

## Maternity, Paternity & Adoptive Leave

### 1) Antenatal care

All pregnant employees are entitled to time off with pay to keep appointments for antenatal care. Except for the first appointment, you must show your manager, if requested, a certificate from a registered medical practitioner, midwife or health visitor, confirming the pregnancy together with an appointment card or some other document showing that an appointment has been made.

### 2) Maternity

Women are entitled to 52 weeks maternity leave. The first 26 weeks is known as 'Ordinary Maternity Leave', the last 26 weeks as 'Additional Maternity Leave'. You don't have to take 52 weeks, but you must take 2 weeks' leave after your baby is born (or 4 weeks if you work in a factory). At the end of it, you have the right to return to your original job

#### Start date and early births

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

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.

#### Change of date for returning to work

You must give your employer at least 8 weeks' notice if you want to change your return to work date.

#### Statutory Maternity Pay (SMP)

To qualify for SMP you must:

- Earn on average at least **£125** a week
- Give the correct notice
- Give proof you're pregnant
- Have worked for your employer continuously for at least 26 weeks up to the 'qualifying week' - the 15th week before the expected week of childbirth

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

- 90% of your average weekly earnings (before tax) for the first 6 weeks
- **£187.18** or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks

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

You can't get SMP if you go into police custody during your maternity pay period. It won't restart when you're discharged. If you're not eligible for SMP Your employer must give you form SMP1 explaining why you can't get SMP within 7 days of making their decision. You could get [Maternity Allowance](#) instead.

## Start date

SMP usually starts when you take your maternity leave. It starts 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.

## 3) Early births or you lose your baby

You can still get Statutory Maternity Leave and SMP if your baby:

- o Is born early
- o Is stillborn after the start of your 24th week of pregnancy
- o Dies after being born

## How to claim

### Statutory Maternity Leave

At least 15 weeks before your due date, tell the Company Director when the baby is due and when you want to start your maternity leave. This is required in writing and the Company will write to you within 28 days confirming your start and end dates.

### Statutory Maternity Pay (SMP)

At least 28 day's notice in writing and proof that you're pregnant is required in order to claim SMP. The Company confirms within 28 days how much SMP you'll get and when it will start and stop.

Within 21 days of your SMP start date (or as soon as possible if the baby's born early) you must supply either:

- o A letter from your doctor or midwife
- o Your MATB1 certificate - doctors and midwives usually issue these 20 weeks before the due date

You won't get SMP if you don't supply your proof that the baby is due.

## 4) Paternity Leave and Statutory Paternity Pay

### Eligibility

Paternity Leave and Statutory Paternity Pay (SPP) are available in cases of birth and adoption.

In cases of birth paternity leave you must:

- Have or expect to have responsibility for the child's upbringing, and
- Be the biological father of the child or the mother's husband or partner, or be the spouse or partner of the adopter, and
- Have worked continuously for us for 26 weeks ending with the 15th week before the week in which the birth is expected to take place (the EWC).

"Partner", in relation to a child's mother or adopter, means a person (whether of a different gender or the same gender) who lives with the mother or adopter and the child in an enduring family relationship but is not a blood relative of the mother or adopter.

A biological father, or a man married to the mother, is not entitled to Paternity Leave or SPP unless they are in an enduring family relationship and they have responsibility for the child's upbringing on more than just financial grounds.

You are only entitled to one period of leave irrespective of whether more than one child is born as the result of the same pregnancy.

The company reserves the right to request your written permission to obtain a report from your doctor and/or have a medical examination by a doctor appointed by the company in cases of prolonged ill health or unsatisfactory absence record. An unsatisfactory absence record may be grounds for termination of your employment at any time, subject to the contractual notice being given.

## **Unpaid Leave**

Where the paternity leave is connected with adoption you must:

- Have or expect to have responsibility for the child's upbringing, and
- Be either married to or the partner of the child's adopter.
- Have worked continuously for the employer for 26 weeks ending with the 15th week before the placement of the child with the adoptive parent.

Those who are not eligible for paternity leave may be eligible for unpaid paternity leave under the provisions of parental leave or time off to care for dependant's legislation.

## **Statutory Paternity Pay**

Statutory Paternity Pay (SPP) is paid at the rate of standard paternity pay or 90% of their average weekly pay if their earnings, whichever is the lower. Only those whose earnings are above the minimum limit for National Insurance purposes are eligible for SPP. There may be other statutory benefits available for those who earn less than the minimum for SPP.

## **Statutory Paternity Leave**

You should provide your manager with a self-certificate as evidence of your eligibility to take paternity leave. A sample self-certificate is at the end of this section. This is all the evidence that the Company requires.

You must inform your manager of your intention to take paternity leave by:

- The end of the 15th week before the expected week of birth or
- Within 7 days of being told by the adoption agency that a child is being placed with you.

You must say when you want the leave to start, and whether you wish to take one or two weeks of leave. You can change your mind about when to start your leave and must give the Company 4 weeks' notice of this.

Paternity leave lasts for one or two consecutive weeks. They are to be taken consecutively and not as odd days.

You can choose to start your leave:

- From the date of the child's birth or placement (whether either are earlier or later than expected),
- From a chosen number of days or weeks after the date of the child's birth or placement (whether either are earlier or later than expected), or
- From a chosen date which is later than the date on which the child is expected to be born or placed with the adopter.

Leave can start on any day of the week on or following the child's birth or placement but must be completed within 56 days of the child's birth or placement. Only one period of leave is available to employees irrespective of whether two or more children are placed together.

Your normal contractual terms, other than pay, continue throughout the period of paternity leave.

## **5) Adoption Leave: (non-contractual)**

If you have 26 weeks of service, you may apply for paid adoption leave. The right only applies where a child is placed with new parents. It does not apply to stepfamily adoptions or adoptions by foster carers where there is already an established relationship.

Statutory Adoption Leave is 52 weeks. It's made up of:

- 26 weeks of Ordinary Adoption Leave
- 26 weeks of Additional Adoption Leave

Only 1 person in a couple can take adoption leave. The other partner could get paternity leave instead.

### **Start date**

Leave can start:

- For UK adoptions - up to 14 days before the date of placement (date the child starts living with you)
- For overseas adoptions - when the child arrives in the UK or within 28 days of this date

### **Change your dates**

You must tell your employer within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes. You must give your employer at least 8 weeks' notice if you want to change your return to work date.

### **Pay**

The weekly amount of Statutory Adoption Pay is £187.18 or 90% of your average weekly earnings before tax (whichever is lower). Statutory Adoption Pay is payable for 39 weeks.

It's paid in the same way as your wages. Tax and National Insurance will be deducted.

## **6) Maternity, Parental Leave and Flexible Working Requests (non-contractual)**

Statutory Maternity Leave will be provided and Statutory Maternity Pay (SMP) will be paid subject to and in accordance with the relevant statutory rules applicable from at the time.

## 7) Parental Leave (non-contractual)

If you have at least one year's service at the start of the parental leave you are entitled to take up to a total of 18 weeks' (at 1.1.24) unpaid leave for each child under the age of 18 for whom you have formal parental authority. This total amount of leave is available to be used before the child's 18th birthday. The parents of a child that receives Disability Living Allowance may take up to 18 weeks off in total before the child is 18. Parental leave is to be taken in periods of at least a week at a time, unless the time off is to care for a child that receives a Disability Living Allowance, when the parental leave may be taken a day at a time. The maximum time off for parental leave allowed in most circumstances to each parent will be 4 weeks per child a year.

Employees must give 21 days' notice before their intended start date and must confirm the start and end dates in their written notice. If you or your partner are having a baby or adopting, it's 21 days before the week the baby or child is expected.

Parental leave is a separate right to that of women to take maternity leave, or from parents taking paternity or adoption leave and is also separate from the right to take emergency leave to deal with unexpected incidents involving your children or other dependants, or when your partner gives birth. All parental leave is unpaid.

Requests for flexible working: (non-contractual)

If you have 26 weeks of service and are a parent of a child under 6, or a disabled child under 18, or have the need to care for an adult over 18 you may request a change to hours, times or place of work in writing. The Company will confirm agreement with the request or hold a meeting with the employee to discuss the issue, and if the request is rejected, will give the member of staff a written reason for the rejection.

Note: with effect from 6<sup>th</sup> April 2024, the Employment Rights Bill (Flexible Working) will become effective and, from your commencement date, if you are a parent of a child under 6, a disabled child under 18, or have the need to care for an adult over 18, you may request a change to hours, times or place of work in writing. The Company will confirm agreement with the request or hold a meeting with the employee to discuss the issue, and if the request is rejected, will give the member of staff a written reason for the rejection. An Employee can make a flexible working request twice every 12 months.



Form to be completed by an employee who wishes to take Statutory Paternity Leave

My wife / partner is expecting a baby on (date) .....  
(delete as appropriate)

I would like to start my Paternity Leave and Statutory Paternity Pay on  
(date) .....

I want to be on leave for one week / two weeks (delete as appropriate)

Your declaration:

I declare that:

I am in an enduring family relationship with the mother of the child

I will be responsible for the child's upbringing

I will be taking time off to support the child's mother, or care for the child.

Signed	
Name	
Date	