as a parent.

Maternity entitlements are particularly complex and may vary depending upon individual employee's circumstances. Further information may be provided as appropriate.

This policy also includes information about ongoing entitlements to parents and includes parents who choose to adopt children or those who are having a child via a surrogacy arrangement. Except where stated, guidance is applicable to all. It also includes same sex couples.

Please note that it is likely that everyone's circumstances will be different and as such, this policy should be used to offer guidance, but that individual circumstances will mean that there may be some variance. Woughton Community Council is committed to providing ALL staff with at the minimum, 'Green Book' conditions of service and for more information, please visit <https://www.gov.uk/employers-maternity-pay-leave> or <https://www.gov.uk/employers-paternity-pay-leave>

The policy covers Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML).

### **MATERNITY PROCEDURE AND POLICY**

#### **POLICY AND PROCEDURE**

##### **Notification**

As a minimum, the Line Manager needs to be made aware by the Qualifying Week (15 weeks before the Expected Week of Childbirth) that the employee is pregnant in order that all health and safety measures and legislative responsibilities can be observed.

The employee must also advise when Ordinary Maternity Leave (OML) will start by this point. If the employee wishes to change the date that OML will start, they must provide 28 days' written notice. WCC will respond within 28 days and will notify the employee when the OML and AML starts and ends.

A MATB1 form available from the employee's Doctor or Midwife must also be provided to verify the pregnancy.

Unless the employee states otherwise, this information will be treated in confidence, unless for business planning purposes or health and safety reasons, it becomes necessary for the pregnancy to be disclosed to others. In these circumstances, the employee will be advised prior to the information being disclosed to any other employee.

An employee adopting a child must send form SC4 for:

- leave - no later than 7 days of their co-adopter or partner being matched with a child
- pay - 28 days before they want their pay to start

For overseas adoptions the form and notice period is different. The process is explained on form SC5.

The relevant forms are available at <https://www.gov.uk/government/collections/statutory-maternity-pay-and-leave>

##### **Leave and Payment**

###### **Length of maternity leave**

- Pregnant employees are entitled to 26 weeks' Ordinary Maternity Leave (OML) regardless of length of service or hours worked.

- Employees who have completed 26 weeks service by the Qualifying Week are able to take Additional Maternity Leave (AML), which starts at the end of OML and finishes 26 weeks after the birth (counting from the Sunday at the beginning of the week in which the baby is born).
- Statutory Maternity Pay (SMP) is payable for up to 39 weeks, where other contractual payments are not made.

### **Pay and Contractual benefits**

During OML and AML, the contract of employment will continue.

During OML only the employee remains entitled to the majority of contractual benefits except remuneration. These entitlements do not extend into the period of AML.

During OML annual leave will accrue. During AML paid annual leave will accrue up to a maximum of 20 days.

### **Statutory Maternity Pay (SMP) / Maternity Allowance (MA)**

- Employees with more than 26 weeks service prior to the Qualifying Week, and who have made the appropriate National Insurance Contributions, will be entitled to up to 39 weeks Statutory Maternity Pay. The first six weeks are paid at the rate of 90% of the employee's average earnings, with a further 12 weeks being paid at 50% of the employees average earnings, plus SMP (up to a maximum of 90% of earnings or SMP, whichever is higher) and thereafter up to 21 weeks Statutory Maternity Pay at the rate prescribed by the government (please refer to [www.dwp.gov.uk](http://www.dwp.gov.uk) for latest SMP rates). For more information visit the Department for Work and Pension's website: [www.dwp.gov.uk](http://www.dwp.gov.uk), then Benefits and Services A – Z or the local Benefits Agency (01908 208600) can advise on individual entitlements.
- Employees with less than 26 weeks service Qualifying Week or who have not paid sufficient National Insurance Contributions, may be entitled to Maternity Allowance (MA) or another state benefit for this period.
- Woughton Community Council offers additional benefits for employees, based upon length of service. This is in line with other terms and conditions, such as annual leave, sickness pay and similar. Additional maternity payment for employees will be:
  - Within the first two years of service, as outlined above.
  - After 2 years of service, there will be 12 weeks at 90%, followed by 12 weeks at 50% plus SMP (up to a maximum of 90% of earnings or SMP, whichever is higher) and then 15 weeks of SMP only.
  - After 5 years of service, 26 weeks at 90%, followed by up to 13 weeks of SMP only.

### **Starting maternity leave**

- Employees can start maternity leave any time from the 11<sup>th</sup> week before the Expected Week of Childbirth (EWC).
- Maternity leave will automatically start if the employee is absent on a pregnancy-related illness during the four weeks before the Expected Week of Childbirth (EWC)
- The notice for the start of maternity leave is exactly the same whether a woman qualifies only for OML or both OML and AML.
- In the event that childbirth happens before maternity leave has started, it will commence on the day following the birth.

### **Returning to work after maternity leave**

- No further notification is required for employees returning to work at the end of OML and/or AML.
- If the employee wishes to return to work before the end of OML or AML, she must provide 28 days written notice.

- Employees returning to work after OML are entitled to return to work in the same job. Employees returning to work after AML are entitled to return to work in the same or similar job with equally favourable conditions, unless the job has been made redundant for non-maternity-related reasons.

### **Other rights during maternity leave**

- The Employment Rights Act provides that a woman is entitled to all her terms and conditions during both OML and AML, apart from remuneration, as though she was at work. This includes accrual of leave (including bank holidays) throughout the whole of the maternity leave period.

Legislation entitles WCC to have reasonable contact with an employee when she is on maternity leave to ease her eventual return to work. There are also KIT (Keeping In Touch) days (10 in total) where the employee can be asked to participate in training and do some work on behalf of the WCC without losing SMP. The KIT days will be paid at the same rate that the employee would be receiving had she not be on maternity leave. She could also be called in to participate in meetings to ensure that the employee is kept up-to-date with developments within the workplace.

The WCC has no right to demand that KIT work is undertaken and the employee has no obligation to undertake such work. Before any work is done, we would come to an agreement as stipulated by HMRC.

### **PATERNITY LEAVE POLICY AND PROCEDURE**

Paternity Leave may be taken by employees with 26 weeks service at the 15<sup>th</sup> week before the Expected Week of Childbirth by the child's father, or if married to or the partner of the child's mother but not the child's father but expects to have responsibility for the upbringing of the child.

Paternity Leave may be taken at or near the time of childbirth. WCC allows eligible employees two weeks off during which time they will receive Statutory Paternity Pay (SPP) (please refer to [www.dwp.gov.uk](http://www.dwp.gov.uk) for latest SPP rates). SPP can only be paid in complete weeks.

As with maternity pay, length of service will increase the payment made;

- Within the first two years of service, as outlined above.
- After 2 years of service, two weeks full pay, followed by 2 weeks half pay
- After 5 years of service, 4 weeks of full pay.

The employee's Line Manager must be advised of the approximate dates of the proposed leave as early as possible. Paternity Leave will generally be taken on the weeks immediately before or following the birth.

### **PARENTAL LEAVE POLICY AND PROCEDURE**

Parental Leave allows male and female employees to take time off work to carry out activities that will benefit their child/children. Parental Leave is unpaid. WCC reserves the right to request evidence that the employee is entitled to Parental Leave, i.e. Child/Children's birth certificates.

All employees who have more than one year's service are eligible for a maximum of thirteen weeks Parental Leave, which can be taken up to the child's fifth birthday or eighteen years old for the parents of a disabled child.

Employees are guaranteed the right to return to the same job if the absence is for up to four weeks. If a longer period is taken, the employee is entitled to return to the same job, or if that is not reasonably practical, a similar job which has the same or better status and terms and conditions.

Parental Leave must be booked using the same procedure as for annual leave. WCC has the right to postpone Parental Leave for no longer than six months after the beginning of the period that the employee wanted to start the Parental Leave, should such absence be likely to unduly disrupt operations. The only exception is where Parental Leave is taken immediately after birth or adoption.

## **DEPENDENT'S LEAVE POLICY AND PROCEDURE**

Unplanned emergency situations involving the support of a sick dependant, or death or funeral of a family member, will generally be acceptable reasons for Dependent's Leave, which is likely to be no more than 1-2 days on each occasion. Dependents Leave cannot be taken for pre-arranged appointments, for example, to accompany a spouse or child to a hospital appointment. Authorisation must be gained from the employee's Line Manager for such absences.

A dependent is defined as a spouse or partner who lives at the same address, child, parent or someone who relies solely on the employee for their support.

Payment during Dependents Leave is at the absolute discretion of WCC.

WCC may apply the disciplinary procedure to those who seek to abuse such assistance.

### **OTHER RELEVANT POLICIES**

- Absence and Leave Policy
- Sickness Policy
- Capability and Sickness Management Procedure
- Health and Safety Policy

<b>Last review date:</b>	<b>August 2020</b>
<b>Next review date:</b>	<b>August 2022 (or with legislative changes)</b>
<b>Lead:</b>	<b>Operations Manager</b>
<b>Overseeing Committee:</b>	<b>Operations</b>
<b>Approved:</b>	
<b>Review cycle:</b>	<b>2 yearly and/or as per legislation</b>