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## **MATERNITY AND ADOPTION POLICY**

This policy document applies to your employment at *[Insert organisation name and address]*, ("the Organisation") and all other organisation sites that you may be asked to work at from time to time.

### **1. Policy Statement**

**1.1** The employer's policy is to comply with the law of England & Wales regarding maternity and adoption rights. The aim of this policy is to set out the law applicable to the rights of employees with new children. The policy is not a contractual document.

**1.2** In the event that this policy and the law conflict, the law shall take precedence. If employees are in any doubt as to what their rights are they should discuss matters with the employer. Should this policy change as a result of amendments in the law the changes will be notified to the employee via the employer's notice board.

**1.3** This policy is intended to apply to all employees who are either:

**(a)** Pregnant employees (including surrogate women and women who underwent IVF treatment).

**(b)** Employees who have a child placed with them for adoption.

**1.4** Any employee who is dissatisfied with any decision affecting their maternity or adoption rights should use the employer's formal grievance procedure.

### **2. Definitions**

**2.1** Expected Week of Childbirth (EWC) - The week in which the childbirth occurs. "Week" means the week beginning Sunday and ending the following Saturday.

**2.2 Ordinary Maternity Leave** - this is the right of all female employees to a period of 26 weeks maternity leave regardless of length of service but provided they comply with certain notification requirements.

**2.3 Additional Maternity Leave** - this is the right to an additional period of maternity leave regardless of length of service, but provided ordinary maternity leave has been taken. The right is to an additional period of leave of 26 weeks from the date on which the ordinary maternity leave ends.

**2.4 Compulsory Maternity Leave** - this is a period of leave imposed by law on all female employees who are prevented from returning to work for a period of 2 weeks from the date of childbirth.

**2.5 Statutory Maternity Pay (SMP)** - Compulsory pay payable to all female employees taking maternity leave who have at least 26 weeks continual service with the employer, provided they satisfy certain criteria.

**2.6 Maternity Allowance** - Payments to be made by the DWP to female employees taking maternity leave who do not qualify for statutory maternity pay.

**2.7 Ordinary Adoption Leave** – This is the right of male or female employees to take a period of 26 weeks leave provided they have worked for the employer for a continuous period of 26 weeks by the week in which an approved match is made (the matching week) and they meet certain notification and other criteria.

**2.8 Matching Week** – This is the week in which an employee is notified by an adoption agency that they have been matched with a child, and starts on a Sunday and ends on a Saturday.

**2.9 Additional Adoption Leave** – This is the right to an additional period of leave of a further 26 weeks where ordinary adoption leave has been taken.

**2.10 Statutory Adoption Pay** – Compulsory pay payable to all employees who have had a child placed with them for adoption, provided they have at least 26 weeks continual service with the employer and satisfy certain criteria.

**2.11 Adopter** – Means a person who has been matched with the child for adoption. In the case of two people who have been matched jointly this shall mean whichever of them elected to be the child's adopter.

**2.12 Child** – Means a person who is, or was when placed with an adopter for adoption, under the age of 18.

**2.13 Remuneration** - Wages or salary.

### **3. Maternity Rights**

#### **3.1 Time off for Ante Natal Care**

**3.1.1** A female employee should notify the employer in writing of her pregnancy as soon as she becomes aware of her condition to enable the employer to provide the employee with advice and details of other arrangements associated with maternity.

**3.1.2** The employee will be entitled to reasonable paid time off from work in order to attend ante natal classes and appointments and receive ante natal care subject to her fulfilling the following requirements:

**3.1.3** The employee must be able to produce for the employer, on request, after the first appointment:

**(i)** A certificate from a registered medical practitioner, registered midwife or registered health visitor confirming that she is pregnant and,

**(ii)** An appointment card or some other document showing an appointment has been made. The appointment must have been made on the advice of a duly qualified doctor, midwife or health visitor.

**3.1.4** Employees will be paid their normal hourly rate of pay during the time of ante natal care (including medical examinations, relaxation classes and parent craft classes) as long as these occur during the employee's normal working hours.

## **3.2 Entitlement to Maternity Leave and Maternity Pay**

**3.2.1** In order to protect an employee's right to take maternity leave and statutory maternity pay (SMP) the employee must comply with the following notification provisions no later than the end of the 15<sup>th</sup> week before her expected week of childbirth:

**(i)** Notice in writing that the employee is pregnant together with details of the expected week of childbirth (EWC). This will usually be form MAT B1. This is normally available from a doctor or midwife from the 20<sup>th</sup> week before the expected week of confinement. No statutory maternity pay will be payable without this certificate or an acceptable alternative. Where it is not reasonably practicable to provide the maternity certificate within the stipulated time scale it must be provided as soon as possible and an explanation of the delay given in writing to the employer.

**(ii)** Notice (in writing if so requested by the employer) of the date when she intends to begin her period of maternity leave. Where this is not reasonably practicable a letter must be forwarded as soon as possible to the employer with an explanation for the reasons for failing to give the required notice.

**3.2.2** Within 28 days of receipt of notification under sub-paragraph 3.2.1 (ii) the employer shall notify the employee when their ordinary maternity leave will end, and when her additional maternity leave will end.

**3.2.3** An employee who has notified her employer under sub-paragraph 3.2.1 (ii) of the date she intends her ordinary maternity leave period to start may subsequently vary that date provided that she notifies her employer of the variation at least:

**(a)** 28 days before the date to be varied, or

**(b)** 28 days before the new date, whichever is the earlier, or if that is not reasonably practicable; as soon as is reasonably practicable.

**3.2.4** On receipt of notification of variation under sub-paragraph 3.2.2, the employer shall notify the employee of when their ordinary or additional maternity leave will end. Such notification must be made within 28 days of the date on which the employee's ordinary maternity leave commenced.

**3.2.5** Where the required notice has not been given under paragraph 3.2 or the maternity certificate is provided late the employee may lose her right to start maternity leave on her chosen date or to receive statutory maternity pay. It will be a matter for the employer to decide whether or not it was reasonably practicable for the employee to comply and the employer will advise the employee of its decision. If the employee is refused statutory maternity pay under these circumstances she may ask for a written statement to that effect or apply to an adjudication officer of the Social Security Tribunal for a formal decision.

**3.2.6** Where the period of leave starts the day which follows after the beginning of the 4th week before the expected week of childbirth, the employee must notify the employer as soon as reasonably practicable that she is absent wholly or partly because of pregnancy and the date on which her absence for that reason began.

**3.2.7** Where the childbirth occurs before the notified leave date or before she has notified such a date, the employee must notify the employer that she has given birth and of the date on which the birth occurred and do so as soon as is reasonably practicable after the birth.

**3.2.8** In the case of sub-paragraphs 3.2.6 and 3.2.7 the employer will within 28 days of the date on which the employee's ordinary maternity leave commenced, notify her of when her ordinary maternity leave will end and when her additional maternity leave will end.

**Sample document – the remaining are clause headings only**  
**Full document contains all clauses**

#### **4. Commencement and Period of Ordinary Maternity Leave/Additional Maternity Leave**

#### **5. Statutory Maternity Pay (SMP)**

#### **6. Maternity Allowance (MA)**

#### **7. Notification Requirements Prior to Return from Ordinary Maternity Leave**

#### **8. Notification Requirements Prior to Returning to Work from Additional Maternity Leave**

#### **9. Non-Maternity Related Illness**

#### **10. Contractual Rights during Maternity Leave**

- 11. Maternity Suspension**
- 12. Changes to Employment upon Return from Maternity Leave**
- 13. Adoption Rights**
- 14. Notification Requirements For Adoptions In The UK**
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- 16. Commencement and Period of Ordinary Adoption Leave/Additional Leave**
- 17. Disrupted Placements**
- 18. Statutory Adoption Pay**
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- 20. Contractual rights during Adoption Leave**
- 21. Changes to Employment upon return from Adoption Leave**
- 22. Contractual Rights to Adoption Leave and Paternity Leave**
- 23. Date of Implementation**
- 24. Questions**

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