

**Plymouth
School of
Creative Arts**

make
discover
perform

Maternity, Paternity & Adoption Policy

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1. Introduction and Purpose

Plymouth School of Creative Arts' (PSCA) policy is to ensure that all employees are aware of their entitlement to maternity, paternity and adoption leave and pay and to ensure that employees who qualify understand those rights in accordance with the Employment Rights Act 1996, Employment Relations Act 1999, Employment Rights Act 2002 and Work and Families Act 2006.

2. Maternity Leave

- 2.1 All pregnant employees have the right to 52 weeks' maternity leave. To qualify for maternity leave you must tell your Line Manager by the end of the 26th week of pregnancy:
- i) that you are pregnant;
 - ii) the expected week of childbirth by means of a MATB1 form (issued by your Midwife);
 - iii) the date you intend to start maternity leave.
- 2.2 You can normally start your maternity leave on any date which is no earlier than the beginning of the 11th week before the expected week of childbirth up to the birth.
- 2.3 You must take two weeks' compulsory maternity leave following the date of childbirth.
- 2.4 You must give 28 days' notice if you wish to change the start date of your maternity leave.
- 2.5 Your maternity leave will commence automatically if you are absent from work for a pregnancy related illness during the four weeks before the expected week of childbirth, regardless of when you requested your maternity leave to start.
- 2.6 If you give birth before the commencement of Maternity Leave, you should notify your Line Manager (who must then inform HR and Payroll) as soon as is reasonably practical (including the date your baby was born). In these circumstances, maternity leave will start automatically on the day after the birth.

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- 2.7 You can now choose to share some of your maternity leave with your partner. Please see our Shared Parental Leave Policy for further information.
- 2.8 Your Line Manager will discuss with you your maternity leaves plans. At this meeting you should complete both [Appendix 1](#) of this Policy and the Pregnancy Risk Assessment (available from HR). Please also hand over your MATB1 form, which will be given to you by your Midwife by the end of the 26th week of pregnancy.
- 2.9 Your Line Manager will then need to pass all of these documents to HR who will then write to you confirming your maternity leave details.
- 2.10 This letter will confirm the date by which you are expected to have returned to work after you finish your maternity leave entitlement. If you intend to return to work before the end of your leave period, you must give 4 weeks' notice of your intended return date.
- 2.11 If you fail to give the required notice PSCA will be entitled to postpone your return to a date which gives PSCA 4 weeks' notice.
- 2.12 You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of Ordinary Maternity Leave (OML) and 26 weeks of Additional Maternity Leave (AML).
- 2.13 If you return to work during OML, you are entitled to return to the job in which you were previously employed on the same terms and conditions of employment.
- 2.14 If you return to work during AML, you are entitled to return to the same job, or one with no less favourable terms and conditions of employment if it is genuinely not reasonably practicable for you to return to your former job.
- 2.14 All your employment rights and contractual terms apart from remuneration continue during maternity leave.

3. Maternity Pay

- 3.1 You will be entitled to receive up to 39 weeks' Statutory Maternity Pay (SMP) provided you qualify. To qualify you must:
 - i) have 26 weeks' continuous employment with PSCA into the qualifying week. The qualifying week is the 15th week before the week in which the baby is due.

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- ii) have average weekly earnings, in the eight weeks up to and including the qualifying week, at or above the lower earnings limit. The lower earnings limit is the amount you have to earn before you are treated as paying National Insurance contributions.

3.2 If you do not qualify for SMP you might qualify for Maternity Allowance (MA). This is based on your recent employment and earnings record and is a state benefit which is payable for 39 weeks.

3.3 PSCA’s Maternity Pay will consist of for teaching staff:-

Pay:	Weeks 5-6(100%)			Weeks 17-18 (50%)					
Weeks 1-4 (100%)	Weeks 7-8 (50%)	Weeks 9-12 (50%)	Weeks 13-16 (50%)	Week 19-20 (SMP)	Weeks 21-24 (SMP)	Weeks 25-28 (SMP)	Weeks 29-32 (SMP)	Weeks 33-36 (SMP)	Weeks 37-39 (SMP)

3.4 PSCA’s Maternity Pay for support staff is SMP and SAP is paid for up to 39 weeks. You get 90% of average weekly earnings (before tax) for the first 6 weeks and then a flat rate or 90% of average weekly earnings (whichever is lower) for the next 33 weeks. To check the current SMP flat rate, please visit the gov.uk website.

3.5 SMP is subject to tax and National Insurance in the same way as your normal pay.

3.6 Pensions contributions can continue to be paid into your policy whilst you are on maternity leave. PSCA will pay the contributions based on your earnings level before you went on maternity leave. You will pay contributions based on the remuneration you are actually receiving. (So your contributions might be nil if your earnings on SMP do not exceed the lower earnings threshold).

3.7 If you return to work before your SMP entitlement expires, payment of SMP will cease on your date of return.

3.8 Should you choose not to return to work, HR will calculate the additional maternity pay received during weeks 7-18 that was over and above SMP. This additional maternity pay will need to be repaid to PSCA.

4. Paternity Leave

4.1 If you are a father to be, or will share the responsibility with a partner for bringing up a child, you may have the right to Statutory

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Paternity Leave and Pay. This includes those who are adopting a child.

Paternity Leave is available if you:

- i) have or expect to have responsibility for the child's upbringing;
- ii) are the biological father of the child or the mother's partner (including same sex relationships);
- iii) have 26 weeks' continuous employment with PSCA into the qualifying week. The qualifying week is the 15th week before the week in which the baby is due.
- iv) give the correct notice ([Appendix 2](#)).

4.2 Those who are eligible can choose to take either one week or two consecutive weeks' paternity leave.

4.3 It must be taken within 56 days of the actual date of the birth of the child. Paternity Leave cannot start until the birth of the baby.

4.4 You should tell your Line Manager as soon as possible that you wish to take Paternity Leave, but not later than the end of the 26th week of pregnancy. You must provide the following details:

- i) the start date of the leave to be taken;
- ii) the week the baby is expected;
- iii) the duration of the leave to be taken.

4.5 Shared Parental Leave is a new right that enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. For further information, please see our Shared Parental Leave Policy.

4.6 You may be entitled to Statutory Paternity Pay (SPP). To check the Statutory Paternity Pay please visit www.gov.uk or 90% of your average weekly earnings, if that is less. You must be earning at least the lower earnings limit to qualify for SPP.

4.7 To qualify for Statutory Paternity Pay you must inform your Line Manager that you want to get SPP at least 28 days beforehand. You must provide a signed declaration ([Appendix 2](#)) stating that you

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satisfy the conditions above regarding entitlement to paternity leave.

- 4.8 Your employment contract continues throughout paternity leave and you are entitled to return to the same job, the same terms and conditions of employment and not be subjected to a disadvantage, unfair treatment or dismissal.
- 4.9 Qualifying fathers are entitled to request flexible working.

5. Paternity Pay

- 5.1 PSCA's teaching staff will receive the first week of Statutory Paternity Leave, Statutory Paternity Pay is equivalent to 3 days of the normal salary rate. If a second week of Statutory Paternity Leave is taken, it is paid at Statutory Paternity Pay rate or 90% of the average salary, whichever is the lower. To check the current Statutory Paternity Pay rate, please visit www.gov.uk.
- 5.2 PSCA's support staff will receive Statutory Paternity Pay or 90% of the average salary, whichever is the lower. To check the current Statutory Paternity Pay rate, please visit www.gov.uk.

6. Adoption Leave and Pay

- 6.1 Qualifying employees who have been matched with a child may take up to 52 weeks' adoption leave. If you are part of a couple and jointly adopt a child, one of you may take adoption leave and the other parent may be able to take paternity leave or shared parental leave.
- 6.2 You must advise your Line Manager in writing (Use [Appendix 3](#)) within seven days of being told that you have been matched with a child (unless this is not reasonably practicable). You must:
 - i) advise when the child is expected to be placed with you;
 - ii) advise when you wish the adoption leave to start;
 - iii) submit documentary evidence (e.g. matching certificate) from the Adoption Agency of entitlement to SAP and adoption leave.
- 6.3 Adoption leave may start:
 - i) when a child starts living with you or

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- ii) up to 14 days before the date the child is expected to start living with you
- 6.4 If the child's placement ends during the adoption leave period you can continue your adoption leave for up to eight weeks after the end of the placement.
 - 6.5 You must give 28 days' notice if you wish to change the start date of your adoption leave.
 - 6.6 On receipt of your notification of leave plans, the HR Coordinator will write to you confirming this information and the date on which you expect to return to work.
 - 6.7 Shared Parental Leave is a new right that enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. For further information, please see our Shared Parental Leave Policy.
 - 6.8 Of your right to have up to 52 weeks' adoption leave, you are entitled to 26 weeks of Ordinary Adoption Leave (OAL) and 26 weeks of Additional Adoption Leave (AAL).
 - 6.9 If you return to work during OAL, you are entitled to return to the job in which you were previously employed, on the same terms and conditions of employment.
 - 6.10 If you return to work during AAL, you are entitled to return to the same job or one with no less favourable terms and conditions of employment if it is genuinely not reasonably practicable for you to return to your former job.
 - 6.11 All your employment rights and contractual terms apart from remuneration continue during adoption leave.
 - 6.12 Statutory Adoption Pay will consist of six weeks' pay at 90% of your average weekly earnings. The remaining 33 weeks will be paid at basic rate Statutory Adoption Pay or 90% of your average weekly earnings, whichever is the lower. Current rates can be found via the gov.uk website.
 - 6.13 You must be earning at least the lower earnings limit to qualify for SAP. If not, you can contact your adoption agency as they may be able to advise on alternative financial support.

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6.14 You must tell PSCA the date you expect any payments of SAP to start at least 28 days in advance, unless this is not reasonably practicable.

7. Ante-Natal Appointments

7.1 All pregnant employees are entitled to reasonable paid time off work during their pregnancy to attend ante-natal appointments made on the recommendation of a registered Medical Practitioner, Midwife or Health Visitor.

7.2 Fathers and partners of pregnant women are entitled to unpaid time off to attend two ante-natal appointments. You can choose to take annual leave to cover these appointments.

7.3 If you are adopting, the main adopter is entitled to reasonable paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

7.4 You should inform your Line Manager seven days in advance of such an appointment where possible. PSCA reserves the right to ask you to produce an appointment card or other documents showing an appointment has been made.

8. Keeping in Touch (KIT) Days

8.1 During maternity and adoption leave employers and employees can agree to have up to ten "Keeping in Touch" (KIT) days. Employees will be able to go into work for up to ten KIT days without losing their SMP for that week.

8.2 Employees can go in for one hour or a whole day – this will still be a KIT day and you will be paid according to how many hours you work. You should complete an Ad Hoc wages form for any KIT days or hours you work.

8.3 KIT days are optional. The intention is that these days will be used mainly for attendance at training and development-related events.

9. Communication during Maternity, Paternity and Adoption Leave

9.1 Employees and Line Managers should make arrangements to maintain reasonable contact during leave in order to keep the

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employee informed of important developments at work and to discuss plans for the return to work.

9.2 Employees should be made aware of any promotion opportunities.

10. Returning to Work after Maternity and Adoption Leave

10.1 If you intend to return to work before the end of your leave period you must give 8 weeks' notice of your intended return date. If you fail to give the required notice PSCA will be entitled to postpone your return to a date which gives PSCA 8 weeks' notice.

10.2 If you wish to extend your maternity leave (up to a maximum of 52 weeks), please contact your Line Manager in writing to advise them of your revised return to work date.

10.3 If you wish to change your hours on your return to work you can apply to do so in line with our Managing Attendance Policy. While returning to work on the basis of an alternative working pattern or hours of work is not a right, PSCA will seriously consider any request submitted.

10.4 If you no longer wish to return to work after your maternity or adoption leave you are required to give your notice in writing in line with the conditions of your employment contract.

10.5 If you fail to return to work at the end of your leave without notice this may be treated as a disciplinary matter.

10.6 If you are ill at the end of your leave period, PSCA's Managing Attendance Policy (Section in relation to sickness) will apply.

10.7 PSCA will provide somewhere suitable (not toilets) for breastfeeding employees to express and store milk. You should provide your Line Manager with notification that you are breastfeeding prior to your return to work.

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APPENDIX 1

APPLICATION FOR MATERNITY LEAVE/MATERNITY PAY

Please complete with your Line Manager and then send on to HR
This form is to be completed by the end of the 26th week of pregnancy.

Name:

Job Role:

Expected Date of Confinement:
(MAT B 1 form is required)

OPTION 1 - CLAIM FOR STATUTORY MATERNITY PAY AND RETURN TO WORK

Date of commencement of leave

Estimated date of return to work

Dates of any annual leave to be used either immediately before or after maternity leave

.....
.....

You will still accrue annual leave whilst on maternity leave

I declare that I wish to apply for Statutory Maternity Pay and intend to return to work.

Signature **Date**

OPTION 2 - CLAIM FOR STATUTORY MATERNITY PAY WITH NO INTENTION TO RETURN TO WORK

Date of commencement of leave

Dates of any annual leave to be used immediately before maternity leave

.....

You will still accrue annual leave whilst on maternity leave

I declare that I wish to apply for Statutory Maternity Pay and I have no intention of returning to work.

Signature **Date**

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APPENDIX 2

APPLICATION FOR PATERNITY LEAVE/PATERNITY PAY

***Please complete with your Line Manager and then send on to HR
This form is to be completed by the end of the 26th week of pregnancy.***

Name:

Job Role:

Expected Date of Confinement:

CLAIM FOR STATUTORY PATERNITY PAY

Date of commencement of leave

Estimated date of return to work

I declare that I wish to apply for Statutory Paternity Pay and satisfy the requirements for entitlement.

Signature Date

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APPENDIX 3

APPLICATION FOR ADOPTION LEAVE/ADOPTION PAY

Please complete with your Line Manager and then send on to HR
This form is to be completed at least 28 days (where reasonably practicable) before the commencement of Adoption Leave

Name:

Job Role:

Expected Date of Placement:
(Matching Certificate required)

OPTION 1 - CLAIM FOR STATUTORY ADOPTION PAY AND RETURN TO WORK

Date of commencement of leave

Estimated date of return to work

Dates of any annual leave to be used either immediately before or after adoption leave

.....
You will still accrue annual leave whilst on adoption leave

I declare that I wish to apply for Statutory Adoption Pay and intend to return to work.

Signature **Date**

OPTION 2 - CLAIM FOR STATUTORY ADOPTION PAY WITH NO INTENTION TO RETURN TO WORK

Date of commencement of leave

Dates of any annual leave to be used immediately before adoption leave

.....

You will still accrue annual leave whilst on adoption leave

I declare that I wish to apply for Statutory Adoption Pay and I have no intention of returning to work.

Signature **Date**

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Date	Purpose of changes made	By
17/9/18	New policy to comply with statutory requirements	HR Lead/Staff Welfare & Performance Governor
19/9/18	Approved by Governing Body	

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