

MATERNITY, PATERNITY, ADOPTION & FAMILY LEAVE POLICY

A FU⁺UREPLUS GUIDE

WHAT IS A MATERNITY, PATERNITY, ADOPTION & FAMILY LEAVE POLICY?

A maternity, paternity, adoption and family leave policy should set out how your organisation handles employee rights to family leave and pay.

At a minimum, this policy should outline the **statutory provisions** – the minimum legal requirements in the territory in which you are operating. If there is no minimum legal requirement then the [ILO Protection Convention](#) should be used.

In cases in which a company exceed these statutory provisions, these details should also be included in the policy.

As a business, you have a **responsibility** to enable employees to balance their career with life outside work. Providing the culture and support needed to make this happen is crucial to your business' success.

UK STATUTORY PROVISIONS



Statutory Maternity Leave in the UK is **52 weeks**:

- **Ordinary Maternity Leave** – first 26 weeks
- **Additional Maternity Leave** – last 26 weeks

Employees do not have to take 52 weeks, but they must take 2 weeks leave after their baby is born (or 4 weeks if they work in a factory).

Employment rights must be protected while on Statutory Maternity Leave.

- This includes the right to:
 - Pay rises
 - Accrue holiday
 - Return to work

Statutory Maternity Pay (SMP) is applicable for up to **39 weeks**, which entails:

- 90% of average weekly earnings (before tax) for the first 6 weeks
- £156.66 or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks.*

SMP is paid in the same way wages are (for example, monthly or weekly). Tax and National Insurance will be deducted accordingly.

Employees who do not qualify for SMP may be entitled to receive **Maternity Allowance** during their maternity leave.

*Figures accurate as of June 2022.

UK STATUTORY PROVISIONS



Statutory Paternity Leave

When employees take time off because their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement, they might be eligible for:

- 1 or 2 weeks' paid Paternity Leave
- Paternity Pay
- Shared Paternity Leave & Pay

They must:

- Be an employee
- Give the correct notice
- Have been continuously employed by your organisation 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 for adoption.

There are other eligibility factors to note. For example, if an employee usually earns an average of £123 or more per week, but they earned less in some weeks because they were on furlough under the Coronavirus Job Retention Scheme, they may still be eligible.*

In the unfortunate case that an employee loses their baby, they can still get Paternity Leave or Pay if their baby is:

- Stillborn from 24 weeks of pregnancy.
- Born alive at any point during the pregnancy.

*Figures accurate as of June 2022

UK STATUTORY PROVISIONS



Shared Parental Leave (SPL)

An employee and their partner may be eligible for SPL and Statutory Shared Parental Pay (ShPP), if they are:

- Having a baby
- Using a surrogate
- Adopting
- Fostering a child who they're planning to adopt.

They can share up to **50 weeks** of leave and up to **37 weeks** of pay between them. They need to share the pay and leave in the first year after their child is born or placed with their family.

They can take leave in blocks, separated by periods of work, or take it all in one go. They can choose to be off work together or stagger their leave and pay.

To access SPL & ShPP, employees and their partner need to:

- Meet the eligibility criteria. (Click [here](#) for the birth parents' criteria, and [here](#) for the adoptive parents' or surrogate parents' criteria.)
- Give notice to your employers
- Give up some of their Maternity or Adoption Leave & Pay.

Information on eligibility for **adoption** and **surrogacy** leave is available [here](#).

WHAT SHOULD THE POLICY COVER?

- + **LEGAL STATUTORY PROVISIONS**
These should be around employees' rights to Maternity, Paternity, Adoption & Family Leave & Pay, and if applicable, how your organisation **exceeds** these statutory provisions.

- + **NOTICE REQUIREMENTS**
Your policy should encourage employees to notify their Line Manager as soon as possible. You should outline the timeframe for notice requirements. Also, you should include links to notifications forms for employees' use.

- + **RIGHTS & CONTRACTS**
What **rights** and **contracts** are available to employees' during maternity leave. Your policy should also outline **keeping in touch days (KIT)** – employees on maternity or adoption leave are allowed to work up to 10 KIT days during their leave period without bringing their leave or pay to an end. 20 shared parental in touch days are also allowed.

WHAT SHOULD THE POLICY COVER?

CARE & ABSENCE DAYS



Antenatal and postnatal care, as well as sickness absence.

LINES OF COMMUNICATION



Open communication should be highlighted – encourage your employees to discuss their needs and requirements with their line manager or HR team.

RETURNING TO WORK



The procedures and protocol around returning to work after leave.

DATA PROTECTION



You should outline that all information provided is only seen by relevant employees. Think about linking this section to your Data Protection & Privacy Policy.

SHARED PARENTAL LEAVE



Information on transferring maternity leave or Shared Parental Leave

HEALTH & SAFETY



This is especially important if you are in a higher risk industry, like manufacturing. You should think about conducting a risk assessment that considers pregnant employees.

OTHER THINGS TO CONSIDER

1

Your policy should be made available to all employees, included in your **Employee Handbook**, and reviewed and updated when changes are made.

2

Make sure that your policy is **industry specific**. For example, if you are in manufacturing, you may want to conduct a risk assessment that accounts for risks to pregnant employees.

3

Ensure Line Managers **understand how to implement the policy and procedures** to ensure the needs of both the individual and the business are met.

NEED MORE HELP?

As an additional service, we can supply a structured template for a Family Leave policy. We also offer consultancy services if you would like more comprehensive support, for example writing a bespoke policy from scratch.

Please let us know if you would like more information – we would be happy to provide a quote for either service:

team@future-plus.co.uk

