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PEOPLE AND WORK

MATERNITY, PATERNITY, PARENTAL LEAVE and FLEXIBLE WORKING POLICY

(This document forms a part of the People and Work Unit Employment Pack)

This document is designed to inform employees of their rights and entitlements during and following pregnancy. It conforms to current legislation.

The People and Work Unit is fully committed to helping working parents balance work and family life, whilst maintaining the effective running of the Unit.

1. Maternity Leave and Statutory Maternity Pay (SMP)

a. Employees' Statutory Rights

A pregnant employee has statutory maternity rights as follows:

- reasonable time off for **antenatal care**, paid at the normal rate of pay. Such antenatal care may include visits to clinics, parenting classes and relaxation classes
- **special health and safety protection** while pregnant, after having recently given birth, or while breastfeeding
- **suspension from work on full pay** if there is an unavoidable health or safety risk to an expectant or new mother and suitable alternative work cannot be found
- **protection** against unfair treatment or dismissal
- regardless of length of employment, **a maximum of 52 weeks Maternity Leave** (26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave)
- **the right to return to work** after the baby is born

Employees who have had:

- at least 26 weeks continuous service and
- continue to be employed into the 15th week before the week the baby is due and
- who are still pregnant at the start of the 11th week before the week the baby is due, or have had the baby by then

Statutory Maternity Pay. (Employees who do not qualify can apply for Maternity Allowance).

b. Statutory Maternity Pay

Statutory Maternity Pay (SMP) is payable for up to 39 weeks:

- 6 weeks paid at 90% of the employee's average weekly earnings
- the remaining weeks paid at 90% of the employee's average weekly earnings, or the weekly standard rate of Statutory Maternity Pay, whichever is lower

c. Other Statutory Provisions

- during maternity leave the employer will continue to make contributions to personal pension funds and give access to any other contractual benefits
- during maternity leave the annual accrual of holiday entitlement continues
- a pregnant employee can start her **maternity leave** at any time she chooses **after the beginning of the 11th week** before the week the baby is due
- if the employee is off work for any reason to do with her pregnancy from the fourth week before the baby is due, maternity leave automatically starts
- if the baby is born before the date maternity leave was due to start, maternity leave starts automatically on the day after the baby is born
- **Keeping in Touch Days.** An employee can do paid work or paid training for up to 10 days during her SMP period without losing SMP for the week in which that work is done. Days worked and rates of pay will be agreed between the employee and the Unit. The Unit cannot demand that KIT days are worked and the employee is under no obligation to work them.

d. Statutory requirements for employees

Before taking Maternity Leave:

In order to benefit from statutory maternity rights and the Unit's maternity provisions, an employee must give the People and Work Unit the following information in writing by the end of the 15th week before the baby is due:

- the fact that she is pregnant
- the expected date of childbirth
- the fact that she intends to take maternity leave

As maternity leave to start and end

- the employee must also provide the Unit with a certificate confirming her pregnancy, issued no earlier than 20 weeks before the date the baby is due. A maternity certificate MatB1 signed by a doctor or midwife is the usual notification

(Once the Unit has received this notice, it will write to the employee within 28 days to advise them of the dates on which they are expected to stop work and return to work from maternity leave).

Returning to work

If the employee does not intend to take full statutory maternity leave, she should notify the Unit at least 28 days before the due start date of her maternity leave

If the employee wants to return to work before or after the agreed date that her maternity leave ends, she must give the Unit 8 weeks' notice of the date she intends to return

e. The People and Work Unit policy on Maternity Leave

- In addition to Statutory entitlements, the People and Work Unit will continue, during the period of ordinary maternity leave **and** additional maternity leave, to make contributions towards the employee's personal pension at the rate set before taking maternity leave and absence. At the end of the period of maternity leave or absence, the pension payments will be adjusted in line with current salary
- Employees may, if they so choose, return to work on a **part-time basis** after their period of **maternity leave** is completed, for a period of up to 6 months

2. Paternity Leave and Paternity Pay

a. Employees' Statutory Rights

Ordinary Paternity Leave

An employee who has completed 26 weeks' service by the end of the 15th week before the start of the week when the baby is due and who is:

her of the child, or
partner or husband and

- intends to use the time off to support the mother or care for the baby

is entitled to **Ordinary Paternity Leave**.

- leave can be taken for up to two weeks
- odd days cannot be taken and if two weeks are taken they must be taken in a single block, after the baby is born. Leave must finish within 56 days of the birth
- Ordinary Paternity Leave is additional to the normal holiday allowance
- employees do not have the right to paid time off to accompany their partners to ante-natal appointments.

b. Statutory Requirements for Employees

Requests for paternity leave should be submitted in writing to the Unit, 15 weeks before the baby is due. The request should state:

- When the baby is due
- Whether one or two weeks off are to be taken
- When paternity leave is to start.

If an employee changes his mind about taking leave, or wants to change the start date, 28 days notice should be given.

Statutory Paternity Pay (SPP)

a. Employees' Statutory Rights

An employee who has completed 26 weeks' unbroken service by the end of the 15th week before the start of the week when the baby is due and is still employed without a break up to the date the child is born, and is earning at least £97 gross per week (2010/11), who is:

- the biological father of the child, or
- the mother's partner or husband or
- the person who expects to have responsibility for the child's upbringing

is entitled to SPP. Statutory Paternity Pay is payable for **up to two weeks**:

weekly earnings or

- the weekly standard rate of Statutory Paternity Pay, whichever is lower

b. Statutory Requirements for Employees

To claim SPP an employee must:

- tell the Unit in writing at least 15 weeks before the baby is due
- provide the Unit with self-certificating form SC3

Additional Paternity Leave

a. Employees' Statutory Rights

If your baby is due on or after 3rd April 2011 employees have the right to take 26 weeks Additional Paternity Leave. If your partner has returned to work, leave can be taken between 20 weeks and one year after the baby is born. To qualify for Additional Paternity Leave:

An employee must have completed 26 weeks unbroken service by the end of the 15th week before the start of the week when the baby is due and still be employed without a break, up to the date when he wants to start Additional Paternity Leave.

An employee must be taking the leave to care for the child, and the child's mother must:

- have been entitled to one or more of the following: Statutory Maternity Leave, Statutory Maternity Pay or Maternity Allowance
- have returned to work and ceased to claim any of the above allowances or pay

Additional Statutory Paternity Pay (ASPP)

a. Employees' Statutory Rights

To qualify, an employee must:

- qualify for Additional Paternity Leave (see above)
- intend to care for the child during the ASPP period

Also, the child's mother must have returned to work and ceased to claim any of the above allowances or pay.

ble only during the partner's 39 week statutory SMP
or Maternity Allowance period

3. Parental Leave

a. Employees' Statutory Rights

Male and female employees **who have completed one year's service** have the right to a total of **13 weeks unpaid Parental Leave** to take care of a child (**18 weeks** if that child is entitled to a disability living allowance), which can be taken at any time up to its 5th birthday (18th birthday if that child is entitled to a disability living allowance). This applies to:

- parents named on the child's birth certificate or
- those who have, or expect to have 'parental responsibility' and
- adoptive parents

If twins are born, each parent may take 13 weeks leave for each child. If the child has a disability, leave covers the first 18 years of its life.

Employees remain employed while on parental leave and are guaranteed the right to return to the same (if leave taken is less than four weeks) or similar job.

b. Statutory Requirements for employees

Requests for parental leave must be submitted to the Unit at least 21 days before the leave is due to start.

c. The People and Work Unit's policy on Parental Leave

Employees should discuss their requirements for parental leave in advance with their line managers. If parental leave needs to be taken in an emergency situation, employees must contact their line manager as soon as is practicable, to request that the time off be taken as parental leave.

4. The Right to request Flexible Working Hours

a. Employees' Statutory Rights



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the **right to ask** to work flexibly. To qualify, the
employee must :

- have worked for the Unit for at least 26 weeks
- not have made a request for flexible working within the previous 12 months and
- have a child aged 16 or under (or 18 or under if a child is disabled) and
- be responsible for that child on a day to day basis, or
- be a carer for an **adult** who is a relative or who lives at the same address

b. The People and Work Unit's Policy on the Right to request Flexible Working Hours

The People and Work Unit will seriously consider all requests for flexible working and will do its best to accommodate such requests provided that they do not jeopardise the smooth running of the Unit.