

# Central England Area Quaker Meeting (CEAQM)

## Maternity, Paternity, and Parental Leave Policy

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## 1. INTRODUCTION

1.1 As a small employer Central England Area Quaker Meeting (CEAQM) gives its employees the full range of statutory maternity, paternity and parental leave rights, but is unable currently to provide any benefits over and above these statutory rights.

Managers may find it useful to look at <https://www.gov.uk/maternity-pay-leave> for up-to-date information.

The following is a summary of those rights.

## 2. MATERNITY POLICY

### ***Introduction to maternity rights and benefits***

This policy sets out the rights of employees to statutory maternity leave and pay.

2.1 CEAQM recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is CEAQM's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant she should clarify the relevant procedures with the Clerk to the Trustees' Employment Committee to ensure that they are followed correctly.

2.2 The following definitions are used in this policy:

"Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

"Qualifying week" means the 15<sup>th</sup> week before the expected week of childbirth.

2.3 All pregnant employees (regardless of length of service) have the right in law to take up to 26 weeks' ordinary maternity leave and up to a further 26 weeks' additional maternity leave and to resume work afterwards. The employee is therefore entitled to a total period of 52 weeks' maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

2.4 All employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave (except during the first two weeks from the day of childbirth or four weeks in the case of factory workers), subject to their following the correct notification procedures as set out below.

### ***Who qualifies for statutory maternity pay and how much will the employee receive?***

2.5 Employees who have been continuously employed by CEAQM for at least 26 weeks at the end of their qualifying week and are still employed during that week, will also qualify for statutory maternity pay, providing that: they are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth); they have provided a MAT B1 form stating their expected week of childbirth; and their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

2.6 Statutory maternity pay is payable for up to 39 weeks, with the first six weeks payable at 90% of the employee's average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. It is treated as earnings and is therefore subject to PAYE and national insurance deductions.

2.7 If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate of statutory maternity pay will be recalculated to take account of the employee's pay rise, regardless of whether statutory maternity pay has already been paid. This means that the employee's statutory maternity pay will be recalculated and increased retrospectively, or that she may qualify for statutory maternity pay if she did not previously. The employee will be paid a lump sum to make up any difference between statutory maternity pay already paid and the amount payable as a result of the pay rise.

2.8 Payment of statutory maternity pay cannot start prior to the 11<sup>th</sup> week before the employee's expected week of childbirth. It can start from any day of the week in accordance with the date the employee starts her maternity leave.

2.9 Statutory maternity pay is payable whether or not the employee intends to return to work after her maternity leave.

2.10 Employees who are not entitled to statutory maternity pay may be entitled to receive maternity allowance payable directly by the Government. If an employee is not entitled to statutory maternity pay, CEAQM will provide the employee with an SMP1 form to allow her to pursue a claim for maternity allowance.

### ***Timing of maternity leave***

2.11 Ordinary maternity leave can start at any time after the beginning of the 11<sup>th</sup> week before the employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

2.12 If the employee gives birth before her maternity leave was due to start, she must notify CEAQM in writing of the date of the birth as soon as reasonably practicable.

2.13 The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child (four weeks in the case of factory workers).

### ***Notice requirements***

2.14 On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are health and safety considerations for CEAQM.

2.15 By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform CEAQM in writing of:

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

2.16 The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

2.17 The employee is permitted to bring forward her maternity leave start date, provided that she advises CEAQM in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she advises CEAQM in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

2.18 CEAQM will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

2.19 The employee is required to give at least 28 days' notice of the date that she wants her statutory maternity pay to begin. If it is not possible for the employee to give 28 days' notice, for example if the baby arrives early, she should tell CEAQM as soon as reasonably practicable.

### ***Time off for antenatal care***

2.20 Once an employee has advised CEAQM that she is pregnant, she will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.

2.21 In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

2.22. Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

2.23 The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

### ***Health and safety***

2.24 CEAQM has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind

that could involve a risk of harm or danger to her health and safety or the health and safety of her baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, CEAQM will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, CEAQM will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

2.25 If it is not possible for CEAQM to alter the employee's working conditions to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, CEAQM may suspend her from work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If an employee is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she has unreasonably refused an offer of suitable alternative employment.

### ***Sickness absence***

2.26 If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.

2.27 If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify CEAQM in writing of this as soon as reasonably practicable.

### ***Rights during maternity leave***

2.28 During ordinary maternity leave and additional maternity leave, all terms and conditions of the employee's contract except normal pay will continue. Salary/wages will be replaced by statutory maternity pay if the employee is eligible for it.

2.29 This means that, while sums payable by way of wages/salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

2.30 Employees are encouraged to take any outstanding holiday due to them before the commencement of maternity leave. Employees are reminded that holiday must be taken in the year that it is earned.

### ***Contact during maternity leave***

2.31 CEAQM reserves the right to maintain reasonable contact with employees during maternity leave. This may be to discuss employees' plans for return to work, to discuss

any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

### ***Keeping-in-touch days***

2.32 Employees can agree to work for CEAQM (or to attend training) for up to 10 days during their maternity leave without that work bringing their maternity leave to an end and without loss of a week's statutory maternity pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

2.33 CEAQM has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and CEAQM.

### ***Returning to work after maternity leave***

2.34 The employee may return to work at any time during ordinary maternity leave or additional maternity leave, provided that she gives the appropriate notification. Alternatively, the employee may take her full period of maternity leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of maternity leave has elapsed, she must give at least eight weeks' notice in writing to CEAQM of the date on which she intends to return.

2.35 The employee has the right to resume working in the same job if returning to work from ordinary maternity leave. If the employee returns to work after a period of additional maternity leave, she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

2.36 Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the maternity leave period.

2.37 If the employee decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to CEAQM as soon as possible and in accordance with the terms of her contract of employment.

### ***Transfer of maternity leave***

2.38 If an employee proposes to return to work by giving proper notification, her spouse, civil partner or partner may be eligible to take additional paternity leave (and additional statutory paternity pay) once she has returned to work.

2.39 The earliest that additional paternity leave may commence is 20 weeks after the date on which the child is born and it must end no later than 12 months after the date of birth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks.

2.40 Further details should be obtained from the employee's spouse's or partner's employer. She will be required to submit a written and signed declaration form to that employer, which may also make additional enquiries of CEAQM to verify its employee's entitlement to additional paternity leave and pay.

### **3. PATERNITY POLICY**

#### ***Introduction***

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave.

3.1 CEAQM recognises that, from time to time, employees may have questions or concerns relating to their paternity rights. It is CEAQM's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the paternity provisions are complex, employees should clarify the relevant procedures with the Clerk to the Trustees' Employment Committee to ensure that they are followed.

#### ***Ordinary paternity leave***

3.2 An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' ordinary paternity leave provided that he/she has 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the week in which the child is expected.

3.3 Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave. In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

3.4 To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

3.5 Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

#### ***Notification of ordinary paternity leave***

3.6 Where an employee wishes to request ordinary paternity leave in respect of a birth child, he/she must give his/her line manager 15 weeks' written notice of the date on which his/her partner's baby is due, the length of ordinary paternity leave he/she wishes to take and the date on which he/she wishes the leave to commence.

3.7 In the case of an adopted child, the employee must give written notice of his/her intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start ordinary paternity leave, the length of the intended ordinary paternity leave

period and the date on which the adopter was notified of having been matched with the child.

3.8 If an employee subsequently wishes to change the timing of the ordinary paternity leave, he/she must give 28 days' written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that he/she is entitled to ordinary paternity leave and ordinary statutory paternity pay.

### ***Ordinary statutory paternity pay***

3.9 Pay during ordinary paternity leave will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for ordinary statutory paternity pay.

3.10 Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

3.11 Statutory paternity pay can start from any day of the week in accordance with the date the employee starts his/her paternity leave.

### ***Additional paternity leave***

3.12 Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work.

3.13 Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work.

3.14 The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

3.15 Additional paternity leave will generally commence on the employee's chosen start date specified in his/her leave notice, or in any subsequent variation notice (see "Notification of additional paternity leave" below).

3.16 During the period of additional paternity leave, the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for salary. In particular, any benefits in kind (such as life assurance, private medical insurance, permanent health insurance, private use of a company car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

3.17 If the employee is eligible to receive it, salary may be replaced by statutory paternity pay for some, or all, of the additional paternity leave period, depending on the length and timing of the additional paternity leave.

3.18 Pension contributions will continue to be made during any period when the employee is receiving statutory paternity pay but not during any period of unpaid additional paternity leave. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had he/she not gone on additional paternity leave.

3.19 Employees are encouraged to take any outstanding annual leave due to them before the commencement of additional paternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during additional paternity leave, the employee should take his/her outstanding entitlement before starting his/her additional paternity leave.

### ***Eligibility for additional paternity leave***

3.20 In order to be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- He/she must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, he/she must have been matched with the child for adoption. In both cases, he/she must be taking the leave to care for the child.
- He/she must have a minimum of 26 weeks' service, as at the end of the 15<sup>th</sup> week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15<sup>th</sup> week before the week in which he/she was notified of having been matched with the child.
- He/she must remain in continuous employment until the week before the first week of additional paternity leave.
- The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work.

### ***Notification of additional paternity leave***

3.21 Where an employee wishes to request additional paternity leave and pay, he/she must give his/her line manager eight weeks' written notice of the date on which he/she wishes to take the leave and, if applicable, additional statutory paternity pay to commence. The request form must be in writing and specify, in the case of a birth child, the date on which the child was expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption. In both cases, the notice must also specify the employee's name and intended start date and end date of additional paternity leave and statutory paternity pay.

3.22 The employee must also submit a written and signed self-certification form not less than eight weeks before the proposed start date of additional paternity leave and pay stating that the purpose of the additional paternity leave/statutory paternity pay period is to care for the child and that he/she satisfies the relationship eligibility conditions for additional paternity leave and pay.

3.23 At the same time, the mother or primary adopter must submit a written and signed declaration form stating:

- his/her name, address and national insurance number;
- the date that he/she intends to return to work;
- that he/she has given notice to his/her employer of returning to work;
- that he/she is entitled to statutory maternity pay, maternity allowance or statutory adoption pay;
- the start date of his/her maternity or adoption pay period;
- confirmation that the employee satisfies the relationship eligibility conditions;
- that he/she consents to CEAQM processing the information contained in the declaration form; and
- that the employee is to his/her knowledge the sole applicant for additional statutory paternity pay and, in the case of a birth child, also that the employee is to his/her knowledge the only person exercising the entitlement to additional paternity leave in respect of the child.

3.24 On request by CEAQM, the employee must produce the name and business address of the mother's or primary adopter's employer and a copy of the child's birth certificate or, in the case of an adopted child, evidence of the name and address of the adoption agency, the date on which he/she was notified of having been matched with the child and the date on which the agency expects to place the child for adoption. The employee must supply this information within 28 days of it being requested.

3.25 The employee is permitted to bring forward his/her additional paternity leave start date, provided that he/she advises CEAQM in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her additional paternity leave start date, or cancel his/her additional paternity leave altogether, provided that he/she advises CEAQM in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

3.26 CEAQM will formally respond in writing to the employee's notification of his/her additional paternity leave plans within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.

### ***Additional statutory paternity pay***

3.27 Additional statutory paternity pay may be payable during some or all of additional paternity leave, depending on the length and timing of the leave. An employee is entitled to additional statutory paternity pay if:

- he/she is the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the child's primary adopter, and, in the case of a birth child, expects to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) or, in the case of adoption, has been matched with the child for adoption, and in either case intends to care for the child during the additional statutory paternity pay period;
- he/she has a minimum of 26 weeks' service, as at the end of the 15<sup>th</sup> week before the week in which the child is due to be born or, in respect of an adopted child, as at

- the end of the 15<sup>th</sup> week before the week in which he/she was notified of having been matched with the child (the "relevant week");
- he/she remains in continuous employment until the week before the additional statutory paternity pay period begins;
  - his/her average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
  - the mother is entitled to statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter is entitled to statutory adoption pay, and the mother or primary adopter has returned to work;
  - the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired; and
  - he/she gives proper notification in accordance with the rules set out above.

3.28 Any statutory paternity pay due during additional paternity leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

3.29 Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

#### ***Contact during additional paternity leave***

3.30 Shortly before an employee's additional paternity leave starts, CEAQM will discuss the arrangements for him/her to keep in touch during his/her leave, should he/she wish to do so. CEAQM reserves the right in any event to maintain reasonable contact with the employee from time to time during his/her additional paternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease his/her return to work or simply to update him/her on developments at work during his/her absence.

#### ***Keeping-in-touch days during additional paternity leave***

3.31 An employee can agree to work for CEAQM (or to attend training) for up to 10 days during additional paternity leave without that work bringing the period of his/her additional paternity leave and pay to an end. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

3.32 CEAQM has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during his/her additional paternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between CEAQM and the employee. Any keeping-in-touch days worked do not extend the period of additional paternity leave. Once the keeping-in-touch days have been used up, the employee will lose any further entitlement to statutory paternity pay for any week in which he/she agrees to work for CEAQM. It may also bring the additional paternity leave period to an end.

#### ***Returning to work after additional paternity leave***

3.33 The employee will have been formally advised in writing by CEAQM of the end date of his/her additional paternity leave. The employee is expected to return on the next working day after this date, unless he/she notifies CEAQM otherwise. If he/she is unable to

attend work at the end of additional paternity leave due to sickness or injury, CEAQM's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

3.34 If the employee wishes to return to work earlier than the expected return date, he/she must give CEAQM at least six weeks' notice of his/her date of early return, preferably in writing. If he/she fails to do so, CEAQM may postpone his/her return to such a date as will give CEAQM six weeks' notice, provided that this is not later than the expected return date.

3.35 If the employee decides not to return to work after additional paternity leave, he/she must give notice of resignation as soon as possible and in accordance with the terms of his/her contract of employment. If the notice period would expire after additional paternity leave has ended, CEAQM may require the employee to return to work for the remainder of the notice period.

### ***Rights on and after return to work***

3.36 On resuming work after both ordinary and additional paternity leave (in the latter case where it was an isolated period of leave or taken with certain other types of statutory leave), the employee is entitled to return to the same job as he/she occupied before commencing paternity leave on the same terms and conditions of employment as if he/she had not been absent.

## **4. PARENTAL LEAVE**

### ***Introduction to parental leave***

4.1 An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she:

- is the parent of a child who is under five years of age;
- has adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18<sup>th</sup> birthday, whichever is the sooner); or
- has acquired formal parental responsibility for a child who is under five years of age.

4.2 An employee who is the parent or adoptive parent of a child who has been awarded disability living allowance or personal independence payment is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18<sup>th</sup> birthday.

4.3 To qualify for parental leave, employees must have completed at least one year's continuous service with CEAQM.

### ***Rights during parental leave***

4.4 Qualifying employees will be entitled to a maximum of 18 weeks' parental leave to be taken up until the child's fifth birthday (unless the child is adopted or disabled - see above). During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force.

During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- notice of termination;
- redundancy compensation; and
- disciplinary or grievance procedures.

4.5 Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and
- participation in any other business.

### ***Conditions of leave***

4.6 CEAQM has adopted the default scheme for the taking of parental leave and the following conditions apply.

4.7 An employee may not exercise any entitlement to parental leave unless he/she has complied with any request made by CEAQM to produce evidence as to: his/her entitlement (e.g. parental responsibility or expected responsibility for the child in question; the child's date of birth or date on which placement for adoption began; or, where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to disability living allowance or personal independence payment).

4.8 The employee must give proper notice of the period of leave that he/she proposes to take. This notice must be given to CEAQM at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.

4.9 Where the employee is the father of the child in respect of whom the leave is to be taken and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth.

4.10 Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to CEAQM at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.

4.11 CEAQM may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where CEAQM considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, CEAQM will allow the employee to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. CEAQM will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice was given to CEAQM.

4.12 Employees may not take parental leave in blocks of less than one week (except in relation to a child who is disabled).

4.13 Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

### ***Return from leave***

4.14 At the end of parental leave, the employee will be entitled to return to the same job, provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

## **5. SHARED PARENTAL LEAVE – for children born on or after April 2015**

### ***Introduction***

4.15 For children born on or after 5th April 2015 a new system of shared parental leave is available. It is available to all employees who are the birth mother or the father of a child, or a mother or adopter's partner. From this date the additional paternity rules under paragraphs 3.12 – 3.35 will cease to be available, although the right to ordinary paternity leave remains.

4.16 Shared parental leave enables employees who are parents to share leave in the year after their child's birth or placement for adoption and to take that leave in a more flexible way. In contrast to maternity and paternity leave, eligible employees can stop and start their shared parental leave and return to work between periods of leave.

### ***Shared Parental Leave***

4.17 Under this scheme parents are able to share a maximum of 50 weeks leave (52 weeks less the two weeks compulsory maternity leave). The right to parental leave will arise when the mother or adopter who is eligible for maternity leave ceases their period of maternity leave, and it continues so the total amount of leave taken does not exceed 52 weeks.

4.18 To qualify for shared parental leave (SPL) the employee has to be a birth mother or the child's father, or a mother's or adopter's partner. "Partner" means a person who the mother or adopter is married to or in a civil partnership with; or a partner with whom the mother or adopter is living. Intended parents in a surrogacy arrangement who they qualify for adoption leave and/or pay are also eligible for SPL.

4.19 To qualify for SPL, the employee must have been continuously employed by CEAQM for 26 weeks up to and including the 15th week before the week in which the baby is due to be born. If the child is adopted, the employee must have been working for CEAQM for 26 weeks by the week in which the adopter is notified of having been matched

with a child for adoption. For a parental order parent in a surrogacy arrangement, the eligibility is the same for birth parents i.e. they must have been continuously employed by CEAQM for 26 weeks up to and including the 15th week before the week in which the baby is due to be born.

4.20 If they are the father of the child or the partner of the birth mother/ partner/adopter taking maternity leave, in order to qualify for parental leave, the employee must share the main responsibility for the care of the child with the other parent at the date of the child's birth or placement for adoption. The employee also has to satisfy the "employment and earnings test" to qualify for SPL, confirming that the birth mother or adopter taking maternity leave. To meet this test, the other parent must have been an employed or self-employed earner in Great Britain for a total 26 weeks (not necessarily continuously) in the period of 66 weeks leading up to the week in which the child is due (or matched for adoption) and to have earned an average of £30 a week in 13 of those weeks (not necessarily continuously). It is the employee's responsibility to check that this test is met and provide a declaration from their partner that he or she meets the 'employment and earnings test' and consents to your employee taking SPL and/or pay.

4.21 If an employee wishes to take SPL they must provide CEAQM with a notice of entitlement to take SPL. The notice must be given at least eight weeks before the start of a period of SPL and must include how:

- how much leave is available
- how much leave they are entitled to take
- how much leave the parent is intending to take
- how they expect to take it (i.e. when and for what periods of time).

4.22 Each eligible parent can give their employer up to 3 separate notices booking or varying leave. If the request of for the periods of SPL are broken down into periods that are discontinuous, CEAQM may refuse the request. In these circumstances CEAQM will discuss and agree with the employee the leave can be taken.

### ***Shared Parental Pay***

4.23 Similarly, up to a total of 39 weeks (less the two weeks of the compulsory leave period) there is a shared right to paid parental leave, starting when the mother or adopter who is eligible for maternity pay ceases to claim that entitlement and returns to work.

4.24 The entitlement is to the statutory shared parental pay (ShPP) or 90% of the employee's average weekly earnings, whichever is lower.

4.25 In order to qualify for statutory shared parental pay, the employee must:

- meet the qualifying requirements for SPL and have a partner who meets the employment and earnings test;
- have earned not less than the lower earnings limit (currently £111 per week) in the relevant period. This is usually the 8 weeks leading up to the qualifying week (as with SPL, the qualifying week is the end of the 15th week before the week in which

the baby is due to be born, or the week that the adopter is notified of being matched with a child).

### ***Terms and conditions during Shared Parental Leave***

4.26 During the period of SPL, this contract continues in force and the employee is entitled to receive all their contractual benefits, except for salary.

4.27 Where eligible, pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking SPL.

### ***Annual Leave***

4.29 SPL is granted in addition to an employee's normal annual holiday entitlement. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

### ***Contact during Shared Parental Leave***

4.30 Before an employee's SPL begins, CEAQM will discuss the arrangements for them to keep in touch during their leave. CEAQM reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### ***Shared Parental Leave in Touch days***

4.31 An employee can agree to work for CEAQM (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

4.32 CEAQM has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the organisation and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

4.33 An employee, with the agreement of CEAQM, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

## ***Rights on Return***

4.34 On returning to work after SPL, the employee is entitled to return to the same job if their aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

4.35 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

4.36 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

4.37 If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

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