St James' Church Hemingford Grey

MATERNITY, PATERNITY AND ADOPTION POLICY

Aim

The aim of this document is to ensure all employees are aware of the statutory rights and responsibilities of employees who are expecting a baby or adopt whilst employed by St James Hemingford Grey PCC **(SJHG)**, and any qualifying conditions for these rights. St James follows the statutory guidance as set out at www.gov.uk/browse/benefits/families. The key points of this have been set up below.

Maternity Leave

A pregnant mother is entitled to 52 weeks' maternity leave, regardless of her length of service, consisting of 26 weeks' ordinary maternity leave followed by 26 weeks' additional maternity leave provided that she follows the notification requirements set out below;

- An expectant mother should notify SJHG of her pregnancy no later than the end of the 15th week before the baby is due if this is reasonably practicable. The mother should state the expected week of childbirth (EWC) and the date on which she intends to start her maternity leave. It is advisable to do this as early as possible so that any potential health and safety issues can be considered;
- A pregnant mother is entitled to paid time off for antenatal care as advised by her doctor, midwife or health visitor. SJHG may ask to see an appointment card after the first appointment to verify future appointments;
- Once the mother's manager has been informed about or has become aware of a mother's pregnancy, her manager should check her entitlement. The manager should notify the mother in writing within 28 days and confirm the expected return-to-work date if the mother takes the full entitlement to maternity leave (i.e. 52 weeks);
- The mother should provide medical evidence of the expected week of childbirth in the form of a maternity certificate. This certificate is the MAT B1 form and is available from the mother's doctor or midwife after the 20th week of pregnancy. It should be forwarded to her manager as soon as possible as no Statutory Maternity Pay (SMP) can be paid without this certificate;
- If necessary SJHG will carry out risk assessments to assess any possible risks to new and expectant mothers. Where SJHC feels there may be a risk, it will take all reasonable steps to eliminate that risk and will discuss with the mother any potential dangers and any precautions to be taken;
- Mothers will be paid SMP if they are eligible for it.
- The maximum entitlement to SMP is 39 weeks' pay. Mothers will receive higher rate SMP in respect of the first six weeks (90% of average earnings) and the lower rate SMP for the remaining entitlement;
- During any maternity leave the contract of employment continues as normal, except for any terms relating to salary or wages;
- During maternity leave, SJHG will maintain contact with the mother in order to keep her informed of developments in the workplace and to discuss (at an appropriate time) plans to return to work;
- SJHG may offer a mother on maternity leave the opportunity to work for up to 10 "keeping in touch" (KIT) days. These days may be either separate days or one or more blocks of several days, for instance to attend a training course or to attend a meeting. A mother offered such work is under no obligation to agree to do it. Agreeing to work any

KIT days will not affect the mother's SMP entitlement, nor the entitlement to continue on maternity leave until the due return date.

- In the sad event of a child being stillborn or dying after birth, the mother is still entitled to SML and SMP provided they meet the eligibility criteria and the mother had reached her 24th week of pregnancy;

Working prior to the expected week of childbirth

- A pregnant mother may continue working as close to the EWC as they wish provided they continue to be capable of doing the job. SJHG may wish the mother to be examined by a nominated doctor where there are concerns that the mothers' health, or that of the baby, may be suffering as a result of continuing to work;

Returning to Work after Maternity Leave

- A mother returning to work during or at the end of ordinary maternity leave has the right to return to the same job as the one she had before she commenced leave;
- A mother returning to work from additional maternity leave is entitled to return to the job in which she was employed before the maternity leave period began. If that is not reasonably practicable, SJHG is obliged to offer a suitable alternative job on terms and conditions that are just as, or more, favourable to the mother as those of the previous job;
- A mother returning from maternity leave is entitled to request flexible working if she wishes and this will be considered, but acceptance cannot be guaranteed;
- If a mother wishes to return to work before completion of the full 52 week maternity leave entitlement she should agree in advance the date on which she intends to return. However she should not return to work within two weeks of having given birth, which is the compulsory maternity leave period;
- Where the mother does not wish to return after maternity leave she should give notice of resignation, as provided for in the contract of employment, to her manager;

Paternity Leave

Introduction to Ordinary Paternity Leave

- SJHG recognises that more and more fathers want to be involved in supporting their partner around the time of their child's birth or, in the case of adoption, the child's placement. Paternity leave gives a father the opportunity to both spend time with his partner and get to know his new child;
- Fathers who meet certain qualifying conditions have a statutory right to take two weeks' paid paternity leave on the birth or adoption of a child for which they have responsibility;
- The leave should be used to provide care and support to the mother and child and not for any other purpose;

Eligibility

- To be eligible for ordinary paternity leave (OPL), the father should have accrued a minimum of 26 weeks' service by the end of the relevant week;
- To be eligible for ordinary statutory paternity pay (OSPP), the father's average weekly earnings over a certain eight-week period should not be less than the lower earnings limit for National Insurance Contributions. Fathers who earn less than this limit may still take OPL, but they are not entitled to receive OSPP.

Pay and Benefits during OPL

- For those who qualify, Ordinary Statutory Paternity Pay (OSPP) is paid at the standard rate or 90% of the father's average weekly earnings, whichever is the lesser amount;
- Absence from work due to a period of OPL does not affect the father's entitlement to annual leave;

Notice Requirements for OPL (and OSPP)

- Before taking OPL, an eligible father should give written notice to SJHG of his intention to take OPL before the 15th week before the expected week of childbirth (EWC) (for a newborn child) or within seven days of receiving notification of the child being matched with the adoptive parents;
- To receive OSPP, the father should give at least 28 days' notice of the date on which he wants OSPP to begin. Once the birth or placement has occurred, he should also inform SJHG of the actual date of birth/placement, as soon as reasonably practicable;

How to Provide Notice for OPL/OSPP

- A father entitled to OPL for a newborn child should submit a completed copy of form SC3 Becoming a parent;
- A father entitled to OPL for a newly adopted child should submit a completed copy of form SC4 Becoming an adoptive parent;
- If it is not practicable to give notice by the required date (eg because the baby arrived early or the adoption placement took place earlier than expected), the father should inform SJHG as soon as it is reasonably practicable.

Leave Arrangements

- Where a father has chosen to start his OPL on the day of birth/placement but is at work on that day, then paternity leave will begin the next day;
- Leave should be taken in a single block of either one or two weeks;
- The leave should be completed within 56-days of the child's birth or placement;

- In the sad event of a child being stillborn, the father is still entitled to OPL (and OSPP) provided they meet the eligibility criteria and the mother had reached her 24th week of pregnancy;

Paternity Leave and Parental Leave

- A father may choose to follow his paternity leave immediately by a period of unpaid parental leave;
- They may be eligible for 18 weeks unpaid parental leave per child, up to their 18th birthday. They can take Paternity Leave and Unpaid Parental Leave in any order.
- The father should provide SJHG with 28 days' notice to take parental leave;

Keeping in Touch (KIT) Days

- A father on APL may work for up to 10 "keeping in touch" (KIT) days without bringing the APL period to an end or losing the entitlement.

Returning to Work

- On return to work, the father has the right to return to the same job on the same terms and conditions that existed prior to paternity leave.

Adoption Leave

- SJHG encourages parents to have a balance between their work and family commitments;
- This document has been developed to provide parents with guidance as to their entitlements and the procedure to follow for adoption leave;
- Adoption leave is the right to take paid leave when a child up to 18 years of age is newly placed with a parent for adoption. No employee of SJHG will be treated less favourably, suffer detriment, or be dismissed because they request or take adoption leave;
- However, the adoption leave cannot be used for reasons other than to care for the adopted child/ children.

Eligibility

- To qualify for adoption leave an employee will need to satisfy the following conditions. The employee should:
    - Be newly matched with a child for adoption by an approved adoption agency;
    - Have worked continuously for SJHG for 26 weeks leading into the week in which they are notified of being matched with a child for adoption;
    - Forward the employees Matching Certificate from the adoption agency to SJHG as evidence of adoption to qualify for entitlement to adoption leave and pay.
- Where a couple adopts a child jointly, only one of them is entitled to take adoption leave and the couple can choose which. The other parent may, depending on their circumstances, be entitled to the arrangements described under the paternity leave section.

Entitlement to Leave

- The primary rationale for adoption leave is to ensure that the new parent can take time off work to bond with the child once they start living with the adoptive parent;
- Adoption leave and pay is available to:
    - Individuals who adopt;
    - One member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).
- Those who are eligible are entitled to up to a total of 52 weeks' leave as follows:
    - 26 weeks' ordinary adoption leave;
    - 26 weeks' additional adoption leave.
- An employee can choose to start their leave on:
    - The date of the child's placement;
    - A fixed date which can be up to 14 days before the expected date of placement;
- Employees are only entitled to one period of adoption leave even if more than one child is placed for adoption at the same time;

Entitlement to Pay

- The first 39 weeks of adoption leave is paid at the statutory adoption pay (SAP) rate or 90% of average weekly earnings if these are less than this sum;
- The remainder of the adoption leave is unpaid;

Rights during Adoption Leave

- An employee on either ordinary or additional adoption leave has the right to the continuation of all contractual terms and conditions of employment, except pay. These will include, for example, accrual of holiday entitlement that would have applied but for

the employee's absence. Although not entitled to be paid, the employee may qualify for statutory adoption pay.

Keeping in Touch Days

- SJHG may offer an employee on adoption leave the opportunity to do some work for up to 10 "keeping in touch " KIT days. These days may be either separate days or one or more blocks of several days. Examples include the opportunity to attend a relevant training course or a request to attend a meeting. An employee offered such work is not obliged to agree to do it. If, however, they do agree, SJHG will discuss the terms of the work assignment including what they will be paid. Agreeing to work for up to ten KIT days will not affect the employee's SAP entitlement, or their entitlement to continue on adoption leave until the due return date.

Returning to Work

- It is presumed that employees will return to work at the end of their full adoption leave entitlement. However, if they intend to return to work before the end of the adoption leave period they should discuss this with their manager as soon as possible to agree a suitable return date.
- An employee is entitled to return to the same job as before on the same terms and conditions of employment at the end of ordinary adoption leave, unless a redundancy situation arises;
- An employee is entitled to return to the same job at the end of their additional adoption leave, unless it is not reasonably practicable for the employer to allow them to do so. In such circumstances they will be offered a suitable alternative position, on no worse terms and conditions;
- If an employee does not wish to return to work after adoption leave, they are required to give SJHG notice in accordance with their contractual notice period, as set out in their terms and conditions of employment;
- SJHG may make reasonable contact with an employee to plan their return to work.

Shared Parental Leave:

Shared Parental Leave

Shared Parental Leave (SPL) is a statutory right available to employees who have a new baby or a newly adopted child on or after 5th April 2015. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. It gives the option of sharing up to 50 weeks of leave and 39 weeks of pay if the necessary eligibility criteria is met.

Eligibility Criteria

You (or your partner) must be entitled to maternity / adoption leave, or statutory maternity / adoption pay and you must share the main responsibility for caring for the child with your partner. In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows:

Step 1 - Continuity test: if you are seeking to take shared parental **leave, one** parent / adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and should still be employed in the first week that shared parental leave is to be taken.
The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold in 13 of the 66 weeks.

Step 2 - Individual eligibility for pay: To qualify for shared parental **pay** the parent / main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth / adoption.
If you and your partner meet the eligibility criteria:

- You can effectively "convert" a period of maternity / adoption leave and pay into shared parental leave and pay that can be taken by either parent.
- Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
- Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks of as little as a week but only with the employer's agreement.
- When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.
- Shared parental leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date.

Procedure for Requesting Shared Parental Leave and Pay

The following procedure should be followed:

1. The mother / main adopter must bring their period of maternity / adoption leave to an end by letting their employer know at least 8 weeks before the date she intends to curtail the leave. NB maternity leave cannot be brought to an end before the end of the two week (four if you work in a factory) compulsory maternity leave period. The balance of maternity leave at that point becomes available for the partner to share as shared parental leave. While this notice of curtailment of maternity / adoption leave can be given before or after the birth / placement, if it is given afterwards, the notice is binding. However, if notice is given before, there is a six-week window after the child's birth / adoption, during which a mother / primary adopter who has previously stated she intends to share her leave can change her mind and decide to remain on leave.

2. Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when. As you are one of our employees, please complete the form at Appendix 1.

3. If requested within 14 days of letting us know about your intention to take shared parental leave, you should provide us with a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.

4. The information about how and when you and your partner are intending to take shared parental leave is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete the form at Appendix 2. We will need at least 8 weeks notice of each period of leave, and you can submit a total of three requests. That is you can take up to three periods of shared parental leave.

5. If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.

6. If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we may need to discuss with you whether our business can support such a work pattern. If it cannot we will try to agree an alternative arrangement with you, or we may need to refuse the request.

7. We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business. You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and we are

under no obligation to offer you any work. These 20 days are in addition to the 10 days available during maternity or adoption leave.

8. While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

This all sounds complex, but it is really quite simple. Here are some **examples** to help clarify how shared parental leave works.

1. *The mother / main adopter ends her leave after 26 weeks, and the balance of the leave and pay - 26 weeks leave and 13 weeks statutory maternity / adoption pay is available to be shared between the parents as they choose. The father takes 10 weeks leave and pay, while the mother returns to work. He then returns to work and the mother takes the remaining 16 weeks leave and 3 weeks pay.*

2. *Baby is born prematurely and the mother immediately commits to taking 27 weeks maternity leave and pay leaving 25 weeks leave and 12 weeks pay to be shared with the father. The father takes 2 weeks paternity leave when baby is born and then immediately takes the 25 weeks leave and 12 weeks pay. Both parents return to work after 27 weeks having used all their shared parental leave.*

3. *The main adopter takes the first 10 weeks adoption leave and pay, and then commits to returning to work at week 22. This then frees up 30 weeks shared parental leave and 17 weeks pay. His partner takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the main adopters adoption leave so she and the main adopter can look after the child together. She then takes a further 8 weeks' leave and last 5 weeks of pay while the main adopter returns to work. When the partner then goes back to work, the main adopter takes the last 10 week of shared parental leave.*

   In total the main adopter has taken 32 weeks leave and 22 weeks pay while the partner has taken 20 weeks leave and 17 weeks pay.

Returning to Work from Shared Parental Leave

If you wish to alter your return date from shared parental leave, please ensure you give us notice as follows using the **Notice to Take or Vary a Period of Shared Parental Leave** form at appendix 2:

- If you wish to extend your SPL, at least 8 weeks notice from the originally agreed return date.
- If you wish to shorten your SPL, at least 8 weeks notice from the new return date.

If you return to work after a period of shared parental leave (including any maternity / adoption leave) which was **26 weeks or less**, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.
If you return to work from a period of shared parental leave (including any maternity / adoption leave) which was **greater than 26 weeks** we will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable than would have applied had you not been on leave.

	Signed	Date
Incumbent	T. Mey.	24.9.26
Churchwarden		