

# Maternity and Adoption Leave Policy and Procedure

## Introduction

This policy applies to employees. This policy outlines your statutory rights and responsibilities when you are pregnant, give birth or adopt a child. It also outlines the arrangements and notification requirements before, during and after a period of Maternity or Adoption Leave, your statutory entitlements to pay during your leave and your right to return to work following Maternity or Adoption Leave.

This policy also covers associated issues such as holidays. Entitlements and procedures that apply to Shared Parental Leave are contained in a separate policy in this Handbook.

## Your entitlements

### Time off for antenatal care

If you are pregnant, you have the right to take reasonable time off work, with pay, during your working hours to receive antenatal care, regardless of your length of service. This includes relaxation and/or parent craft classes, when this has been recommended on medical grounds by your registered medical practitioner or registered midwife.

The Company requires you to give reasonable notice when making a request to take time off for scheduled antenatal appointments. Prior to time off being authorised, you will also be required to provide a copy of your appointment card and/or medical certificate confirming your pregnancy, with the exception of your first appointment.

### Time off for adoption appointments

If you intend to adopt a child, you are entitled to time off to attend adoption appointments. Adoption appointments refer to those which take place after you are notified that a child is to be placed with you for adoption or for a fostering for adoption placement and before the placement occurs.

The amount of time off (and any entitlement to pay) depends on whether you have elected to be the main adopter or are the partner of the main adopter. No request for time off will be unreasonably refused.

If you are the main adopter, you are entitled to time off to attend adoption appointments on up to five occasions. The maximum time off which can be taken on each occasion is six and a half hours. Time off will be paid at your normal rate of pay.

If you are the partner of the main adopter, you are entitled to time off to attend up to two adoption appointments. The maximum time off which can be taken on each occasion is six and a half hours. Time off is unpaid.

### Different types of leave available

If you are pregnant or you have recently given birth, you are entitled to Maternity Leave.

If you adopt a child, either you or your partner will be entitled to Adoption Leave. Adoption leave can be taken by either partner adopting a child jointly, regardless of your gender. To obtain the benefit of these rights, you must comply with the qualifying conditions that are outlined below.

Where you meet the eligibility criteria, you are entitled to 52 weeks' Maternity or Adoption Leave, in order to care for a new baby or a newly adopted child who is up to 18 years of age.

Maternity and Adoption Leave is made up of 26 weeks' Ordinary Leave, followed by 26 weeks' Additional Leave. Additional Maternity Leave (AML) or Additional Adoption Leave (AAL) follows immediately after the end of your Ordinary Leave. There can be no gap between the two types of leave.

New mothers and adoptive parents have the right to transfer all, or part, of their AML or AAL entitlement to the other parent or to share Parental Leave. Further details can be found in the Paternity Leave policy and the Shared Parental Leave policy (outlined elsewhere in the Employee Handbook).

## **Compulsory Maternity Leave**

When you give birth, you are legally compelled to take a minimum of two weeks' Maternity Leave immediately after giving birth. For health and safety reasons, new mothers who work in a factory have a longer minimum period of four weeks.

## **Benefits during Maternity or Adoption Leave**

During Maternity or Adoption Leave, you are entitled to receive all your normal contractual benefits, including annual holiday entitlement, with the exception of your normal pay.

## **Statutory Maternity and Adoption Pay (SMP/SAP)**

SMP and SAP are payable for up to 39 weeks.

The first six weeks are payable at the higher rate, which is the equivalent of 90% of your normal earnings. For SMP your normal earnings are calculated based on the eight-week period before the Qualifying Week, i.e. the 15th week before your expected week of childbirth. For SAP your normal earnings are calculated over the eight-week period ending with the week in which you are notified of having been matched with the child for adoption.

The remaining 33 weeks are payable at a standard rate for the relevant tax year and can change each year. If your earnings are below the standard rate set by the Government, you will be paid at the equivalent of 90% of your average earnings in the eight-week period before the Qualifying Week or the date the child is matched.

If you do not qualify for SMP or SAP, you may be entitled to claim for an allowance of financial support by contacting your local benefits office.

Employees at head office level or above will be paid full basic pay for the first 13 weeks of their leave, then half pay for a further 13 weeks, then the last 13 weeks will be paid at the Statutory Maternity Pay rate. All other employees will be paid at Statutory Maternity Pay rate as above.

## **Death of a Baby During or After Birth**

In unfortunate situations where the baby is born alive and then later dies, the employee is still entitled to Statutory Maternity Leave. An employee is also granted Statutory Maternity Leave if she was to give birth to a still born baby after the end of the 24th week of pregnancy. In circumstances when a employee gives birth to a stillborn baby before the end of the 24th weeks she is entitled to sick or compassionate leave instead.

## **Qualifying for SMP and SAP**

To qualify for SMP or SAP you must:

- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes during the eight-week period up to and including the Qualifying Week or the date you are matched with a child
- have been continuously employed for at least 26 weeks, ending with the 15th week before your expected week of childbirth (the 'Qualifying Week') or the date you are informed by the approved adoption agency, or the central authority, that you have been matched with a child
- (if you are pregnant) still be pregnant at the 11th week before your expected week of childbirth or have had the child by that time
- give the Company at least 28 days' notice (or, if that is not possible, as much notice as is reasonably practicable) of the day you would like your SMP or SAP to start
- provide the Company with the appropriate medical certification of your expected week of childbirth, normally using the medical certificate MAT B1, or provide a written declaration that you have chosen to receive SAP rather than Statutory Paternity Pay

## **Sick leave during pregnancy and Pregnancy Related Illnesses**

If an employee is absent for any reasons related to the pregnancy in the four weeks before the expected week of childbirth, the maternity leave and maternity pay will begin automatically the day after the first day of the pregnancy related illness.

Any absence due to pregnancy related sickness before this date will be treated through the sickness procedure.

## Returning to work after Maternity or Adoption Leave

You do not need to give notice of your return to work if you simply return at the end of your Maternity or Adoption Leave period. If you wish to return to work before the full entitlement of your Maternity or Adoption Leave has ended, or change your mind about the intended date of return to work, you must give the Company a minimum of eight weeks' notice of the intended date of your return.

In the event that you fail to give the required eight weeks' notice of an earlier date of return, the Company may postpone your return until the end of the eight weeks' notice you should have given, or until the end of the Maternity or Adoption Leave period, whichever is earlier.

You are entitled to return to your original job at the end of Ordinary Maternity or Adoption Leave. Where you take Additional Maternity or Adoption Leave, you are also entitled to return to your original job at the end of the Additional Leave. However, if this is not reasonably practicable, you will be offered a similar role on no less favourable terms and conditions.

You will not lose the right to return to work if you do not follow the correct notification procedures. However, the Company may take appropriate disciplinary action if you fail to return to work at the end of the Maternity or Adoption Leave period.

In the event that you are unable to return to work at the end of the Maternity or Adoption Leave due to ill health, the Company's normal sickness absence rules, procedures and payments will apply.

## Holiday entitlement and Maternity or Adoption Leave

Annual holiday entitlement will continue to accrue during the whole of your Maternity or Adoption Leave. You must discuss and agree with the Company, in advance, when your accrued holiday entitlement can be taken.

Holiday entitlement cannot be taken simultaneously with Maternity or Adoption Leave. Accrued holiday can only be taken either before the beginning of the Leave or after the end of the Leave. Authorisation must be obtained from the Company in the normal way prior to your accrued holiday being taken.

## Contact during Maternity or Adoption Leave

The Company may make reasonable contact with you during your Maternity or Adoption Leave. In addition, you may attend work during your Maternity or Adoption Leave, for a limited period, without affecting your Maternity or Adoption Leave. These days are referred to as Keeping in Touch days (see below).

## Keeping in Touch (KIT) days

During your Maternity or Adoption Leave, you may work up to 10 days for the Company, during your Leave, without losing your right to your Maternity or Adoption Leave pay.

Any days worked will be paid at your normal rate of pay, and any SMP or SAP will be taken into account for these purposes.

Neither you nor the Company is under any obligation to agree to work or provide work for KIT days.

## Procedures

### Notification procedures for Maternity Leave

If you are pregnant and give birth to a child, you are entitled to take Maternity Leave.

To be eligible, you must comply with the rules and procedures set out below:

- no later than the end of the 15th week before the week your child is due, you must give the Company notice of:
  - the fact that you are pregnant and the date on which you intend to start your Maternity Leave
  - the expected week of childbirth, which must be confirmed by providing the medical certificate MAT B1
- within 28 calendar days of you giving notice, the Company will respond in writing, to confirm the date on which your Maternity Leave will end. This will normally be 52 weeks from the start of your Maternity Leave

- the earliest you may start your Maternity Leave is 11 weeks before your expected week of childbirth. However, Maternity Leave will start automatically if you give birth before this date

Your Maternity Leave will automatically start if you are absent from work for a pregnancy-related illness during the four weeks before your expected week of childbirth.

### **Changing the start of your Maternity Leave**

You may change your mind about when you want to start your Maternity Leave, as long as you notify the Company, in writing, of your new start date.

You must give the Company the relevant notice by whichever date is the earlier of the following notice periods:

- 28 days before the date on which you originally intended to start your leave
  - Or
- 28 days before the new date on which you want to start your leave

### **Notification procedures for Adoption Leave**

If you adopt a child, you are entitled to Adoption Leave. This right applies to both men and women. The partner of an individual who adopts, or the other partner of a couple adopting a child jointly, may also be entitled to Paternity Leave and Statutory Paternity Pay.

If you are part of a couple that adopts a child, you can choose which partner will take Adoption Leave and which will take Paternity Leave. Either partner can choose the type of leave that applies to them.

To qualify for Adoption Leave, you must:

- be newly matched with a child for adoption by an approved adoption agency (this includes placement of a child with local authority foster parents who are prospective adopters under the fostering for adoption scheme)
- have notified the agency that you agree that the child should be placed with you and have agreed the date of placement
- notify the Company of when you want to take Adoption Leave no more than seven calendar days after being notified that you have been matched with a child
- in the case of surrogacy adoption leave, be in receipt of, or in the process of applying for, a parental order.

You should also give the Company the matching certificate from the approved adoption agency as evidence of your entitlement to Adoption Leave. Only one period of Adoption Leave will be available, irrespective of whether you have more than one child placed with you for adoption as part of the same arrangement.

Within 28 calendar days of you giving notice, the Company will respond in writing to you, confirming the date when your Adoption Leave will end. This will normally be 52 weeks from the start of the Adoption Leave.

You may choose to start your Adoption Leave either from;

- the date of the child's placement
  - Or
- a fixed date, which can be up to 14 calendar days before the expected date of the child's placement

### **Changing the start of your Adoption Leave**

You may change your mind about when you want to start Adoption Leave, as long as you notify the Company, in writing, of your new start date.

You must give the Company the relevant notice by whichever date is the earlier of the following notice periods;

- 28 days before the date you originally intended to start your leave or
- 28 days before the new date you want to start your leave

### **Overseas adoption**

If you are adopting a child from overseas, you must have received official notification that the adoption has been approved by the central authority and give the Company notice, in writing, at each of the three notification stages.

The Company will require copies of official notification as evidence of the child arriving in the UK and to support your request to take Adoption Leave.

The procedures for overseas adoption are determined by the central authority and are thorough. In the first instance, you should discuss your intention to take Adoption Leave within 28 days of the date on which you received the official notification.

### **Appeals Procedure**

Managers should be advised that decision regarding maternity leave should be applied as consistently as possible. Any employee who believes that this policy is not being fairly applied may seek redress initially in writing to the HR department and thereafter through the Grievance Procedure.

### **Policy Review and Assessment**

This policy may be amended by Interr at any time in order to take into account changes in legislation and best practice. This policy was last reviewed and agreed by the Board and seeks to be reviewed and updated annually. Any queries arising regarding this policy should be addressed to Mick Tabori.



Mick Tabori - CEO  
February 2021