**WORK PLACE CHAPLAINCY SCOTLAND**

**Listening & caring - in confidence**

**MATERNITY, PATERNITY AND ADOPTION POLICY & PROCEDURE**

**PURPOSE**

WPCS supports the right of its employees to take maternity, paternity and adoption leave and return to work. We therefore aim to provide flexibility in employment practices in order to retain as many of our workforce as possible after periods of this type of leave.

The policy follows the prevailing statutory provisions and will, therefore, vary in line with any future amendments to them. It may also be reviewed according to changing business needs and in light of other changes in employment law.

All employees who meet the qualifying conditions under maternity, paternity or adoption regulations will be entitled to make use of the procedures contained in this document, which are aimed at ensuring fair and consistent treatment.

**Introduction**

Should you become pregnant we would encourage you to inform your line manager at the earliest possible stage in order that the full procedure be outlined to you and your entitlements explained.

Failure to follow the appropriate procedures can affect your statutory rights. WPCS requires you to follow the procedures as summarised below and to seek advice from your line manager where necessary.

**Antenatal Care**

You are entitled to time off with normal pay for antenatal care. After the first appointment this right will depend on you providing an appointment card or some other document showing evidence of attendance. If possible these appointments should be arranged near to the start or end of your working day and you must inform your manager at least one week in advance of such appointments. If you work part time you should try to attend appointments during non-working hours, choice permitting.

**Health and Safety**

When you inform WPCS that you are pregnant a health and safety risk assessment of your workplace will be carried out to ensure that your job does not present any health risk to you or your baby.

WPCS reserves the right to offer alternative work and conditions to a pregnant woman or nursing mother should you be considered to be at risk. If it is not possible to offer suitable alternative work, you may then be suspended from duty on normal pay.

**MATERNITY LEAVE PROVISIONS**

All pregnant staff will qualify for maternity leave, subject to the correct notice being given. However, the amount of maternity leave available is dependent upon your length of service. The following categories will apply:

* All female employees irrespective of length of service or hours worked have the right to take Ordinary Maternity Leave of 26 weeks.
* All female employees who have 26 weeks’ service by their 27th week of pregnancy or alternatively at the beginning of the 14th week before the EWC (expected week of confinement) have the right to take an Additional Maternity Leave (AML) period of a further 26 weeks (this period of AML is unpaid), this, therefore gives a total entitlement of 52 weeks’ maternity leave. Any period of AML will commence after the completion of OML and can run up to a maximum of 26 weeks.

**FORMAL NOTIFICATION OF PREGNANCY**

**Employee wishing to return to work**

Your right to return to work after either Ordinary or Additional Maternity Leave can only be exercised if you have notified your manager in writing of the following information detailed below, before or during the ‘notification week’, or, if this is not practicable as soon as is reasonably practicable. The ‘notification week’ is the 15th week before your EWC. This is approximately the 26th week of your pregnancy.

* The fact that you are pregnant.
* Your EWC (enclosing a copy of your maternity certificate-Mat B1 available from your GP or midwife) or the actual date of childbirth if this has already occurred.
* The date you intend to start your maternity leave (the notified leave date).

You may vary the start of your maternity leave period provided you give 28 days notice before the start of your new or old notification date, whichever is the earlier, or, if this is not practicable as soon as is reasonably practicable.

Your manager, after receiving the above notification, will write to you within 28 days stating your expected date of return to work. This return to work date will be calculated in accordance with your full entitlement to maternity leave.

**Employee not wishing to return to work**

Should you not want to exercise your right to take maternity leave and return to work you must confirm in writing that you will be terminating your contract of employment in accordance with your notice provisions.

**Ordinary Maternity Leave (OML)**

All female employees as outlined above are entitled to take this period of 26 weeks maternity leave.

**Commencement of OML**

You may commence your Ordinary Maternity Leave at any time after the 11th week before the EWC and you can work as far into the pregnancy as you wish as long as you are fit enough to do so and have given written notification as outlined above.

**Returning to Work After OML**

Should you be returning from a period of isolated OML you have the right to return to the same job on exactly the same terms and conditions of employment.

Where you wish to return to work earlier than the 26 weeks period of OML you must notify your manager in writing at least 28 days before your intended date of return.

Where you wish to return to work at the end of the 26 weeks period no further notice needs to be given as long as you have fulfilled the criteria in section A5.

**Additional Maternity leave (AML)**

Should you meet the qualifying conditions as outlined above you are entitled to take AML as well as OML. This period of AML commences after OML and can last up to 26 weeks.

Should you be returning from a period of isolated OML and AML you have the right to return to the same job on exactly the same terms and conditions of employment, or were this is not reasonably practicable you may be offered a job which is substantially the same, i.e:

* On a rate of remuneration which is no less favourable than before your maternity leave commenced;
* With your seniority, pension rights and similar rights as they would have been had you returned to work at the end of your period of OML.

Where you wish to return to work earlier than at the end of your AML you must notify your line manager in writing at least 28 days before your intended date of return.

Should you be absent from work with a pregnancy related illness four weeks before your EWC your OML will be automatically triggered.

**Sickness**

During your maternity leave you may be entitled to receive one of the following types of maternity payments.

**MATERNITY PAY**

**Pay during Maternity Leave**

(i) **CATEGORY A:**

***Employee with one or more years’ service at the qualifying week***

Such an employee shall be entitled to be paid for 26 weeks' maternity leave, that pay which is the equivalent of normal full pay (made up of that Statutory Maternity Pay which is applicable plus the balance from WPCS).

**(ii) CATEGORY B:**

**Employee with between 26 and 52 weeks' service at the qualifying week**

Such an employee will receive during her period of maternity leave:

(a) the equivalent of full pay for the first four weeks of leave

(b) half-pay plus SMP for the remaining 22 weeks of leave (subject to the total thus received not exceeding what would be payable on full pay) or for the remaining weeks of the contract if this is a shorter period.

**(iii) CATEGORY C:**

**Employee with less than 26 weeks’ service on the qualifying date**

Such an employee will receive during her period of maternity leave

(a) the equivalent of full pay for the first four weeks of leave

(b) half-pay plus Maternity Allowance (if she is eligible for it) for the remaining 22 weeks of leave, (subject to the total thus received not exceeding what would be payable on full pay) or for the remaining weeks of the contract if this is a shorter period.

Your contractual annual leave entitlement will continue to accrue for the duration of OML, thereafter your statutory entitlement under the Working Time Regulations will accrue.

**Benefits during Maternity Leave**

If you are a member of the pension scheme your benefits will continue to accrue for the duration of maternity leave.

For the purpose of calculating service related benefits on return from maternity leave, your service will be counted as continuous during your maternity leave period.

**PATERNITY LEAVE**

**Paternity provisions**

**Paternity Leave and Pay**

All employees are entitled to take a two week period of paternity leave, providing that the conditions detailed below are satisfied:

* You must have at least 26 weeks continuous service by the start of the 14th week before the baby’s EWC, or in the case of adoption, 26 weeks ending with the week in which the child’s adopter is notified of being matched with the child;
* You must expect to have responsibility for the upbringing of the child;
* You must be the biological or adoptive father of the child or the spouse or partner of the child’s biological or adoptive parent.

You must notify your manager in writing of your intention to take a period of paternity leave in or before the 15th week before the baby’s EWC. For paternity leave on adoption, notice must be given no more than seven days after the adopter was notified that they had been matched for adoption. Your date given for the start of paternity leave may be varied on 28 day’s notice. However when the baby is born or has been placed for adoption, you must serve a further notice informing your manager of the date for the start of paternity leave.

**The Start of Paternity Leave**

Your period of paternity leave must be either one or two consecutive weeks, odd days or separate weeks are not permitted. You leave may start:

* From the date of the child’s birth or placement for adoption; or
* A number of days after the actual birth or placement for adoption; or
* On a fixed date that must be after the EWC or after the date placement for adoption is expected.

Your leave must normally be taken within 56 days of the actual birth or placement. If, however, the child is born prematurely, the time in which your paternity leave may be taken is extended by 56 days after the EWC.

**Your Rights during Paternity Leave**

You are entitled to the benefit of your normal terms and conditions of employment during paternity leave.

**ADOPTION PROVISIONS**

**Adoption Leave**

All employees, both male and female have the right to adoption leave provided that they have 26 weeks continuous service by the date of notification of the placement of a child.

The entitlement to adoption leave is as follows:

* 26 weeks Ordinary Adoption Leave (OAL); and
* 26 weeks Additional Adoption Leave (AAL). Any period of AAL will commence after the completion of OAL and can run up to a maximum of 26 weeks.

If a married couple are adopting jointly (only married couples at present can adopt jointly), either adopter can take the leave but it cannot be split between them.

**Formal Notification of Adoption Leave**

You must inform your manager of your intention to take adoption leave, your due date for placement and the start date of your leave within 7 days of being notified that you have been matched with a child.

You may vary the start of your leave date by giving your manager 28 days’ notice.

Your manager upon receipt of this notification will, within 28 days write to you to stating your expected date of return to work. This return to work date will be calculated in accordance with your full entitlement to adoption leave, as outlined above.

Should you be returning from a period of isolated OAL you have the right to return to the same job on exactly the same terms and conditions of employment.

**Returning to work after OAL**

Where you wish to return to work earlier than the 26 weeks period of OAL you must notify your manager in writing at least 28 days before your intended date of return.

Where you wish to return to work at the end of the 26 weeks period no further notice needs to be given as long as you have fulfilled the criteria under Adoption Leave.

Should you be returning from a period of isolated OAL and AAL you have the right to return to the same job on exactly the same terms and conditions of employment, or were this is not reasonably practicable you may be offered a job which is substantially the same, i.e.:

* On a rate of remuneration which is no less favourable than before your maternity leave commenced;
* With your seniority, pension rights and similar rights as they would have been had you returned to work at the end of your period of OAL.

**Returning to work after AAL**

Where you wish to return to work earlier than at the end of your AAL you must notify your line manager in writing at least 28 days before your intended date of return.

**ADOPTION PAY**

On adoption leave you will be entitled to 26 weeks’ pay at a flat rate of £100 per week. This covers the period of OAL, the period of AAL is unpaid.

Your contractual annual leave entitlement will continue to accrue for the duration of OAL, thereafter your statutory entitlement under the Working Time Regulations will accrue.

**Benefits during Adoption Leave**

If you are a member of the pension scheme your benefits will continue to accrue for the duration of adoption leave.

For the purpose of calculating service related benefits on return from adoption leave, your service will be counted as continuous during your adoption leave period.