

Purpose

The rights and entitlements surrounding maternity / adoption / paternity leave are fairly complex and this policy and procedure aims to provide a simple guide to staff and managers on those rights and entitlements.

It also aims to outline the responsibilities of both staff and managers faced with any one of these three circumstances.

Scope

This policy and procedure applies to all SES Group employees irrespective of their length of service, although eligibility for some entitlements may require a specific length of service, which is clearly stated within this policy.

The guidelines have considered information, advice and guidance from professional bodies including ACAS (Advisory, Conciliation and Arbitration Service) and the Chartered Institute of Personnel and Development (CIPD).

Principles

- The SES Group is committed to monitoring this policy and procedure and keeping up to date with relevant legislation and entitlements.
- It is the aim of the SES Group to give full consideration to employees requiring maternity/ adoption/paternity leave and will approach cases sensitively.
- Every effort will be made to ensure that managers understand their responsibilities in delivering this policy and procedure and are aware of how to obtain further information and guidance.

Procedure

Maternity Leave and Pay Entitlements

An employee who becomes pregnant should inform her manager and provide a Doctor's statement (MAT B1) indicating the expected week of childbirth. Maternity pay and leave will be granted in accordance with statutory rules. All pregnant employees will be required to have a risk assessment interview with their manager to ensure the workplace poses no risk to their health and safety.

Maternity Leave and Pay Entitlements

All pregnant employees are entitled to maternity leave irrespective of their length of service. There are three levels of maternity leave as outlined below:

- a) **Ordinary maternity leave (OML):** The length of the leave is 26 weeks.
- b) **Compulsory leave:** This is a period of two weeks (four weeks if the woman works in a factory) immediately after giving birth during which the woman is not permitted to work. This is part of the ordinary maternity leave period, not additional to it.
- c) **Additional Maternity Leave (AML):** Begins from the end of the OML and is for a period of a further 26 weeks.

The earliest date an employee can start their maternity leave is the beginning of the eleventh week before the baby is expected. The employee must provide the manager with details of the week the baby is expected and the intended start date of the maternity leave.

In response to the employee's notification of pregnancy, the manager must respond within 28 days of this notification and state the date by which the employee is expected to return to work i.e. at the end of the maternity leave entitlement.

Statutory Maternity Pay Entitlement

To qualify for Statutory Maternity Pay (SMP), the employee must essentially:

- a) have average weekly earnings in the eight weeks up to and including the qualifying week at or above the lower earnings limit for the payment of National Insurance contributions; and
- b) have 26 weeks' continuous service with the SES Group by the 15th week before the week the baby is due.

If an employee is not eligible for SMP, they may be entitled to a Maternity Allowance which is based on their recent employment and earnings record and is a state benefit which is payable for 39 weeks, at the same rate as the lower statutory level of SMP.

If eligible for SMP the payments are made up as follows:

- The first 6 weeks of SMP are paid at 90% of average weekly earnings
- The remaining 33 weeks are paid at the lower statutory level (or 90% of the average weekly earnings, if this is less than the lower level)

Current rates can be found via the Direct.gov website. SMP rates are normally increased in April each year.

Entitlements Before, During and After Maternity Leave

During a period of maternity leave all contractual terms (for example holidays or benefits) apart from remuneration continue during both OML and AML. There are also other entitlements which women employees, who satisfy the relevant qualifying conditions, are entitled to before, during and after maternity leave as outlined below:

- return to the job in which the employee was employed (if returning after OML) or ones of equivalent status (if returning after AML), with protected rights to pay and conditions and benefits
- time off to attend appointments for ante-natal care at the normal rate of pay, on producing proof of the appointment
- a risk assessment during pregnancy which may result in alternative work where any risks to the health of the expectant employee and baby can be avoided
- remuneration on suspension on maternity grounds, if health and safety measures cannot be complied with i.e. staff should continue to receive their normal salary even if they are unable to carry out their substantive job role due to health and safety measures relating to their pregnancy prior to commencing maternity leave
- not be subjected to a detriment, disadvantage, unfair treatment or dismissal because of the pregnancy, maternity leave, etc.
- take up to ten 'keeping in touch' (KIT) days during maternity leave without losing any entitlement to maternity pay.

Adoption Leave and Pay Entitlements

To qualify for statutory adoption leave (SAL), an employee must meet certain qualifying criteria. However, it should be noted that the criteria differ depending upon whether it is a UK or overseas adoption. The criteria below are based on UK adoptions and an employee qualifies 52 weeks' SAL when they adopt a child in the UK if they:

- have been matched with a child to be placed with them by a UK adoption agency
- have notified the agency that they agree that the child should be placed with them and agree with the date of placement
- have been continuously employed by the SES Group for at least 26 weeks into the week in which they are notified of having been matched with the child (the 'matching week') The matching week starts on a Sunday and ends on a Saturday
- notify their manager of when they want to take their SAL no more than seven days after they are notified that they've been matched with a child
- take up to ten 'keeping in touch' (KIT) days during adoption leave without losing adoption pay.

Further advice and guidance can be obtained from the Direct.gov website, as well as details of employees' entitlements and eligibility for adopting overseas.

There are two levels of adoption leave as outlined below:

- a) **Ordinary Adoption Leave:** The length of the leave is 26 weeks.
- b) **Additional Adoption Leave:** Follows immediately after ordinary adoption leave and is for a period of a further 26 weeks.

The entitlement to adoption leave is based on a relationship with the child's mother; therefore, adoption leave also applies to partnerships of the same sex.

Adoption Pay Entitlement

During ordinary and part of additional adoption leave, most adopters will be entitled to Statutory Adoption Pay (SAP) on a similar basis to that governing SMP.

SAP is payable for 39 weeks. The rate of SAP is the same as the lower rate of SMP.

Adopters whose average weekly earnings are below the lower earnings limit for National Insurance purposes do not qualify for SAP but may qualify for other welfare benefits.

Entitlements Before, During and After Adoption Leave

Entitlements applicable during adoption leave are essentially the same as those applicable during maternity leave for those employees who expect to have an adopted child placed with them.

Further advice and guidance should be sought as and when notified by an employee that they have been matched with a child through an adoption agency.

Paternity Leave and Pay Entitlements App

There are two levels of paternity leave as outlined below:

- a) **Basic Paternity Leave** - main eligibility factors are that the expectant father:
 - has continuous employment for 26 weeks by the fifteenth week before the baby is due
 - must be the baby's biological father or the partner/husband of the mother
 - has (or expects to have) responsibility for the baby's upbringing.

The maximum duration of the basic statutory paternity leave is two weeks and can start from:

- the date of the baby's birth or any day of the week following the birth

If the baby is born earlier than expected, then the leave must be completed within the period from the actual date of birth up to 56 days after the first day of the expected week of birth

- within 56 days of the date of birth of the baby.

The employee has an obligation to inform their manager of the intention to take paternity leave by the end of the fifteenth week before the baby is expected and must provide the following details:

- the start date of the leave to be taken
- the week the baby is expected
- the duration of leave to be taken.

b) Additional Paternity Leave (APL) - For a father to take APL:

- the mother must have ended her maternity leave
- the leave must be taken as one continuous period
- the leave must be for full weeks and for a period of between 2 and 26 weeks
- APL may be taken at any time between 20 weeks after the date on which the child was born and the child's first birthday
- APL may not be taken until eight weeks after the date on which the father gives the required notice.

Paternity Pay Entitlement

The rate of Statutory Paternity Pay (SPP) is the same as the lower rate SMP. However, an employee whose earnings are below the lower earnings limit for National Insurance purposes does not qualify for SPP. Such employees may be entitled to other welfare benefits and further advice and guidance should be sought.

If the mother has not taken her full entitlement to statutory maternity pay when she returns to work, the outstanding amount transfers to the father who is taking APL.

Entitlements Before, During and After Paternity Leave

Employees who qualify for paternity leave are entitled to:

- return to the same job
- return to the same terms and conditions of employment
- not be subjected to a disadvantage, unfair treatment or dismissal.

The entitlement to paternity leave is based on a relationship with the child's mother; therefore, paternity leave also applies to partnerships of the same sex.

Appendix 1 - Employee Responsibilities

To summarise, the responsibilities of you as an employee are outlined below:

Prior to Maternity / Adoption / Paternity Leave

1. Provide written notification no later than the end of the 15th week before the expected week of childbirth (EWC), i.e. around 25 weeks pregnant that:

- you are pregnant and your intention to take maternity leave, and
- the date such leave is due to commence.

2. If you wish to change the start date of your maternity leave, you should provide a written request giving appropriate notice i.e. at least 28 days' notice.

3. Give the MATB1 Certificate to your manager when it is provided by your Midwife from 21st week of pregnancy.

4. Provide details of antenatal appointments and classes you have been advised to attend by your midwife or medical practitioner, giving reasonable notice.

5. Contribute to the production of a 'Risk Assessment' that your manager is required to conduct.

6. If you are going through the adoption process, you should notify your manager of when you wish to take your Statutory Adoption Leave no more than seven days after you have been notified that you've been matched with a child.

7. For those staff who wish to take the Basic Paternity Leave, you should inform your manager of the intention to take paternity leave by the end of the fifteenth week before the baby is expected and you must provide the following details:

- the start date of the leave to be taken
- the week the baby is expected
- the duration of leave to be taken.

8. For those staff who wish to take the Additional Paternity Leave, you must put your request in writing giving 8 weeks' notice of your intention to take the leave.

9. Work out what annual leave you need to take prior to commencing maternity / adoption leave and agree with your manager when this can be taken prior to the commencement of your maternity leave.

10. Agree with your manager what kind of contact you wish to have during your maternity/adoption leave, for example how you will be advised of any changes at work etc.

11. Notify whether you wish to take up the 'Keeping in Touch' (KIT) days during your maternity/adoption leave (which are optional for employees to request and employers to offer).

During/Prior to Returning from Maternity/Adoption/Paternity Leave

1. You should plan your return to work with your manager.
2. Consider and discuss as appropriate if you wish to take up the option of the 'Keeping in Touch' (KIT) days.
3. If you are still planning on returning to work on the date you advised your manager, you do not need to provide any further notice. However, you may wish to make contact in advance to finalise arrangements for your first day etc.
4. If you wish to return to work early and/or change your work pattern (i.e. prior to the expected end date of your maternity leave), you must notify your manager of your intention to return to work giving 8 weeks' notice of your return.
5. Consider your options before returning to work in respect of your right to request flexible working and parental leave (refer to the organisation's shared drive for further details on the Flexible Working and Parental Leave Policy and Procedure).
6. Ensure that you talk to your manager in good time about any requests for flexible working and parental leave, as this can take time for your manager to consider and reach a decision.
7. Advise your manager if you are planning on breastfeeding to ensure appropriate arrangements are considered and put in place to protect your health and safety.
8. Discuss with your manager any annual leave entitlement that has accrued during your period of leave and agree on when this should be taken.
9. If you decide not to return to work you should give at least the required notice period under your contract of employment. It would be helpful if you could let your manager know as soon as you are sure that you will not be returning to work.

Further advice and guidance can be sought from management and the following websites are a good source of information:

www.acas.co.uk

www.direct.gov.uk

Appendix 2

Management Responsibilities

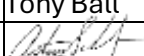
To summarise, the responsibilities of you as managers are outlined below:

Prior to Maternity/Adoption/Paternity Leave

1. Respond in writing within 28 days of receiving the written notification of the pregnancy / adoption and the date the employee wishes to commence maternity / adoption leave, setting out the expected date of return for that employee.
2. Conduct a ‘Risk Assessment’ and remove any risks or make alternative arrangements to protect the health and safety of the employee and their unborn baby when they are at work.
3. Provide reasonable paid time off to attend antenatal appointments and classes as advised by their midwife or medical practitioner.
4. Calculate what annual leave entitlement needs to be taken prior to the commencement of maternity / adoption leave and agree when this can be taken.
5. Discuss and agree with the employee what kind of contact they wish to have during their maternity/adoption leave, for example how they will be advised of any changes at work etc.
6. Ensure that relevant information about the employee’s maternity/adoption/paternity leave is provided to relevant personnel in a timely manner, e.g. payroll provider.
7. Discuss with the employee details of the Maternity/Adoption/Paternity Leave Policy and Procedure and ensure that they understand their responsibilities as outlined in Appendix 1 and their entitlements.

During/Prior to Returning from Maternity/Adoption/Paternity Leave

1. Ensure staff on maternity/adoption/paternity leave are advised, as agreed prior to their leave, of any changes at work etc.
2. Maintain reasonable contact with staff during their leave as previously agreed.
3. Consider any requests to take up the option of Keeping in Touch days during the leave period and process the appropriate payment if agreed, which must not affect any Statutory Maternity Pay that may be being received during this time.
4. Consider any flexible working requests in a timely and efficient manner and in accordance with the organisation’s Flexible Working Policy and Procedure.
5. If a member of staff advises you that they will be breastfeeding their baby, you should conduct a ‘Risk Assessment’ to identify any risks to a breastfeeding mother or their baby and make reasonable adjustments to remove any risks identified.
6. Plan and implement the necessary arrangements for a member of staff’s return to work after such leave, for example an induction programme to cover any new workplace changes, any further training and development needs identified.

Name:	Tony Ball
Signature:	
Date:	11/10/2024