



Family Leave

CHARITY POLICY & PROCEDURE

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Statement of Intent

Talbot House Children's Charity Limited (the Charity) recognises that employees may require time off for different kinds of family related leave.

The Maternity, Adoption, Paternity, Parental, and Shared Parental Leave Policy (Family Leave) brings together information on the various entitlements available to expectant mothers, parents, adopters, and those who support them. These entitlements provide an opportunity for parents/adopters to be flexible in the way they choose to care for a new arrival to the family.

The different kinds of leave and pay available are as follows:

Maternity leave and pay applies to pregnant employees and those who have just given birth.

Adoption leave and pay applies to the child's adopter, if a couple are adopting jointly, only one of them is entitled to adoption leave. This also applies to employees who are adopting and the intended parents in a surrogacy arrangement where they are applying for a parental order.

Paternity leave and pay applies to fathers (biological or adopted) or partners, including civil partners.

Parental leave applies to parents, adopters, partners, including civil partners or those with parental responsibilities.

Shared Parental Leave applies to parents, adopters, partners, including civil partners or those with main caring responsibilities, where the mother had curtailed (ended) their maternity or adoption leave early.

There is only one period of leave and pay for each instance of pregnancy or adoption regardless of the number of children born or placed for adoption.

Throughout the leave period, an employee's terms and conditions are protected. Employees are entitled to any pay rises and improvements in terms and conditions given during their leave.

Arrangements for time off for antenatal care and to accompany a pregnant woman to antenatal appointments are set out in our Time off for Antenatal Appointments section.

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1. Notification of Maternity / Adoption Leave.

The employee should inform her manager as soon as her pregnancy is confirmed. A pregnant employee will have a risk assessment carried out in accordance with health and safety legislation.

- To be eligible for maternity leave, the employee must formally notify her manager in writing no later than the 15th week before her expected week of childbirth (EWC) of:
 - That she is pregnant.
 - Her EWC.
 - The date she intends to start her maternity leave (intended start date).
- The employee must send in her Form MatB1 to Human Resources as soon as it is received.
- The employee must notify their manager that they intend to take Adoption Leave as soon as they have been approved adopters.
- To be eligible for adoption leave, the employee must formally notify her manager in writing within 7 days of being notified that they have been matched with a child for the purposes of adoption and they must specify the Expected Date of Placement (EDP) and their intended start date for adoption leave. Employees should provide a 'matching certificate' confirming the EDP, which should be provided by the Adoption Agency.
- An employee should inform their manager as soon as possible if they wish to take paternity leave.
- To be eligible for paternity leave the employees must have been continuously employed by the Charity for at least 26 weeks up to any day in the 'qualifying week'. The 'qualifying week' is the 15th week before the baby is due. This is different if an employee's wishes to adopt (no more than seven days after the adoption agency notified the employee of being matched with a child), or as soon as they reasonably can, stating the EWC; whether they intend to take one week or two weeks' leave; and when they would like their leave to start.

2. Eligibility.

Statutory provisions apply equally to full time and part time workers, regardless of hours worked or length of service.

3. General Principles.

- Employees will not be discriminated against on grounds of pregnancy or maternity in the areas of training, selection, promotion, job security or in any other Maternity policy and procedure.
- Employees will not be excluded from communication and consultation because of absence due to pregnancy or childbirth.
- Employees will not be dismissed for a reason connected with pregnancy, childbirth, or related maternity leave.
- Statutory provisions apply equally to full time and part time workers, regardless of hours worked or length of service.
- Enhanced provisions apply to full time and part time workers, regardless of hours worked, however, are subject to length of service.

4. Maternity and Adoption Leave.

- All employees have a statutory entitlement to 52 weeks' maternity/adoption leave (26 weeks ordinary maternity/adoption leave plus 26 weeks additional maternity/adoption leave) regardless of length of service.
- Compulsory maternity leave comprises the 2 weeks immediately after the birth of a baby, by law, an employee is not permitted to work and is included in the Ordinary Maternity Leave (OML) period.

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- The Charity will tell the employees the date the Charity will expect them to return to work if they take their full maternity/adoption leave entitlement (Expected Return Date). Employees must return to work on the Expected Return Date unless they tell us otherwise. If they wish to return earlier than the Expected Return Date, they must give a minimum of 8 weeks' notice. If employees do not give this notice, the Charity may postpone the return by 7 days.

4.1. Please see table below for further details of statutory provisions:

Length of Continuous Service	Entitlement to Maternity Leave	Entitlement to Maternity Pay
Fewer than 26-week's continuous service at the end of the 15th week before the Expected Week of Childbirth (EWC).	52 weeks of maternity leave made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.	There is no entitlement to either Statutory Maternity Pay (SMP). Please contact the Department of Work and Pensions as the employee may be eligible for Maternity Allowance (MA).
At least 26 weeks' continuous service at the end of the 15th week before the EWC. (‘Statutory Leave’)	52 weeks of maternity leave made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.	Statutory Maternity Pay for up to 39 weeks (providing average weekly earnings in the qualifying period are not less than the lower earnings limit for National Insurance). The remaining 13 weeks of the 52 weeks maternity leave entitlement are unpaid.

5. Maternity and Adoption pay.

- Employees employed for a minimum of 26 weeks continuous service by to the end of the 15th week before the week of expected childbirth (EWC) or being matched with a child are entitled to Statutory Maternity Pay (SMP)/Statutory Adoption Pay (SAP) (as applicable) for 39 weeks, as follows(subject to usual statutory deductions (tax, NI & pension contributions if applicable).
 - For the first 6 weeks of maternity/adoption leave, the employee gets 90% of their average weekly earnings.
 - For the following 33 weeks of maternity/adoption leave the employee gets either SMP/SAP or 90% of their average weekly earnings (whichever is lower).
 - If the employee takes the full 52 weeks' maternity/adoption leave, the last 13 weeks are unpaid.
- The employee gets the same amount of maternity/adoption pay even if they have more than one baby or adopt more than one child, for example twins.
- Statutory holiday entitlement (28 days including bank/public holidays) will continue to accrue during maternity leave. If your maternity leave will continue into the next holiday year, any statutory holiday entitlement that is not taken before starting your maternity leave can be carried over to the following year. Please follow your usual department holiday booking procedures if applicable.

6. Maternity Allowance.

Employees who do not match the criteria in section 5 are entitled to claim a maximum of 39 weeks Maternity Allowance (MA) from the Department of Work and Pensions. For further information on how to claim MA, please visit <https://www.gov.uk/maternity-allowance/how-to-claim>

7. Starting Maternity Leave.

The earliest an employee can start maternity leave is 11 weeks before the EWC (unless their child is born prematurely before that date).

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- If the employee wants to change their intended start date, please tell the HR Department in writing. The employee should give us as much notice as they can, but wherever possible they must tell the HR Department at least 28 days before the original intended start date (or the new start date if they are bringing the date forward).
- An employee's maternity leave should normally start on the intended start date. However, it may start earlier if they give birth before their intended start date, or if they are absent for a pregnancy-related reason in the last four weeks before their EWC. In either of those cases, maternity leave will start on the following day.

8. Stillbirth or Miscarriage.

- In the sad circumstances where an employee has a miscarriage in the first 24 weeks of pregnancy, any absence on medical grounds as a result would be treated in the same way as pregnancy-related sickness.
- In the unfortunate sad event of a stillbirth after 24 weeks of pregnancy and onwards, the entitlement to maternity leave and pay is as if the baby had been born alive.

9. Ante-natal Care and Adoption Support.

9.1 Ante-natal care

- Employees are entitled to time off, with pay, to attend ante-natal or other medical appointments in connection with their pregnancy.
- An employee may take unpaid time off to accompany a pregnant woman to an antenatal appointment if they have a "qualifying relationship" with the woman or the child. This means that either:
 - The employee is the baby's father.
 - The employee is the pregnant woman's spouse, civil partner, or cohabiting partner.
 - The employee is one of the intended parents in a surrogacy arrangement and expects to obtain a parental order in respect of the child.

9.2 Adoption appointments

- Employees who have been matched for adoption are entitled to time off to attend adoption appointments. Where the employee and their partner are adopting a child, the employee must decide between them who will be treated as the primary adopter and who will be treated as the secondary adopter for the purposes of time off. The employee must tell the Charity of their decision the first time they request time off for an adoption appointment. This will affect how much time the employee can take off and whether it is paid.
- The employee would usually choose to be the primary adopter if they intend to take adoption leave when the child is placed with them. The employee would not be able to take paternity leave if they have elected to be the primary adopter.
- The employee would usually choose to be the secondary adopter if they intend to take paternity leave when the child is placed with them, although they may be able to take adoption leave if their partner is not taking it.

10. Sickness and Sickness Absence.

Sickness prior to the fourth week before the EWC will be treated no differently than sick leave at any other time. However, if after the beginning of the fourth week before the EWC, the employee is sick with a pregnancy related illness, maternity leave will start at the beginning of the fourth week before the EWC or the beginning of the next week after the employee last worked, whichever is the later. If the sickness is not due to pregnancy, the absence will be treated in the normal manner.

11. Keeping in Touch Days.

- Keeping in touch with working during maternity or adoption leave can benefit the employee and make it easier when it is time to come back to work.
- An employee can work (including attending training) on up to 10 keeping in touch (KIT) days without this bringing their maternity or adoption leave to an end. This is not compulsory and must be discussed and agreed with their line manager and the HR Department must be informed in advance. Employees will receive their normal basic rate of pay for hours worked on any keeping in touch days, and any maternity payments will be offset against this.

12. Paternity Leave and Paternity Pay.

- Paternity leave and paternity pay is for the biological father or partner (with responsibility for the child's upbringing), following the birth/adoption of a child. Employees must have 26 weeks' continuous service by the end of the 15th week before the EWC or 26 weeks' continuous service ending with the week in which the agency notifies the employee that they have been matched with a child.
- Paternity leave entitlement is to be taken in a period of one or two, one week blocks or in a period of two full weeks. Paternity leave can start on the date of birth/adoption placement, or later, but it must end within the first 52 weeks of the birth/adoption.
- Once a partner takes any Shared Paternity Leave or Shared Parental Pay they will not be able to take any paternity leave or pay.
- In the unfortunate sad event of a stillbirth after the 24th week of pregnancy onwards, the entitlement to paternity leave and pay is as if the baby had been born alive.

13. Shared Parental Leave (SPL) and Shared Parental Pay (SPP).

- Shared parental leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave and 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.
- Shared parental leave is another option for mothers, fathers, partners, and adopters, in addition to maternity leave, adoption leave, and paternity leave. These are still available and can be taken by employees who meet the qualifying criteria. To create SPL, the mother (or primary adopter) decides to end their maternity or adoption leave early, so that they and their partner can take the remaining leave as SPL. The maximum amount of SPL available is 50 weeks, as the mother/primary adopter must take a minimum of 2 weeks' maternity or adoption leave immediately after the birth or arrival of the child.
- If the employee opts for SPL, the Charity will pay, the same entitlements as maternity leave, which is as follows:
 - For the first 6 weeks of maternity leave the employees gets 90% of their average weekly earnings.
 - For the following 33 weeks of maternity leave the employees gets either SMP or 90% of their average weekly earnings (whichever is lower).
 - If the employee takes the full 52 weeks' maternity leave, the last 13 weeks are unpaid.
- The employee will get the same amount of maternity/adoption pay even if they have more than one baby or child placed with them, for example twins.
- This is calculated based on the number of weeks already taken at the start of each new block of shared parental leave.

13.1. The flexibility of SPL includes:

- Parents can take SPL at the same time or at different times.
- It can be taken in up to 3 separate blocks, as long as the employee give at least 8 weeks' notice of their intentions.

14. Eligibility for Shared Parental Leave (SPL) and Shared Parental Pay (SPP).

To qualify for SPL in relation to the birth of a child, the employee must be:

- the child's mother and share the main responsibility for the care of the child with the child's father or with their partner.
- the child's father and share the main responsibility for the care of the child with the child's mother.
- the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The employee may be entitled to SPL in cases of adoption if an adoption agency has placed a child with the employee and/or their partner for adoption, or where a child is placed with the employee and/or their partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme. The employee must intend to share the main responsibility for the care of the child with their partner.

14.1. In addition, to qualify for SPL:

- The employee must have been employed continuously for at least 26 weeks by the end of the 15th week before the due date or by the end of the week that the adoption agency notifies the employee that they have been matched with a child for adoption.
- Remain employed by the Charity in the week before the leave is to be taken.
- The employee's partner must have been working for at least 26 weeks of the 66 weeks before the bay is due or matched.
- The employee's partner must have earned at least £30 a week on average in 13 of the 66 weeks.
- Only employees are entitled to SPL.

The employee can only share the leave with one other qualifying person.

14.2. Giving notice of intentions

- The employee must take a minimum of 2 weeks' maternity or adoption leave by law, so the maximum amount of SPL available for both eligible partners is 50 weeks.
- To request SPL, the employee must give at least 8 weeks' notice of their intention to end maternity or adoption leave.
- The maximum amount of SPL pay available is 39 weeks minus the number of weeks of the SMP or MA period or SAP taken or to be taken.
- Both parents must be eligible to qualify for SPL.

14.3. Keeping in touch - Shared Parental Leave Keeping in Touch (KIT) days.

- KIT days are available to both parents, up to a maximum of 20, during SPL. These can be useful for staying in touch and attending important events or training, however there is no obligation for the employee to attend or the Charity to offer them. KIT days are in addition to the 10 'keeping in touch' (KIT) days, available to those on maternity or adoption leave.
- Any work done on any day during the SPL period will count as a whole KIT day up to the 10 maximum days permitted. In other words, if an employee comes in for a one-hour training session and does no other work that day they will have used one of their KIT days although payment will only be made for actual hours worked.

15. Parental Leave.

Parental leave is a right to take unpaid time off work to look after the welfare of a child.

- To be eligible for parental leave, the employee must:
 - have at least one year's continuous employment with the Charity.
 - have or expect to have responsibility for the child.
 - be taking the leave to spend time with or otherwise care for the child.
- The employee has responsibility for a child if they are the biological or adoptive parent or have legal parental responsibility in some other way, for example under a court order.

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- Eligible employees are entitled to take up to 18 weeks' parental leave in relation to each child.
- The employee must tell the Charity of any parental leave they have taken while working for another employer as these count towards their 18-week entitlement.
- In most cases, parental leave can only be taken in blocks of a week or a whole number of weeks, and they may not take more than four weeks' parental leave a year in relation to each child. Parental leave can be taken up to the child's 18th birthday.
- Special rules apply where an employee's child is disabled, which for these purposes means entitled to a disability living allowance, armed forces independence allowance or personal independence payment. The employee can take parental leave in respect of that child in blocks of less than one week. However, there is still a limit of four weeks a year for each child and 18 weeks in total for each child.
- 21 working days' notice is required for parental leave.
- Although the Charity will try to accommodate the employee's request for parental leave, the Charity may postpone their requested leave where it would unduly disrupt our business (for example, if it would leave the Charity short-staffed or unable to complete work on time).
- The Charity will discuss alternative dates with the employee and notify them in writing of the reason for postponement and the new start and end dates, within seven days of receiving their request for parental leave.
- Parental leave requests cannot be postponed where the leave has been requested to start immediately on the birth or adoption of a child. Managers should not postpone a request for parental leave unless there is a significant reason. The Charity cannot postpone parental leave for more than six months, or beyond the child's 18th birthday (if sooner).

16. Reasonable contact during maternity, adoption, paternity or shared parental leave.

A manager is entitled to make reasonable contact with an employee during their leave, e.g., to discuss their plans for returning to work or whether the employee might be seeking to change their hours of work or pattern of working. The employee will also need to be kept up to date about any changes that may be taking place in the Charity.

17. Returning to work following maternity, adoption, paternity, parental or shared parental leave.

- Employees have the right to return to their job if they take:
 - Ordinary maternity or ordinary adoption leave
 - Ordinary paternity leave.
 - Shared parental leave.
 - Parental leave of four weeks or less.
- Where employees take additional maternity, adoption leave, shared parental leave or have combined their leave with more than four weeks of parental leave and it is not reasonably practicable for us to allow the employee to return to the same job, the Charity may give them another suitable and appropriate job on terms and conditions that are not less favourable.
- If a redundancy situation arises while an employee is on maternity, adoption, paternity, parental or shared parental leave they have the same rights to consultation as their colleagues.

18. Pensions.

- While on paid maternity/adoption leave employees can continue or stop their contributions – the choice is theirs. When they return to work, they can easily start their contributions back up again. The contributions the Charity makes into an employee's individual plan will continue whilst on leave.
- The employee's contributions and benefits will be based on the pay they get while on leave.
- Pension contributions will cease at the end of the paid period of maternity/adoption leave and membership of the scheme will be suspended.

19. Policy Review.

This policy is non-contractual and is subject for review on a regular basis in the light of operating experience and/or changes in legislation. This policy may be subject for review prior to the date shown if deemed necessary or if legislation changes. The HR Department will be responsible for reviewing this policy.

Appendix 1

National Pandemic and Pregnancy.

Any advice followed during a national pandemic period (such as Covid) is not a permanent change to this policy and will only remain in place for a temporary period. The Charity will take advice at a relevant time, which may differ depending on the advice and guidance issued by the Government in this instance.

The Charity will check guidance from NHS.uk, HSE.gov.uk, Gov.uk and ACAS.org.uk and other relevant websites or guidance it deems appropriate.

Keep in contact with the maternity care team and attend all appointments where possible.

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I have read, understood, and acknowledge this Policy and will endeavour to follow the guidance outlined within.

Print name: _____

Job Title: _____

Department: _____

Sign: _____

Date: _____

Please complete full details above, once complete please return to the HR Department within 5 working days.

Please do not hesitate to contact me should you have any questions.

HR Department

Talbot House Children's Charity