

Benenden Village Trust

Integrated Policy on Maternity, Adoption, Paternity and Parental Leave and Pay

Who is covered by this policy?

1. **For maternity / adoption leave and pay:** any employee of Benenden Village Trust (BVT) who has become pregnant or who has been matched with a child for adoption or who has achieved successful surrogacy.
2. **For shared parental leave:** the partner of any such employee whether or not they work for BVT (subject to certain qualifying and earnings criteria); or an employee whose partner has become pregnant or been matched with a child for adoption.
3. **For paternity leave and pay:** any employee of BVT whose partner has become pregnant or been matched with a child for adoption.
4. **For unpaid parental leave:** any employee with at least one year's service who has a child under 18 years old.

What am I entitled to?

If you are an employee who is pregnant or adopting:

5. You will be entitled to take up to 52 weeks maternity / adoption leave if you want to, irrespective of your length of service or earnings with BVT.
6. If 15 weeks before the expected birth or adoption you have been employed by BVT continuously for at least 26 weeks, and your average weekly earnings are at least equal to the lower earnings limit for National Insurance contributions (see rates here: <https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions>) we will pay you **statutory maternity / adoption pay**.
7. Statutory maternity / adoption pay is payable for **39 weeks**; for the first six weeks it is paid at 90 percent of your average weekly earnings. The following 33 weeks will be paid at the statutory rate set by the Government each tax year or 90 per cent of your average weekly earnings whichever is the lower.
8. If you have been continuously employed for one year you will be entitled to receive **enhanced maternity pay** at 100% of average earnings for 39 weeks. If you do not return to work after maternity leave you may be required to repay all or part of this.

If you are a father to be, adopter or will share the responsibility with a partner for bringing up a child:

9. If 15 weeks before the expected birth or adoption you have been employed by BVT continuously for at least 26 weeks you will be entitled to 2 weeks **paternity leave**.
10. If your average weekly earnings are at least equal to the lower earnings limit for National Insurance contributions BVT will pay you **statutory paternity pay** during your leave.

If you are a parent with a child who is under 18 years old then:

11. After one year's service you can take up to 18 weeks **unpaid parental leave** for that child.

12. This allowance applies to each of your children but can only be taken in blocks of up to 4 weeks per year.

Am I entitled to share maternity / adoption leave and pay with my partner?

13. **Shared parental leave** is designed to give parents / adopters more flexibility in how to share the care of their child in the first year following birth or adoption. If you are eligible you can effectively share up to 52 weeks 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. To be eligible you must meet certain criteria as follows.
14. You (or your partner) must be entitled to maternity / adoption leave, or statutory maternity / adoption pay (or maternity allowance from the Government) and you must share the main responsibility for caring for the child with your partner. In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows:

- **Step 1 - Continuity test:** if you are seeking to take shared parental **leave**, one parent / adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and they should still be employed in the first week that shared parental leave is to be taken.

The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned at least £390 in total over 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)

- **Step 2 - Individual eligibility for pay:** To qualify for shared parental **pay** the parent / main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth / adoption.
15. Although the situation around pregnancy and adoption appears complex, it is normally quite straightforward to work out your entitlement. Therefore, as soon as you know you are pregnant or have been matched with a child for adoption, please let the Trust Manager know as soon as is practical. We will calculate your entitlement and the relevant dates for you.

Maternity, Paternity and Shared Parental Leave – Procedural Guidelines

What should I do once I know I am pregnant or have been matched with a child for adoption?

16. There are a few things you now need to do so the Trust can ensure you get all you are entitled to and that the process goes smoothly for you and the organisation. Here is what you need to do:

Let us know..

17. Please let the Trust Manager know as soon as possible. You should have a chat with your line manager about your situation **especially if you are pregnant** as there are health and safety issues which the Trust must consider. Your line manager will arrange a risk assessment to ensure your work doesn't put you or your baby at any risk. You will also be entitled to take reasonable paid time off work to attend antenatal appointments as advised by your doctor, registered midwife or health visitor. If you are the partner you may also take unpaid time off to attend up to two ante-natal clinic visits.
18. When you receive it from your doctor or midwife, the Trust Manager will need your **MAT B1** form which confirms your pregnancy and when your baby is expected. If you are adopting BVT will need a copy of the **matching certificate** completed by the adoption agency (or if the adoption is from overseas then BVT will need the official notification from the relevant UK authority and the date the child is due into the UK).

19. At least 15 weeks before the due date for your baby, please let the Trust Manager know when you intend to take your maternity leave. If adopting, within 7 days of the date in which you were matched with the child we will need the expected week of the placement and the date on which you intend to start your adoption leave. These dates can still be changed if you give the Trust at least 28 days' notice before the new start date or, if that is not possible, as much notice as is reasonably practicable.
20. If you plan to start adoption leave before the actual date of placement, you must be sure that the placement will be going ahead on the date agreed before you start your leave. If the placement is delayed for whatever reason and adoption leave has already commenced, you cannot stop and start it again at a later date.
21. If you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your baby is expected, then you must let the Trust Manager know that is the case and your maternity leave will start automatically at that point.
22. If you miscarry after 24 weeks pregnancy you will retain your full maternity leave and pay entitlement.

Your maternity or adoption leave..

23. Regardless of the number of hours you work or your length of service, you are entitled to 26 weeks "ordinary" maternity / adoption leave. During this period all your contractual entitlements are maintained with the exception of your pay, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue. You are entitled to return to the same job that you left if you return after the ordinary leave period.
24. You are also entitled to take up to 26 weeks "additional" maternity / adoption leave immediately following your ordinary leave. During this leave your contractual terms and conditions such as holidays continue to accrue. You also have the right to return to a job on no less favourable terms and conditions than the job you had at the commencement of the leave period. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable. Your continuity of service will be preserved.
25. Except during the first two weeks after childbirth, you can agree to work or to attend training for up to 10 days during either ordinary maternity leave or additional maternity leave, without that work bringing your period of maternity / adoption leave to an end and without a loss of a week's SMP. These are known as "keeping-in-touch" days.
26. We will also maintain reasonable contact with you from time to time during your maternity / adoption leave. This may be to discuss any changes within the Trust, your plans for returning to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.
27. We will let you know before starting your ordinary maternity / adoption leave whether you have any outstanding holiday entitlement. We might ask you to take all or some of your outstanding holiday before commencing your leave, or agree that you can carry the leave over and take it on your return to work.

Returning to work

28. Once we know the start date of your maternity / adoption leave, we will inform you in writing of the date on which you are expected back at work if you take your full 52 week entitlement to maternity / adoption leave. You are expected to return on this date unless you notify us otherwise.
29. If you want to return to work earlier than the expected return date please give us at least **eight weeks' notice** of your date of early return. If you fail to do so we may have to postpone your return to such a date as will give us eight weeks' notice, provided that this is not later than the expected return date.

30. If you are unable to attend work at the end of your maternity leave due to sickness or injury, the Trust's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
31. If you worked full-time prior to maternity / adoption leave you have no automatic right to return to work on a part-time basis or to make other changes to your working pattern. However, all requests for part-time work or other flexible working arrangements will be formally considered in line with the operational requirements of the Trust. If you would like flexible working arrangements to be considered, please write to your line manager setting out your proposals as soon as possible in advance of your return date, so that there is adequate time for full consideration of your request.
32. If you decide not to return to work after maternity / adoption leave, you must give us notice of your resignation as soon as possible and in accordance with the terms of your contract of employment. If your notice period would expire after maternity / adoption leave has ended, we may require you to return to work for the remainder of the notice period.
33. If you are fully entitled to receive statutory maternity / adoption pay, then you will receive you full 39 week entitlement even if you resign.

How can I share parental leave with my partner?

Firstly you and your partner must meet the eligibility criteria described earlier. If you do:

34. You can effectively "convert" a period of maternity / adoption leave and pay into shared parental leave and pay that can be taken by either parent.
35. Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
36. Shared parental leave does not have to be taken in a single continuous block, but must be taken in agreement with the Trust.
37. When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.
38. Shared Parental Leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date.

Here is how you and your partner should go about opting in to shared parental leave:

39. The mother / main adopter must bring their period of maternity / adoption leave to an end by letting their employer know at least 8 weeks before the date she intends to curtail the leave. NB maternity leave cannot be brought to an end before the end of the two week compulsory maternity leave period. The balance of maternity leave at that point becomes available for the partner to share as shared parental leave. While this notice of curtailment of maternity / adoption leave can be given before or after the birth / placement, if it is given afterwards, the notice is binding. However, if notice is given before, there is a six-week window after the child's birth / adoption, during which a mother / primary adopter who has previously stated she intends to share her leave can change her mind and decide to remain on leave.
40. Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when. As you are an employee of BVT, please complete the form at Appendix 1.
41. If requested within 14 days of letting the Trust know about your intention to take shared parental leave, you should provide a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption, you should provide details of the adoption agency, the date you (or your partner) were informed of the

adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.

42. The information about how and when you and your partner are intending to take shared parental leave is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete the form at Appendix 2. BVT will need at least 8 weeks' notice of each period of leave, and you can submit a total of three requests.
43. If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.
44. If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) BVT may need to discuss with you whether our business can support such a work pattern. If it cannot BVT will try to agree an alternative arrangement with you, or the Trust may need to refuse the request.
45. BVT may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business. You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and BVT is under no obligation to offer you any work. These 20 days are in addition to the 10 days available during maternity or adoption leave.
46. While on shared parental leave you will continue to accrue your normal holiday entitlement. BVT may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. The Trust may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

Returning to Work from Shared Parental Leave

47. If you wish to alter your return date from shared parental leave, please ensure you give BVT notice as follows:
 - If you wish to extend your SPL, at least 8 weeks' notice from the originally agreed return date.
 - If you wish to shorten your SPL, at least 8 weeks' notice from the new return date.
48. If you return to work after a period of shared parental leave (including any maternity / adoption leave) which was **26 weeks or less**, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.
49. If you return to work from a period of shared parental leave (including any maternity / adoption leave) which was **greater than 26 weeks** the Trust will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable than would have applied had you not been on leave.

Do I have any further statutory rights to parental leave?

50. Yes. If you have completed one year's service with BVT, you are entitled to 18 weeks **unpaid parental leave** for each of your children born or adopted. The leave can start once the child is born or placed for adoption, or as soon as you have completed a year's service, whichever is later. You can take it at any time up to the child's 18th birthday.
51. Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless your child is disabled. You cannot take off more than four weeks during a year. A "week" is based on your normal working pattern.

52. Please ensure you give at least 21 days' notice in writing if you intend to take unpaid parental leave. As unpaid parental leave is transferable between employers, please also confirm whether you have already taken some of your entitlement with another employer and how much.

What are my Paternity Leave and Pay Entitlements?

In order to be eligible for paternity leave you must satisfy the following criteria:

- You must be the father of the child or married to: the civil partner or the partner of the child's mother; married to: the civil partner or the partner of the child's adopter, or one of a couple jointly adopting a child; and 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
 - Have 26 weeks' service at the 15th week before the baby is due to be born, or in respect of an adopted child, the week in which the child's adopter was notified of having been matched with a child
 - You may be asked to produce evidence of entitlement to paternity leave by signing a self-certification form declaring that you meet the statutory eligibility criteria
53. Paternity leave is granted in addition to your normal holiday entitlement. 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 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. In addition, employees who are the father or partner have the right to take unpaid time off work to accompany expectant mothers on up to 2 antenatal appointments.
54. To qualify for paternity pay you must have average earning at or above the lower earnings limit for the payment of National Insurance contributions.
- Statutory Paternity Pay is paid for a maximum of 2 weeks. It is paid at a flat rate laid down by statute or 90% of average weekly earnings if this is less.
 - Statutory Paternity Pay will begin at the same time as your paternity leave commences and will be paid on the same date that your salary would have been paid and will be subject to deductions for tax, National Insurance and any pension contributions in the usual way.

Appendix 1

Benenden Village Trust

Notice of Entitlement and Intention to Take Shared Parental Leave (Please read the Policy on Maternity, Adoption, Paternity and Parental Leave)

If you wish to take shared parental leave, then you must submit this form to the Trust Manager at least **8 weeks** before the start of the first period of shared parental leave. In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Basic Details

Employee Name:	
Are you the mother / main adopter of the child or the partner of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave:	

Notice of curtailment of maternity / adoption leave

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby (or four weeks if you are employed in factory work).

I wish my maternity / adoption leave to end on the following date:	
Signed:	Date:

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	
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Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates)	
Number of weeks of shared parental leave / pay you intend to take	
Number of weeks of shared parental leave / pay the other parent intends to take	

Shared Parental Leave and Pay Dates

Please detail the start and end dates of the shared parental leave/ pay that you intend to take. This should tally with the number of weeks you have indicated above that you will take.	
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The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please indicate "Yes": **Yes / No**

If you indicate "No", then please complete appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

Declarations

By the Employee

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- I meet the eligibility criteria for shared parental leave

If appropriate:

- I meet the eligibility criteria for shared parental pay
- I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy
- I consent to you retaining and processing the information contained in this form

Signed: _____

Date: _____

By the Employee's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)
- I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

- I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)
- I consent to you retaining and processing the information contained in this form

Signed: _____

Date: _____

Appendix 2

Benenden Village Trust

Notice to Take or Vary a Period of Shared Parental Leave (Please read the Policy on Maternity, Adoption, Paternity and Parental Leave)

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (appendix 1) and have had your eligibility for shared parental leave confirmed.

Name of Employee	
Name of Partner	

Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request

We confirm that we agree to the request / variation outlined above.

Signed: (Employee) _____

Date: _____

Signed: (Employee's Partner) _____

Date: _____