



## 43. Maternity and Family Friendly Policy

### Overview

1.1 This policy covers the Pre-School's procedures for all types of family-related leave and pay, and it includes details of your statutory rights. This policy summarises the law, but if there's anything in here which differs from legal requirements, the statutory provisions will always take precedence.

1.2 This policy applies to all employees however long they have been working for the Pre-School. It does not form part of your contract of employment and can be amended at any time. Self-employed contractors and other workers are not covered.

1.3 We use acronyms throughout this policy. The main ones are: -

- EWC — Expected Week of Confinement, or the week in which a pregnant woman is due to deliver;
- Qualifying week — the 15th week before the EWC;
- MA — Maternity Allowance;
- SMP — Statutory Maternity Pay, the legal minimum women are entitled to receive while on maternity leave;
- SAP — Statutory Adoption Pay, the legal minimum an employee is entitled to receive while on adoption leave;
- ShPL — Shared Parental Leave, the scheme under which a mother can share leave with somebody else (usually the father) by opting out of the statutory maternity leave scheme;
- ShPP — Statutory Shared Parental Pay, a payment similar to SMP but paid to the mother and her partner while they are on ShPL.

## What happens during pregnancy?

2.1 You must tell us that you are pregnant as soon as possible, as there may be health and safety factors we need to take into account.

2.2 To take maternity leave and be paid SMP, we need to you to give us the following information in writing before the end of your Qualifying Week: -

- you must confirm that you are pregnant;
- you must give us the date of the week (starting on a Sunday) that your baby is due;
- you must give us the date you want your maternity leave to begin;
- you must give us the date when you will start claiming SMP.

2.3 We need a form MATB1 from you as soon as possible. This must be signed by your doctor or midwife and confirm the date of the week your baby is due.

2.4 You are entitled to paid time off for antenatal appointments during working hours. We ask for as much notice as possible, and we may want to see confirmation of your pregnancy and an appointment card for all but the initial appointment.

2.5 If you have what is known as a 'qualifying relationship' with a pregnant woman or the unborn child, you are entitled to unpaid time off to accompany her to a maximum of two antenatal appointments. This applies to each pregnancy. A 'qualifying relationship' is one where you are: -

- the baby's father;
- the pregnant woman's spouse;
- the pregnant woman's partner.

2.6 We expect you to give us as much notice as possible, and you must only take a maximum of 6.5 hours off work for each appointment. This includes travelling and waiting time. To attend any subsequent appointments, you will need to request time off as holiday (which will be managed as laid out in our holiday policy).

2.7 You must provide a signed statement showing the date and time of each appointment. It must also confirm that: -

- you are eligible under the 'qualifying relationship' criteria;
- the time off is solely to accompany the woman to her appointment;
- a doctor, midwife, or nurse has advised that the woman needs the appointment.

2.8 You may be entitled to time off to attend up to two antenatal appointments if you are having a child by surrogate. For guidance, ask your Line Manager.

### **What happens during maternity leave?**

3.1 You can decide when you want your maternity leave to begin, as long as it's not earlier than the 11th week before your EWC.

3.2 We will write to you within 28 days of you telling us that you are pregnant to tell you when your maternity leave will end.

3.3 You can change the start date for your maternity leave as long as we have the new date in writing at least 28 days before the earlier of the original or revised date. We will write to you within 28 days of you giving us the new date to tell you when your maternity leave will now end.

3.4 You are entitled to 52 weeks' maternity leave (consisting of 26 weeks' 'ordinary' maternity leave and 26 weeks' 'additional' maternity leave — your rights are very slightly different during the additional maternity leave, as set out in this policy). This is your right regardless of how long you have worked for the Pre-School or how many hours you work.

3.5 Your maternity leave may start earlier than the date you wanted if you are off work because of your pregnancy at any time in the four weeks leading up to your EWC. Maternity leave will also start early if your baby is born before your preferred start date.

3.6 If you and your spouse or partner are both eligible, you may want to use the ShPL scheme so that you have more flexibility around your childcare in the first year after birth (see section 7). However, no woman is allowed to come back to work for the two weeks immediately after their baby is born. This is called 'compulsory maternity leave'. It increases to four weeks for women working in factories.

3.7 We may need to contact you from time to time while you are on maternity leave, for example, to discuss arrangements for when you return. Your Line Manager will talk this through with you before your leave starts so we know how much contact you want to retain.

3.8 You may also be offered up to 10 days' work while you are on maternity leave at a rate of pay agreed in advance. Your decision whether or not to work some or all of them will not affect your right to maternity leave and SMP.

3.9 You will continue to receive benefits due to you under your employment contract while on maternity leave. Except for terms relating to pay, all your normal terms and conditions will apply and you will continue to accrue holiday entitlement. If you are due any holiday before your maternity leave begins, you should try to take it.

## **How much is my maternity pay?**

4.1 You may be entitled to SMP if you have at least 26 weeks' service with the Pre-School by the end of the Qualifying Week (so, broadly, if you've been with the Pre-School for just over nine months by the time the baby is due). Whether or not you then qualify then depends on whether: -

- your average weekly earnings are at or above the National Insurance Lower Earnings Limit;
- you are able to give at least 28 days' notice that you intend taking maternity leave (or as much notice as you can);
- you are still pregnant, or have already had your baby ,11 weeks before the EWC.

We calculate average weekly earnings during the eight weeks that end with the Qualifying Week.

4.2 You will receive SMP for up to 39 weeks. This will be paid at 90% of your average weekly earnings for the first six weeks, and paid at the standard SMP rate for the remaining 33 weeks. The standard SMP rate is set by the government, and we will tell you how much you will receive. We will pay SMP at 90% of your average weekly earnings for all of your maternity leave if your average weekly earnings fall below the standard SMP rate.

4.3 We will deduct tax and National Insurance contributions from your SMP in the same way as we do from your regular salary.

## **What happens when I return to work?**

5.1 There is no need to let us know if you intend returning to work at the end of your full 52 weeks' maternity leave. However, if you want an earlier return date you must give your Line Manager at least eight weeks written notice. We may delay your return to work by up to eight weeks, or the end of your maternity leave if that's earlier, if you fail to inform us of your revised plans.

5.2 You are entitled to take up the same job you had before going on maternity leave if you return to work immediately after your ordinary maternity leave ends. Should you instead return after taking additional maternity leave, you may be offered a similar job if it is not reasonably practical for you to resume your previous role. Your terms and conditions will be unchanged.

5.3 When you return after maternity leave, you will meet your manager to discuss what has happened in your absence. You will also have the opportunity to talk about other issues, such as breastfeeding during working hours.

5.4 You must tell us in writing as soon as possible if you decide not to return at all after maternity leave and give notice as required under your employment contract.

5.5 If your job is one that has been identified as posing a risk to your health and safety as a new mother or because you are breastfeeding, we will notify you and take measures to eliminate all risks. This also applies to women during pregnancy. If you have any concerns about your health and safety, you should speak to your Line Manager.

### **How do I claim paternity leave?**

6.1 You are entitled to a maximum of two weeks' statutory paternity leave. You can take 2 weeks' consecutive paternity leave or two one-week blocks.

6.2 You must take your paternity leave within 52 weeks of the child's birth.

6.3 You must have worked for us for at least 26 weeks by the end of the 15th week before the EWC. You must also: -

- be the biological father and have the main responsibility with the mother for the child's upbringing; or
- be the mother's partner and expect to have the main responsibility with the mother for the child's upbringing; or
- be the biological father and have some responsibility for the child's upbringing.

6.4 You are required to give a minimum of 4 weeks' notice of your intention to start your paternity leave.

6.5 While you are on paternity leave, all the terms and conditions not relating to pay in your employment contract will apply. When you return, you have the right to the same job with the same terms and conditions as you had before your paternity leave began.

### **How much is my paternity pay?**

7.1 Your Statutory Paternity Pay is paid at the lesser of a fixed weekly rate set by the government or 90% of your average weekly earnings. Tax and National Insurance contributions are deducted in the usual way.

### **How do I qualify for Shared Parental Leave?**

8.1 If you want more flexibility in the first year after your baby is born, you and your partner may want to consider Shared Parental Leave instead of taking maternity and paternity leave. Provided that you are both eligible, ShPL allows you to split the available leave between you so that you can be off work at the same time or consecutively.

8.2 There is a total of 52 weeks of ShPL available, less any weeks the mother has either been on maternity leave or receiving SMP or MA if she is not entitled to maternity leave. ShPL is additional to paternity leave.

8.3 You or your partner may be eligible for ShPL if: -

- you are the mother and share the main childcare responsibility with the child's father or your partner; or
- you are the father and share the main childcare responsibility with the child's mother; or
- you are the mother's partner and share the main childcare responsibility with the mother in place of the father; and
- you have worked for us for at least 26 continuous weeks by the end of the Qualifying Week and you will still be employed by us before you take ShPL; and
- the other parent has worked at least 26 of the 66 weeks before the EWC — this can be as an employee or self-employed — and had weekly earnings averaging at least £30 during 13 of the weeks; and
- you and the other parent fulfil the notice and other requirements detailed below.

8.4 The child's mother cannot start ShPL until the end of the compulsory maternity leave period. This is usually two weeks after birth.

8.5 The child's father, or the mother's partner, may consider using their two weeks' paternity leave before starting ShPL as once ShPL starts, any paternity leave not already taken is lost.

### **What paperwork is needed to claim ShPL?**

9.1 You must tell us in writing at least eight weeks before you intend your ShPL to begin that you want to opt in to the ShPL scheme. We will also need to know: -

- your name and the other parent's name;
- the start and end dates of the mother's maternity leave (or the SMP or MA start and end dates if she is not eligible for maternity leave);
- how many weeks of ShPL is available — that is, 52 weeks less maternity leave, SMP or maternity allowance already taken by the mother or due to be taken;
- how many weeks ShPL you will take and how many the other parent will take — you can change this by telling us in writing and you do not have to take your full allowance;
- the total ShPP available — that is, 39 weeks less the number of weeks of SMP or MA already taken or due to be taken;

- how many weeks of the ShPP available is to be allocated to you and how many to the other parent — you can change this by writing to us, and you do not need to use all your allocation;
- the pattern of leave you want to take, with start and end dates for each block of leave — although this is not binding, it will help us if you give us as much information as possible;
- that you and the other parent are both eligible to claim ShPL and ShPP — we will need signed declarations from both of you.

9.2 If you are the child's mother, you must give us at least eight weeks' notice in writing ending your maternity leave. We need this curtailment notice at the same time as you supply the ShPL opt-in notice and you cannot take ShPL unless we have it. In the notice, you must tell us the date your maternity leave will end, which must be at least two weeks after the baby is born.

9.3 If your partner is the one taking ShPL, we need a written declaration that their employer has received an opt-in notice and all the necessary declarations have been made. They may be able to take ShPL from their employer before your maternity leave ends, but only if we have received your curtailment notice.

9.4 Curtailment notices are binding and can only be revoked if your maternity leave has yet to finish and you meet one of these conditions: -

- you find out that neither you nor the other parent is eligible for ShPL or ShPP — in this case you can revoke the curtailment notice by writing to us any time up to eight weeks after it was given; or
- the curtailment notice was issued before the birth and you are revoking it in writing during the six weeks after the birth; or
- the child's other parent has died.

9.5 You cannot opt back into the ShPL scheme after you revoke a curtailment notice except if the notice was given to us before the birth and it is revoked in writing during the six weeks following the birth.

9.6 If the mother is still on maternity leave or claiming SMP or MA, you, as the partner, will be unable to start ShPL until she: -

- has returned to work; or
- has given a curtailment notice to her employer to finish her maternity leave; or
- has given a curtailment notice to her employer to finish her SMP; or
- has given the benefits office a curtailment notice ending her MA.

9.7 We may also ask you to provide the following: -

- a copy of your child's birth certificate or a signed declaration of the date and place of birth if you have yet to get the certificate; and
- contact details for the other parent's employer, or a declaration that they do not have an employer.

### **How do I organise ShPL?**

10.1 Once you have opted into the ShPL scheme, you need to give us a 'period of leave' notice to book your time off. You can give us this at the same time as your opt-in notice or at any other time as long as it is at least eight weeks before the first period of ShPL begins.

10.2 On the 'period of leave' notice you can either give us specific dates or the number of days after the birth that you want ShPL to start and finish. You may prefer the second option if you plan taking paternity leave as soon as the baby is born and want ShPL to run on from it. You must take ShPL in blocks of at least one week at a time.

10.3 You are automatically entitled to take a single continuous block of ShPL, but we will consider any request for separate blocks of ShPL as detailed in the following paragraphs.

10.4 You may lodge up to three 'period of leave' notices, which may allow you to take up to three separate ShPL blocks with periods at work in between. If you later vary or cancel one of the blocks, this will generally count as a further 'period of leave' notice.

10.5 To make it easier for us to consider allowing you to take ShPL in more than one block, you should discuss your requirements with your manager as early as possible before you submit your formal 'period of leave' notice.

10.6 If you want separate blocks of ShPL, you must give us details of the pattern you want to follow in your 'period of leave' notice. Once we have received this, we will either agree immediately or we will start a discussion period with you which will last for two weeks. If we reach agreement, we will confirm this in writing before the end of the two-week period. If we fail to agree, you can take all the ShPL you asked for in one continuous block, beginning on the start date you gave us in your notice. For example, if you asked for three four-week periods, we will combine them into one continuous 12-week leave period.

10.7 The other way we can approach this is if you agree to the following: -

- choosing a new start date and telling us what it is within five days of the two-week discussion period ending. The new date has to be at least eight weeks after the start date of the first of the blocks you asked for; or
- withdrawing the notice and informing us within two days of the two-week discussion period ending. This will not be counted as a 'period of leave' notice and you are free to submit a fresh one.



10.8 If you need to cancel a period of ShPL, you must put your request in writing at least eight weeks ahead of the relevant block start date.

10.9 If you want to change a start date, you must put your request in writing at least eight weeks before whichever is the earlier of the original and new start dates. Similarly, you can change the end date if you inform us at least eight weeks before whichever is the earlier of the original or new end dates.

10.10 If you want to combine blocks of ShPL into one continuous period, you will need to give us the new start or end date, whichever is relevant.

10.11 If you want to split a continuous period of ShPL into two or more periods separated by periods at work, you will need to tell us the new start or end date. We may not be able to accommodate you but are prepared to approach your request as if you had asked for separate blocks of ShPL in the first place.

10.12 If you submit a notice to change or cancel a block of leave, we will count this as one of your three 'period of leave' notices. There are three exceptions to this rule, which are: -

- if the change is because your baby was born earlier or later than the EWC;
- if you cancel a request for separate blocks of leave within two days the two-week discussion period ending;
- we ask you to make the change.

### **What happens during ShPL?**

11.1 If your baby is born before the beginning of the EWC, we may allow you to start ShPL during the eight weeks following birth despite you being unable to give us eight weeks' notice. To enable us to do so, we need to apply the following rules: -

- if your 'period of leave' notice gave us a set date within the eight weeks following the EWC for your ShPL to start, you can move the date forward by the same number of days as long as you write to tell us as soon as possible;
- if you want to take ShPL in the eight weeks following birth and your baby arrives early, you will need to give us your opt-in notice and 'period of leave' notice as soon as possible.

If you had a start date of a set number of days, rather than a set date, after the birth in your 'period of leave' notice, you do not need to do anything.

11.2 You will continue to receive benefits due to you under your employment contract. Except for terms relating to pay, all your normal terms and conditions will apply and you will continue to accrue holiday entitlement.

11.3 If you are due any holiday, you should discuss with your manager when to take this before starting ShPL, and if you are the mother you should try to take any holiday due to you before your maternity leave begins.

11.4 We may need to contact you from time to time while you are on ShPL leave, for example, to discuss arrangements for when you return.

11.5 You may also be asked to work during ShPL for up to 20 days. This includes training and, if you are a woman, is in addition to the 10 days you have the option to work during your maternity leave. You are not obliged to work any of these days, but if you do you will be paid at a rate agreed with your manager. This also applies if you ask us to work any of the 20 days.

### **What happens when I return to work?**

12.1 You must give us eight weeks' notice in writing if you want to end a ShPL period early and provide the new return-to-work date. You will be unable to end your ShPL early without our agreement if you have already used your three 'period of leave' notices.

12.2 If you have unused ShPL entitlement and want to extend your leave, you must give tell us in writing with a 'period of leave' notice submitted at least eight weeks before the date you had intended returning to work. You will be unable to extend your ShPL without our agreement if you have already used your three 'period of leave' notices. Instead you may be able to take annual leave or ordinary parental leave.

12.3 You are entitled to take up the same job with the same employment terms you had before going on ShPL. However, under certain circumstances it may not be reasonably practical for you to resume your previous role and we may place you in another appropriate post with no less favourable terms and conditions. This will only apply if: -

- your ShPL plus any maternity or paternity leave taken amounts to more than 26 weeks, irrespective of whether or not it was taken consecutively;
- your ShPL was taken consecutively before or after more than four weeks of ordinary parental leave.

### **Can I claim statutory Shared Parental Pay?**

13.1 If you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week, you may be able to claim Statutory Shared Parental Pay for up to 39 weeks. We will pay this at the rate set annually by the government, less any SMP or MA already claimed by either you or your partner. Your average earnings must be not less than the lower earnings limit set each tax year for you to qualify.

13.2 When you give us your 'period of leave' notice (or notices), you must notify us that you intend claiming ShPP while you are on ShPL. You can also write to us at least eight weeks before the date you want us to start paying your ShPP if you have not already told us in a 'period of leave' notice.

### **What is ordinary parental leave?**

14.1 Ordinary parental leave can be taken at any time until a child's 18th birthday and comprises 18 weeks' unpaid leave.

14.2 If you have responsibility for a child, you are entitled to take parental leave. Those eligible include the registered father and anyone else with formal parental responsibility for the child.

14.3 You must have worked for us for at least a year before you can take parental leave, already have, or expect to have, responsibility for a child, and intend using the leave only to care for the child or otherwise spend time with it.

14.4 You can take up to four weeks of ordinary parental per child per year in blocks of a single week or more. You cannot take less than a week at a time unless the child is disabled.

14.5 You need to give your manager 21 days' notice that you intend taking parental leave. We will always try to accommodate your request, but may have to rearrange your dates if your absence would disrupt our business by, for example, leaving us short-staffed. If your leave has to be postponed, we will tell you why in writing within seven days of your request and provide you with new start and end dates.

14.6 We are unable to postpone parental leave if you have asked us for it to start immediately after a child's birth or adoption. We are also unable to postpone parental leave beyond six months or beyond the child's 18th birthday.

14.7 Your employment contract and all its terms and conditions remain in force throughout ordinary parental leave, and your holiday entitlement continues to accrue.

### **What happens if I am adopting a child?**

15.1 You are required to provide proof of adoption within 7 days of being matched. This must include your name and address, the name and address of the agency, the date you were matched with the child(ren) and the expected date of placement. If you are adopting from overseas you must also sign a SC6 form.

15.2 We will write to you within 28 days of you telling us that you are matched to a child to tell you when your leave will start and end. The rules for adoption from overseas and surrogacy are different, please refer to your Line Manager.

15.3 You must tell us about any changes to your leave dates at least 28 days before the original start date or the new start date – whichever is earlier.

15.4 You must give 8 weeks notice if you want to change your return to work date.

15.5 You are entitled to time off to attend an adoption appointment. This is an appointment arranged by an adoption agency, usually for you to get to know the child who will be placed with you but sometimes for other reasons related to the adoption.

15.6 If more than one child is being placed with you at the same time, we treat this as one adoption and will not give you time off to attend additional appointments. Time off for this type of appointment must be taken before any child is placed with you.

15.7 You may attend up to five appointments per adoption on paid time off if you are adopting on your own or will be the primary adopter. You may only attend up to two appointments, and on unpaid leave, if you are the secondary adopter.

15.8 You are entitled to take up to 6.5 hours for each appointment. This includes travelling and waiting time. We will need a signed statement with details of the time and date of the appointment as well as confirmation that: -

- the adoption agency has arranged or requested the appointment;
- you are either adopting the child on your own or jointly with someone else;
- you are electing to take either paid or unpaid time off work if you are adopting jointly.

15.9 It is sometimes necessary to ask you to rearrange an appointment, and we reserve the right to refuse a request for a particular day or time in exceptional circumstances. We will however never do this without good reason.

### **Can I claim adoption leave and pay?**

You will not qualify for adoption leave if;

- Become a special guardian or kinship carer
- Adopt a stepchild or family member
- Adopt privately, for example with permission from a UK authority or adoption agency

### **How much is my adoption pay?**

16.10 You may be entitled to SAP if you have at least 26 weeks' service with the Pre-School up to any day in the week that you were matched to a child(ren). Whether or not you then qualify then depends on whether: -

- your average weekly earnings are at or above the National Insurance Lower Earnings Limit over an 8 week period;
- you are able to give at least 28 days' notice that you intend taking adoption leave (or as much notice as you can);

We calculate average weekly earnings during the eight weeks that end with the Leave Week.

16.11 You will receive SAP for up to 39 weeks. This will be paid at 90% of your average weekly earnings for the first six weeks, and paid at the standard SAP rate for the remaining 33 weeks. The standard SAP rate is set by the government, and we will tell you how much

you will receive. We will pay SAP at 90% of your average weekly earnings for all of your maternity leave if your average weekly earnings fall below the standard SAP rate.

16.12 We will deduct tax and National Insurance contributions from your SAP in the same way as we do from your regular salary.

**What happens if I do not qualify for employer payments?**

Please use a benefits calculator located on the government website.

As with all the policies for Seer Green Pre-School, the Operational Plan should be referred to for the specific details of day-to-day operations of the Pre-School. In addition, any issues which arise in the course of a child's time with the Pre-School and that are related to a child's health and wellbeing, parent's or staff's concern, or the overall care and safety of our children, staff, parents and equipment will be dealt with in a professional and confidential manner in order to arrive at an appropriate outcome.

This policy was adopted on

(date) \_\_\_\_\_

Signed on behalf of Seer Green Pre-School (Chairperson)

\_\_\_\_\_

This policy was reviewed as indicated below:

*2024 created*