

MATERNITY & ADOPTION LEAVE & BENEFITS POLICY		No. 05
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**LORETTO HOUSING ASSOCIATION
LORETTO CARE**

**MATERNITY & ADOPTION LEAVE
& BENEFITS POLICY**

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MATERNITY LEAVE AND BENEFITS

This policy is a guide to maternity and adoption benefits and leave within Loretto Housing Association and Loretto Care. The purpose of the policy is to provide an easy-to-read guide for employees. Should you require any clarification or if you have any questions not answered below, then please contact your line manager or alternatively Human Resources on 0141 274 5761.

Section 1

1/ What is my entitlement to leave?

All employees will be entitled to up to 52 weeks' maternity leave. This is made up of 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML).

2/ What is my entitlement to pay?

Entitlement to pay is dependant on the length of time you have been employed by Loretto. There are two elements of pay, one is Statutory Maternity Pay, which we are obliged to pay you if you have been employed for the required time. The second element is Occupational Maternity Pay, which the organisation pays in addition to the statutory element.

If you are not sure how to work out your length of service, please refer to Appendix 1 or speak to your line manager or Human Resources Section.

- a) If you have been employed continuously for **26 weeks by the 15th week before the expected date of birth of your baby**, you will be entitled to Statutory Maternity Pay and Occupational Maternity Pay. You will therefore receive the following:
- 6 weeks of your average earnings (inclusive of Statutory Maternity Pay)
 - 20 weeks of half of your average earnings (plus the amount of the lower rate Statutory Maternity Pay)
 - 13 weeks' lower rate Statutory Maternity Pay

Lower rate SMP is currently £148.68 per week (7 April 2019). Please note that you will not be paid more than your normal earnings.

Your entitlement to Statutory Maternity Pay is dependant on your earnings in the 8 weeks up to and including the qualifying week, being at least equal to the lower earnings limit for National Insurance contributions.

Please tick the first option on the maternity leave application form.

- b) If you have been employed by the organisation for **less than 26 weeks by the 15th week before the expected date of birth of your baby**, then you are not entitled to Occupational or Statutory Maternity Pay.

You must still make an application for maternity leave using the form attached as Appendix 2 and you will receive a form from the Payroll Department called an SMP1 form which will allow you to apply for Maternity Allowance from the DWP.

Please tick the second option on the maternity leave application form.

3/ What do I need to do?

To receive the above entitlements, you must inform us by the 15th week before the expected date of birth of your baby. You must advise of the date the baby is due and when you expect to commence maternity leave. This should be done using the maternity leave application form attached as Appendix 2. Once you have completed pass this to your line manager who will forward it to the Wheatley Recruitment Team.

You will then receive a letter confirming the details of your maternity leave, including your date of return, from the Wheatley Recruitment Team.

When you receive your Mat B1 Certificate from your GP or Registered Midwife (normally at 26 weeks of pregnancy), you must submit the original certificate to the Wheatley Recruitment Team as soon as possible.

The above timescale is essential to ensure that you receive the correct benefits therefore it is important that you advise your line manager as soon as you are able that you are pregnant. This will allow your line manager to assess the risks to your health and safety at work during your pregnancy and make any adjustments that may be necessary. Further information on this is provided in question 9.

4/ When can my Maternity Leave begin?

Maternity leave cannot commence more than 11 weeks prior to the expected date of birth. You may choose to start leave from anytime from 11 weeks before, to the week your baby is due, provided you are fit to do so. Maternity leave may commence on any day of the week.

If you are absent from work due to a pregnancy related illness, you may take sick leave and receive statutory sick pay and sickness benefit (if you are entitled to this) until the date you have notified to commence maternity leave. However, if you are absent with a pregnancy related illness in the fourth week before the expected week of confinement and you had not intended to commence leave until later, your maternity leave period will commence automatically on the day following the first complete day you are absent from work due to a pregnancy related illness.

5/ When can I return to Work?

All employees must take a minimum of two weeks leave following the birth. You may choose to return anytime after that.

If you wish to return early, then you must provide the organisation with 8 weeks notice in writing. If this is not received, then the organisation may delay your return to work for 8 weeks from the date it received notification. The date of return however will not exceed 52 weeks leave.

6/ What if I decide not to Return?

If you were entitled to the additional maternity pay from Loretto and you decide not to return, you will have to refund the payment in excess of Statutory Maternity Pay.

If you return for at least 3 months you do not need to make a repayment.

Therefore, if you do not return, the payment you will have received minus the additional pay would be:

6 weeks pay @ 90% of your average earnings

33 weeks pay @ lower rate SMP (£148.68 per week at 7 April 2019)

If you decide you do not wish to return to work, prior to maternity leave commencing then you must still provide notice by the 15th week before the expected date of birth.

Please tick option 3 on the relevant application form.

7/ How do I Keep in Touch During Maternity Leave?

You may wish to discuss with your line manager how you wish to be contacted during your maternity leave. For example, do you wish to receive regular correspondence, such as team meeting minutes to allow you to keep up to date? Would you like to be informed of any vacancies?

In addition to this you may work up to 10 days during maternity leave. There is no obligation for Loretto to offer you this work and there is no obligation for you to accept it. You may wish to consider this however if there are important events or training days during your leave which you would like to participate in. You will be paid at your normal hourly rate for any work undertaken.

8/ Am I Entitled to Time Off for Ante-Natal Care?

Yes, you are entitled to paid time off to attend ante-natal care appointments. Following your first appointment you will be asked, by your line manager, to provide an appointment card for verification.

9/ What about Health at work during pregnancy?

The Management of Health and Safety at Work (Amendment) Regulations 2006 include regulations that protect the health and safety of new and expectant mothers who work. It is important for your own health and that of your baby, that you inform your line manager of your pregnancy as soon as you are able.

Your line manager will then arrange to carry out a risk assessment relating to your job specifically. It is important that if you have been given any medical advice from your GP and or midwife which may affect the risk assessment, that you advise your line manager of this. Your line manager may wish to refer you to Occupational Health if they have specific concerns about your health and safety at work.

If the risk assessment identifies any risks, adjustments will be made to your work to eliminate identified risks. The risk assessment should be monitored and reviewed by you and your line manager throughout the different stages of your pregnancy.

You may wish to refer to the Health and Safety Manual, New and Expectant Mothers (number 40).

10/ What if my Baby is Born Early?

If your baby is born before the 11th week prior to the expected date of birth or before your maternity leave has started, maternity leave will begin the day following the birth.

11/ What will happen if my Baby is Still-born?

Your entitlement to maternity leave and pay do not change if your baby is stillborn after the start of the 25th week of your pregnancy.

There would be no entitlement to maternity leave and pay if your baby is stillborn earlier than the 25th week. Sickness benefit and statutory sick pay may be applicable during this period.

12/ What about Annual Leave Entitlement?

During Ordinary Maternity Leave and Additional Maternity Leave, entitlement to contractual annual leave continues to accrue.

You may choose to take annual leave prior to or after maternity leave with the agreement of your line manager. If your maternity leave period occurs over two annual leave years, it is the organisation's policy that annual leave entitlement be taken prior to going on maternity leave, where this is operationally possible. Any annual leave taken prior to or following maternity leave should be discussed with your line manager. Should you be unable to take annual leave for operational reasons, then any agreement to carry over of annual leave should be made in advance.

13/ What about union membership fees?

The organisation will continue to make deductions from salary for union fees for as long as an employee is receiving payment from Loretto.

If you take unpaid leave, then it is your personal responsibility to maintain membership of the Union.

14/ How do I pay my pension contributions?

Contributions and membership will be maintained for the period of paid maternity leave. Your contributions will be based on the pay you receive during maternity leave and your pensionable service will continue, based on the salary you would be receiving if you were not on maternity leave.

Contributions and membership can be suspended for any period of unpaid leave. However, this means that the period will not be counted when calculating pensionable service. If you wish on your return, you can pay the contributions missed during the period of unpaid leave, to give you continuous pensionable service. You must notify the Payroll Section in writing if you wish to do this.

15/ What options do I have following maternity/adoption leave?

Loretto have a number of family friendly policies which you should refer to when considering your options. These can be accessed via the Human Resources Manual, the public drive under human resources policies or the intranet. You should also speak with your line manager.

You may wish to consider returning to work on a phased basis for a period, working part time. You would be paid on a pro rata basis, but you may be able to use annual leave due to cover the remaining hours.

You may wish to return on a part-time basis or alter your working pattern. If this is the case, you should make an application under the Flexible Working Policy. You should make an application as early as you can, to allow your manager to consider your request and if it is agreed, make appropriate arrangements.

You may wish to apply for a career break for up to 5 years. If this is the case, you should make an application under the Career Break Policy. This would be subject to operational needs and you would be required to work for one week in each six-month period to keep up to date.

Parental leave is also available to parents of a child up to the age of 5 or a child with a disability up to the age of 18, if they have one year's continuous service with the organisation. Please refer to the Parental Leave Policy.

Your partner may have the right of up to 26 weeks' additional paternity leave. This would be in addition to the 2 weeks Ordinary Statutory Paternity Leave they may be entitled to and should consult their employer's Paternity Leave Policy.

If your partner is entitled to additional paternity leave their employer may contact Loretto and ask us to provide your return to work date from maternity leave. We have asked for you to give your consent as to whether we can or cannot provide this information on the maternity leave application form attached as Appendix 2.

It is important that you consider your options in advance of your planned date of return.

16/ What if I am breastfeeding on return to work?

If on your return to work you are still breastfeeding your baby, then you should advise your line manager who will carry out a risk assessment. Your line manager will also make arrangements to allow you access to a private environment to express milk and arrange storage, where this is possible. For further information, please refer to the Breastfeeding Policy and Guidelines.

ADOPTION LEAVE AND BENEFITS

Section 2

1/ What are my entitlements if I am adopting a child from the UK?

Entitlement to adoption leave and pay is similar to entitlement under maternity leave. If you qualify you will have the right to 52 weeks Statutory Adoption Leave which is made up of 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

- i. If you have been newly matched with a child for adoption by an approved UK adoption agency and you have been employed by Loretto for **26 weeks leading into the week in which you are notified of the match** you will be entitled to Statutory Adoption Pay and Occupational Adoption Pay. You will therefore receive the following:
 - 6 weeks of your average earnings (inclusive of Statutory Adoption Pay)
 - 20 weeks of half of you average earnings (plus Statutory Adoption Pay)
 - 13 weeks Statutory Adoption Pay

Statutory Adoption Pay is currently £148.68 per week (7 April 2019). Please note that you will not be paid more than your normal earnings.

Your entitlement to Statutory Adoption Pay is also dependant on your average weekly earnings being at least equal to the lower earnings limit for National Insurance contributions.

Please tick the first option on the UK adoption leave application form.

- ii. If you have been employed by the organisation for **less than 26 weeks by the matching week**, you will be entitled to 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave, giving 52 weeks in total. You will not however be entitled to Occupational or Statutory Adoption Pay but will be entitled to all other provisions afforded to mothers under the Maternity Leave Policy.

You must still make an application for adoption leave using the form attached as Appendix 3 and will receive a form from the Payroll Department called an SAP1 form which will allow you to apply for Adoption Allowance from the DWP.

Please tick the second option on the UK adoption leave application form.

2/ What do I need to do?

Adoption leave may commence either:

- up to 14 days before the expected placement.
- from the date the child is placed with you for adoption

To take leave, you should inform us within 7 days of receiving confirmation of a placement from a UK Adoption Agency. You will need to give 28 days' notice of when you wish the pay period to commence, unless this is not reasonably practicable. This should be done using the UK adoption leave application form attached as Appendix 3. You should return this to your line manager and they will forward a copy to the Wheatley Recruitment Team. You should also submit the matching certificate provided by the UK Adoption Agency with your application.

You will then receive a letter confirming the details of your adoption leave, including your date of return, from the Wheatley Recruitment Team.

You may change your mind about when you want your adoption leave to commence, providing that you give 28 days' notice in writing.

Please refer to Section 1, question 6 regarding repayment of additional maternity pay over and above SMP. This also applies to employees taking adoption leave and pay who then decide not to return.

Your partner may have the right of up to 26 weeks Additional Paternity Leave. This would be in addition to the 2 weeks Occupational Statutory Paternity Leave they may be entitled to and should consult their employer's Paternity Leave Policy.

3/ What are my entitlements if I am adopting a child from overseas?

Entitlement to adoption leave and pay is similar to entitlement under maternity leave. Leave and pay are available to any employee (male or female) who is:

- Adopting a child from abroad on their own, or
- Adopting a child from abroad with their partner

If you are adopting a child from abroad with your partner you must chose who is applying for Statutory Adoption leave and pay and who is applying for Ordinary Statutory Paternity leave and pay. If you are applying for Statutory Adoption leave and pay you must tick the box on Appendix 4 to declare that you are not applying for Ordinary Statutory Paternity leave and pay.

If you qualify you will have the right to 52 weeks Statutory Adoption Leave which is made up of 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave. To qualify you must:

- i. have received official notification confirming that the Scottish Government has, or is prepared to, issue a certificate confirming you are eligible to adopt from overseas and have been assessed and approved as being a suitable adoptive parent.
- ii. have been employed by Loretto for **26 weeks by the time you wish to start your Statutory Adoption Leave** you will be entitled to Statutory Adoption Pay and Occupational Adoption Pay. You will therefore receive the following:
 - 6 weeks of your average earnings (inclusive of Statutory Adoption Pay)
 - 20 weeks of half of you average earnings (plus Statutory Adoption Pay)
 - 13 weeks Statutory Adoption Pay

Statutory Adoption Pay is currently £148.68 per week (7 April 2019). Please note that you will not be paid more than your normal earnings.

Your entitlement to Statutory Adoption Pay is also dependant on your average weekly earnings being at least equal to the lower earnings limit for National Insurance contributions.

- iii. If you have been employed by the organisation for **less than 26 weeks by the time you wish to start your Statutory Adoption Leave**, you will be entitled to 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave, giving 52 weeks in total. You will not however be entitled to Occupational or Statutory Adoption Pay but will be entitled to all other provisions afforded to mothers under the Maternity Leave Policy.

You must still make an application for adoption leave using the form attached as Appendix 4 and will receive a form from the Payroll Department called an SAP1 form which will allow you to apply for Adoption Allowance from the DWP.

Please tick the second option on the overseas adoption leave application form.

4/ What do I need to do?

Adoption leave may commence either:

- from the date the child starts living with you
- from a fixed date which is no later then 28 days after the date the child enters the UK

The three stages of notice you must give when adopting a child from overseas:

i. First notification stage

- The date on which you received Official Notification from the Scottish Government
- The date on which your child is expected to enter the UK

You must complete the 1st Notification section of the overseas adoption leave application form attached as Appendix 4 within 28 days of receiving Official Notification if you have been employed by the organisation for more than 26 weeks. If you have not been employed by the organisation for 26 weeks, you must give notice within 28 days of completing 26 weeks' service. Your line manager will keep your original application form and a copy of your Official Notification and forward copies to the Wheatley Recruitment Team.

ii. Second notification stage

- You will need to give 28 days' notice of when you wish the pay period to commence, unless this is not reasonably practicable. You can give this notice at the 1st notification stage if you know this date. Your line manager will provide you with your original application form and you should complete the 2nd notification section if not already done so and sign and date the form. Your line manager will then forward the form to the Wheatley Recruitment Team.
- You will then receive a letter confirming the details of your adoption leave, including your date of return, from the Wheatley Recruitment Team.
- You may change your mind about when you want your adoption leave to commence, providing that you give 28 days' notice in writing.

iii. Third notification stage

- You must notify your line manager the date your child actually enters the UK. This must be done within 28 days of your child's date of entry. Statutory Adoption leave and Pay cannot start before the child enters the UK. If you are claiming Occupational and Statutory Adoption Pay you need to provide evidence of the entry date. This could be a passport stamp or visa. Your line manager will email confirmation of the date of entry to the Wheatley Recruitment Team and forward a copy of the evidence you have provided.

You should complete the overseas adoption leave application form attached as Appendix 4. You should return this to your line manager and they will forward a copy to the Wheatley Recruitment Team. You should also submit the Official Notification and evidence of entry with your application. You will then receive a letter confirming the details of your adoption leave, including your date of return, from the Wheatley Recruitment Team.

You may change your mind about when you want your adoption leave to commence, providing that you give 28 days' notice in writing.

Please refer to Section 1, question 6 regarding repayment of additional maternity pay over and above SMP. This also applies to employees taking adoption leave and pay who then decide not to return.

Your partner may have the right of up to 26 weeks Additional Paternity Leave. This would be in addition to the 2 weeks Ordinary Statutory Paternity Leave they may be entitled to and should consult their employer's Paternity Leave Policy.

Appendix 1

Example – How to calculate the date maternity leave may commence.

To calculate the 11th week prior to the expected date of the birth of your baby, take the date your baby is due, in this case, 23 July. Count back 11 weeks. The earliest date maternity leave may start is 7 May.

May					June					July					
M		5	12	19	26	2	9	16	23	30	7	14	21	28	
T		6	13	20	27	3	10	17	24		1	8	15	22	29
W		7	14	21	28	4	11	18	25		2	9	16	23	30
TH	1	8	15	22	29	5	12	19	26		3	10	17	24	31
F	2	9	16	23	30	6	13	20	27		4	11	18	25	
S	3	10	17	24	31	7	14	21	28		5	12	19	26	
S	4	11	18	25		1	8	15	22	29	6	13	20	27	

APPENDIX 2

MATERNITY LEAVE AND BENEFITS APPLICATION FORM

Please complete and return to your line manager. Line managers should forward this form to Recruitment at Head Office, Lipton House, 1st Floor, 170 Crown Street, Glasgow, G 9XD.

Employee Name:

Job Title:

Service/Section:

Date employment commenced:

Date baby is due:

I wish to take the following maternity leave and pay:

1/ Up to 52 weeks leave with Occupational and Statutory Maternity Pay

2/ Up to 52 weeks leave without pay (SMP1 required)

3/ Up to 52 weeks leave (I do not wish to return to work, SMP only)

I expect my maternity leave to commence on

I will forward my Mat B1 Certificate / My Mat B1 Certificate is attached *

If my partner's employer requests my return to work date I consent /do not * consent to Loretto providing this information.

Signed _____

Date _____

* delete as appropriate

For Wheatley Recruitment Use:

Date application received

Entered into Ciph

Confirmation Letter Sent

Copy of application/letter to Payroll

Copy to Line Manager/Section Head

APPENDIX 3

UK ADOPTION LEAVE AND BENEFITS APPLICATION FORM

Please complete and return to your line manager. Line managers should return this form to Recruitment at Head Office, Lipton House, 1st Floor, 170 Crown Street, GLASGOW G5 9XD.

Employee Name:

Job Title:

Service/Section:

Date employment commenced:

Date of confirmation of placement:

Date of placement:

Only complete if you are adopting a child from the UK with your partner and you have chosen to receive Statutory Adoption leave and pay.

- I declare that I am adopting a child from the UK with my partner and I want to receive Statutory Adoption leave and pay **not** Ordinary Statutory Paternity leave and pay and/or Additional Statutory Paternity leave and pay
-

I wish to take the following adoption leave and pay:

1/ Up to 52 weeks leave with Occupational and Statutory Adoption Pay

2/ Up to 52 weeks leave without pay (SAP1 required)

3/ Up to 52 weeks leave (I do not wish to return to work, SAP only)

I expect my adoption leave to commence on

I have attached the matching certificate from a UK Adoption Agency

If my partner's employer requests my return to work date I consent /do not * consent to Loretto providing this information.

Signed _____

Date _____

*delete as appropriate

For Wheatley Recruitment Use:

Date application received

Entered into Ciph

Confirmation Letter Sent

Copy of application/letter to Payroll

Copy to Line Manager/Section Head

APPENDIX 4

OVERSEAS ADOPTION LEAVE AND BENEFITS APPLICATION FORM

Please complete and return to your line manager. Line managers should return this form to Recruitment at Head Office, Lipton House, 1st Floor, 170 Crown Street, GLASGOW G5 9XD.

Employee Name:

Job Title:

Service/Section:

Date employment commenced:

Only complete if you are adopting a child from overseas with your partner and you have chosen to receive Statutory Adoption leave and pay.

- I declare that I am adopting a child from abroad with my partner and I want to receive Statutory Adoption leave and pay **not** Ordinary Statutory Paternity leave and pay and/or Additional Statutory Paternity leave and pay
-

1st Notification Date Official Notification received:

Date child is expected to enter the UK:

2nd Notification I expect my adoption leave to commence on:

I wish to take the following adoption leave and pay:

1/ Up to 52 weeks leave with Occupational and Statutory Adoption Pay

2/ Up to 52 weeks leave without pay (SAP1 required)

3/ Up to 52 weeks leave (I do not wish to return to work, SAP only)

I have attached the Official Notification from the Scottish Government

3rd Notification Actual date of UK entry:

I will provide the actual date of UK entry and forward evidence of the date via passport stamp / visa*

If my partner's employer requests my return to work date I consent /do not * consent to Loretto providing this information.

Signed _____

Date _____

* delete as appropriate

For Wheatley Recruitment Use:

Date application received

Entered into Ciph

Confirmation Letter Sent

Copy of application/letter to Payroll

Copy to Line Manager/Section Head