



THE BIRMINGHAM & MIDLAND INSTITUTE

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Charity No. 522852

MATERNITY & FAMILY FRIENDLY POLICY

1. Overview

- 1.1 This policy covers the Institute's procedures for all types of family-related leave and pay, and it includes details of your statutory rights. This is our most complicated policy, not because we set out to make things complicated, but because the law is very detailed on maternity and family friendly rights. This policy summarises the law, but if there's anything in here which differs from legal requirements, the statutory provisions will always take precedence.
- 1.2 This policy does not form part of your contract of employment, and we reserve the right to amend it at any time.
- 1.3 This policy applies to all employees. Self-employed contractors and other workers are not covered.
- 1.4 Most of the rights set out in this policy apply to each pregnancy, not each baby. So (for example) the periods of leave are the same whether you have one baby or twins.
- 1.5 We use acronyms throughout this policy. They are explained the first time they are used, and for convenience are set out in the glossary at the end.

2. What happens during pregnancy?

- 2.1 To take maternity leave and be paid Statutory Maternity Pay ('SMP'), we need you to give us the following information in writing before the end of your Qualifying Week (the 15th week before the Expected Week of Confinement – see glossary):
 - you must confirm that you are pregnant;
 - you must give us the date of the week — starting on a Sunday — that your baby is due;
 - you must give us the date you want your maternity leave to begin; and
 - you must give us the date when you will start claiming SMP.
- 2.2 Although you are not obliged to tell us that you are pregnant before the end of your Qualifying Week, we would appreciate it if you could tell us earlier. This gives us more time to plan, and also gives us the chance to think about any health & safety matters that may arise.
- 2.3 We need a form MATB1 from you as soon as possible. Your midwife will normally give it to you automatically at the first antenatal appointment after your 20 week scan, or you can get a copy

from your GP surgery. It must be signed by your doctor or midwife and confirm the date your baby is due.

Antenatal appointments

- 2.4 You are entitled to paid time off for antenatal appointments during working hours. We ask for as much notice as possible, and we may want to see confirmation of your pregnancy and an appointment card for all but the initial appointment.
- 2.5 If you have what is known as a 'qualifying relationship' with a pregnant woman or the unborn child, you are entitled to unpaid time off to accompany her to a maximum of two antenatal appointments. This applies to each pregnancy. A 'qualifying relationship' is one where you are:
- the baby's father
 - the pregnant woman's spouse
 - the pregnant woman's partner.

We expect you to give us as much notice as possible. Legally, you are only entitled to 6.5 hours off work for each appointment (which includes travelling and waiting time), but if you need more time, please discuss it with us. To attend any further appointments, you will need to request time off as holiday (which will be managed as laid out in our holiday policy) or unpaid leave.

You must provide a signed statement showing the date and time of each appointment. It must also confirm that:

- you are eligible under the 'qualifying relationship' criteria;
 - the time off is solely to accompany the woman to her appointment; and
 - a doctor, midwife, or nurse has advised that the woman needs the appointment.
- 2.6 You may be entitled to time off to attend up to two antenatal appointments if you are having a child by surrogate. For guidance, ask your manager in the first instance.

3. What happens during maternity leave?

- 3.1 You can decide when you want your maternity leave to begin, as long as it's not earlier than the 11th week before your Expected Week of Confinement ('EWC'), ie the week in which you are expected to deliver your baby.
- 3.2 We will write to you within 28 days of you telling us that you are pregnant, to tell you when your maternity leave will end (if you take your full entitlement).
- 3.3 You can change the start date for your maternity leave as long as we have the new date in writing at least 28 days before the earlier of the original or revised date. We will write to you within 28 days of you giving us the new date to tell you when your maternity leave will now end (if you take your full entitlement).
- 3.4 You are entitled to 52 weeks' maternity leave (consisting of 26 weeks' 'ordinary' maternity leave and 26 weeks' 'additional' maternity leave — your rights differ during the additional maternity leave, as set out in this policy). This is your right regardless of how long you have worked for the Institute or how many hours you work.
- 3.5 Your maternity leave may start earlier than the date you wanted if you are off work because of your pregnancy at any time in the four weeks leading up to your EWC. Maternity leave will also start early if your baby is born before your preferred start date.

- 3.6 If you and your spouse or partner are both eligible, you may want to use the Shared Parental Leave ('**ShPL**') scheme so that you have more flexibility around your childcare in the first year after birth (see section 7). However, no woman is allowed to come back to work for the two weeks immediately after her baby is born. This is called 'compulsory maternity leave'.
- 3.7 We may contact you from time to time while you are on maternity leave — for example to discuss arrangements for when you return, possible internal job vacancies, or qualification expiry dates. If you'd prefer us not to contact you, please tell us.
- 3.8 You may also be offered up to 10 days' work while you are on maternity leave at a rate of pay agreed in advance. These are sometimes used for purposes such as keeping a qualification valid, key meetings, corporate training days, appraisals or consultation meetings. You do not have to come to them if you don't want to. Your decision whether or not to work some or all of them will not affect your right to maternity leave and SMP. These are known as Keeping In Touch days (also known as KIT days).
- 3.9 You will continue to receive benefits due to you under your employment contract while on maternity leave. Except for terms relating to pay, all your normal terms and conditions will apply and you will continue to accrue holiday entitlement. If you are due any holiday before your maternity leave begins, you should try to take it where practical.

4. How much is my maternity pay?

- 4.1 You may be entitled to SMP if you have at least 26 weeks' service with the Institute by the end of the Qualifying Week (so, broadly, if you've been with the Institute for just over nine months by the time the baby is due). Whether or not you qualify then depends on whether:
- your average weekly earnings are at or above the National Insurance Lower Earnings Limit;
 - you are able to give at least 28 days' notice that you intend taking maternity leave (or as much notice as you can);
 - you are still pregnant, or have already had your baby, 11 weeks before the EWC.

We calculate average weekly earnings during the eight weeks that end with the Qualifying Week.

- 4.2 You will receive SMP for up to 39 weeks. This will be paid at 90% of your average weekly earnings for the first six weeks, and paid at the standard SMP rate for the remaining 33 weeks. The standard rate is set by the government, and we will tell you how much you will receive. We will pay SMP at 90% of your average weekly earnings for all of your maternity leave, if your average weekly earnings fall below the standard rate.
- 4.3 We will deduct tax and National Insurance contributions from your SMP in the same way as we do from your regular salary.

5. What happens when I return to work?

- 5.1 There is no need to let us know if you intend returning to work at the end of your full 52 weeks' maternity leave. However, if you want an earlier return date you must give your manager at least eight weeks written notice. We may delay your return to work by up to eight weeks — or the end of your maternity leave if that's earlier — if you fail to inform us of your revised plans.
- 5.2 You are entitled to take up the same job you had before going on maternity leave if you return to work immediately after your ordinary maternity leave ends (ie at the end of the first six months' maternity leave). Should you instead return after taking additional maternity leave (ie

in months 7-12), you may be offered a similar job if it is not reasonably practical for you to resume your previous role. Your terms and conditions will be unchanged.

- 5.3 When you return after maternity leave, you will meet your manager to discuss what has happened in your absence. You will also have the opportunity to talk about other matters, such as breastfeeding or expressing milk during working hours.
- 5.4 You must tell us in writing as soon as possible, if you decide not to return at all after maternity leave and give notice as required under your employment contract.
- 5.5 Please refer to the Flexible Working Policy if you wish to make a flexible working request. It would be helpful if you could make any request as early as possible to allow us time to properly consider it.
- 5.6 If your job is one that has been identified as posing a risk to your health and safety as a new mother or because you are breastfeeding, we will notify you and take measures to eliminate all risks. This also applies to women during pregnancy. If you have any concerns about your health and safety, you should speak to your manager.

6. How do I claim paternity leave?

- 6.1 You are entitled to a maximum of two weeks' statutory paternity leave. This must be taken after the birth to care for the child and/or support the mother. You can take a single week's paternity leave or two consecutive weeks, but not separate weeks or as odd days.
- 6.2 You must take your paternity leave within 56 days of the child's birth. Where the baby is born early, paternity leave must be taken within 56 days of the date it was due.
- 6.3 To qualify, you must have worked for us for at least 26 weeks by the end of the 15th week before the EWC. You must also:
 - be the biological father and have the main responsibility with the mother for the child's upbringing; or
 - be the mother's partner and expect to have the main responsibility with the mother for the child's upbringing; or
 - be the biological father and have some responsibility for the child's upbringing.
- 6.4 You must tell us in writing by the end of the Qualifying week (or as soon as possible):
 - the EWC;
 - whether you would like to take one or two weeks' paternity leave; and
 - when you would like it to start. You can change this date by giving us 28 days' notice (or as much as you can).
- 6.5 While you are on paternity leave, all the terms and conditions not relating to pay in your employment contract will apply. When you return, you have the right to the same job with the same terms and conditions as you had before your paternity leave began.

7. How much is my paternity pay?

- 7.1 Your Statutory Paternity Pay is the lower of a fixed weekly rate set by the government or 90% of your average weekly earnings. Tax and National Insurance contributions are deducted in the usual way.

8. How do I qualify for Shared Parental Leave?

- 8.1 If you want more flexibility in the first year after your baby is born, you and your partner may want to consider Shared Parental Leave instead of just taking maternity and paternity leave. Provided that you are both eligible, ShPL allows you to split the available leave between you, so that you can be off work at the same time or consecutively.
- 8.2 There is a total of 52 weeks of ShPL available, less any weeks the mother has either been on maternity leave (including the compulsory period) or receiving SMP or Maternity Allowance ('MA') if she is not entitled to maternity leave. ShPL is additional to paternity leave.
- 8.3 You or your partner may be eligible for ShPL if:
- you are the mother and share the main childcare responsibility with the child's father or your partner; or
 - you are the father and share the main childcare responsibility with the child's mother; or
 - you are the mother's partner and share the main childcare responsibility with the mother in place of the father; and
 - you have worked for us for at least 26 continuous weeks by the end of the Qualifying Week and you will still be employed by us before you take ShPL; and
 - the other parent has worked at least 26 of the 66 weeks before the EWC — this can be as an employee or self-employed — and had weekly earnings averaging at least £30 during 13 of the weeks; and
 - you and the other parent fulfil the notice and other requirements detailed below.
- 8.4 The child's mother cannot start ShPL until the end of the compulsory maternity leave period. This is usually two weeks after birth.
- 8.5 The child's father, or the mother's partner, may consider using their two weeks' paternity leave before starting ShPL as once ShPL starts, any paternity leave not already taken is lost.

9. What paperwork is needed to claim ShPL?

- 9.1 You must tell us in writing at least eight weeks before you intend your ShPL to begin that you want to opt in to the ShPL scheme. We will also need to know:
- your name and the other parent's name;
 - the start and end dates of the mother's maternity leave (or the SMP or MA start and end dates if she is not eligible for maternity leave);
 - how many weeks of ShPL is available — that is, 52 weeks less maternity leave, SMP or MA already taken by the mother or due to be taken;
 - how many weeks ShPL you will take and how many the other parent will take — you can change this by telling us in writing and you do not have to take your full allowance;
 - the total Statutory Shared Parental Pay ('ShPP') available — that is, 39 weeks less the number of weeks of SMP or MA already taken or due to be taken;
 - how many weeks of the ShPP available is to be allocated to you and how many to the other parent — you can change this by writing to us, and you do not need to use all your allocation;
 - the pattern of leave you want to take, with start and end dates for each block of leave — although this is not binding, it will help us if you give us as much information as possible; and
 - that you and the other parent are both eligible to claim ShPL and ShPP — we will need signed declarations from both of you.

- 9.2 If you are the child's mother, you must give us at least eight weeks' notice in writing ending your maternity leave. We need this curtailment notice at the same time as you supply the ShPL opt-in notice and you cannot take ShPL unless we have it. In the notice, you must tell us the date your maternity leave will end, which must be at least two weeks after the baby is born.
- 9.3 If your partner is the one taking ShPL, we need a written declaration that their employer has received an opt-in notice and all the necessary declarations have been made. They may be able to take ShPL from their employer before your maternity leave ends, but only if we have received your curtailment notice.
- 9.4 Curtailment notices are binding and can only be revoked if your maternity leave has yet to finish and you meet one of these conditions:
- you find out that neither you nor the other parent is eligible for ShPL or ShPP — in this case you can revoke the curtailment notice by writing to us any time up to eight weeks after it was given; or
 - the curtailment notice was issued before the birth and you are revoking it in writing during the six weeks after the birth; or
 - the child's other parent has died.
- 9.5 You cannot opt back into the ShPL scheme after you revoke a curtailment notice except if the notice was given to us before the birth and it is revoked in writing during the six weeks following the birth.
- 9.6 If the mother is still on maternity leave or claiming SMP or MA, you as the partner will be unable to start ShPL until she
- has returned to work; or
 - has given a curtailment notice to her employer to finish her maternity leave; or
 - has given a curtailment notice to her employer to finish her SMP; or
 - has given the benefits office a curtailment notice ending her MA.
- 9.7 We may also ask you to provide the following:
- a copy of your child's birth certificate or a signed declaration of the date and place of birth if you have yet to get the certificate; and
 - contact details for the other parent's employer, or a declaration that they do not have an employer.

10. How do I organise ShPL?

- 10.1 Once you have opted into the ShPL scheme, you need to give us a 'period of leave' notice to book your time off. You can give us this at the same time as your opt-in notice or at any other time, as long as it is at least eight weeks before the first period of ShPL begins.
- 10.2 On the 'period of leave' notice you can either give us specific dates or the number of days after the birth that you want ShPL to start and finish. You may prefer the second option if the father plans taking paternity leave as soon as the baby is born and wants ShPL to run on from it. You must take ShPL in blocks of at least one week at a time.
- 10.3 You are automatically entitled to take a single continuous block of ShPL (but we will consider any request for separate blocks of ShPL as detailed in the following paragraphs).

- 10.4 You may lodge up to three 'period of leave' notices, which may allow you to take up to three separate ShPL blocks with periods at work in between. If you later reschedule or cancel one of the blocks, it nevertheless counts towards your three notices.
- 10.5 To make it easier for us to consider allowing you to take ShPL in more than one block, you should discuss your requirements with your manager as early as possible before you submit your formal 'period of leave' notice.
- 10.6 If you want separate blocks of ShPL, you must give us details of the pattern you want to follow in your 'period of leave' notice. Once we have received this, we will either agree immediately or we will start a discussion period with you which will last for two weeks. If we reach agreement, we will confirm this in writing before the end of the two-week period. If we fail to agree, you can take all the ShPL you asked for in one continuous block, beginning on the start date you gave us in your notice. For example, if you asked for three separate three-week periods, you can combine them into one continuous 9-week leave period.
- 10.7 The other way we can approach this is if you agree to the following:
- choosing a new start date and telling us what it is within five days of the two-week discussion period ending. The new date has to be at least eight weeks after the start date of the first of the blocks you asked for; or
 - withdrawing the notice and informing us within two days of the two-week discussion period ending. This will not be counted as a 'period of leave' notice and you are free to submit a fresh one.
- 10.8 If you need to cancel a period of ShPL, you must put your request in writing at least eight weeks ahead of the relevant block start date.
- 10.9 If you want to change a start date, you must put your request in writing at least eight weeks before whichever is the earlier of the original and new start dates. Similarly, you can change the end date if you inform us at least eight weeks before whichever is the earlier of the original or new end dates.
- 10.10 If you want to combine blocks of ShPL into one continuous period, you will need to give us the new start or end date, whichever is relevant.
- 10.11 If you want to split a continuous period of ShPL into two or more periods separated by periods at work, you will need to tell us the new start or end date. We may not be able to agree, but are prepared to approach your request as if you had asked for separate blocks of ShPL in the first place.
- 10.12 If you submit a notice to change or cancel a block of leave, we will count this as one of your three 'period of leave' notices. There are three exceptions to this rule, which are:
- if the change is because your baby was born earlier or later than the EWC;
 - if you cancel a request for separate blocks of leave within two days of the two-week discussion period ending; or
 - we ask you to make the change.

11. What happens during ShPL?

- 11.1 If your baby is born before the beginning of the EWC, we may allow you to start ShPL during the eight weeks following birth despite you being unable to give us eight weeks' notice. To enable us to do so, we need to apply the following rules:

- if your 'period of leave' notice gave us a set date within the 8 weeks following the EWC for your ShPL to start, you can move the date forward by the same number of days as long as you write to tell us as soon as possible;
 - if you want to take ShPL in the eight weeks following birth and your baby arrives early, you will need to give us your opt-in notice and 'period of leave' notice as soon as possible.
- 11.2 If you had a start date of a set number of days — rather than a set date — after the birth in your 'period of leave' notice, you do not need to do anything.
- 11.3 You will continue to receive benefits due to you under your employment contract. Except for terms relating to pay, all your normal terms and conditions will apply and you will continue to accrue holiday entitlement.
- 11.4 If you are due any holiday, you should discuss with your manager when to take this before starting ShPL, and if you are the mother you should try to take any holiday due to you before your maternity leave begins.
- 11.5 We may need to contact you from time to time while you are on ShPL leave — for example to discuss arrangements for when you return.
- 11.6 You may also be asked to work during ShPL for up to 20 days. These are known as SPLIT (shared parental leave in touch) days. This includes training and — if you are a woman — is in addition to the 10 Keeping In Touch days you have the option to work during your maternity leave. You are not obliged to work any of these days, but if you do, you will be paid at a rate agreed with your manager. This also applies if you ask us to work any of the 20 days.

12. What happens when I return to work?

- 12.1 You must give us eight weeks' notice in writing if you want to end a ShPL period early and provide the new return-to-work date. You will be unable to end your ShPL early without our agreement if you have already used your three 'period of leave' notices.
- 12.2 If you have unused ShPL entitlement and want to extend your leave, you must tell us in writing by submitting a 'period of leave' notice at least eight weeks before the date you had intended returning to work. You will be unable to extend your ShPL without our agreement if you have already used your three 'period of leave' notices. Instead you may be able to take annual leave or ordinary parental leave.
- 12.3 You are entitled to take up the same job with the same employment terms you had before going on ShPL. However, under certain circumstances it may not be reasonably practical for you to resume your previous role and we may place you in another appropriate post with no less favourable terms and conditions. This will only apply if:
- your ShPL plus any maternity or paternity leave taken amounts to more than 26 weeks, irrespective of whether or not it was taken consecutively; or
 - your ShPL was taken consecutively, before or after more than four weeks of ordinary parental leave.

13. Can I claim statutory Shared Parental Pay?

- 13.1 If you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week, you may be able to claim Statutory Shared Parental Pay for up to 39 weeks. We will pay this at the rate set annually by the government, less any SMP or MA already claimed by either you or your partner. Your average earnings must be not less than the lower earnings limit set each tax year for you to qualify.

13.2 When you give us your 'period of leave' notice (or notices), you must notify us that you intend to claim ShPP while you are on ShPL. You can also write to us at least eight weeks before the date you want us to start paying your ShPP if you have not already told us in a 'period of leave' notice.

14. What is ordinary parental leave?

14.1 Ordinary parental leave can be taken at any time until a child's 18th birthday and comprises 18 weeks' unpaid leave per child.

14.2 If you have responsibility for a child, you are entitled to take parental leave. Those eligible include the registered father and anyone else with formal parental responsibility for the child.

14.3 You must have worked for us for at least a year before you can take parental leave, already have — or expect to have — responsibility for a child, and intend using the leave only to care for the child or otherwise spend time with him or her.

14.4 You can take up to four weeks of ordinary parental leave per child, per year, in blocks of a single week or more. You cannot take less than a week at a time, unless the child is disabled.

14.5 You need to give your manager 21 days' notice that you intend to take parental leave. We will always try to accommodate your request, but may have to rearrange your dates if your absence would disrupt our business by, for example, leaving us short-staffed. If your leave has to be postponed, we will tell you why in writing within seven days of your request and provide you with new start and end dates.

14.6 We are unable to postpone parental leave if you have asked us for it to start immediately after a child's birth or adoption. We are also unable to postpone parental leave beyond six months or beyond the child's 18th birthday.

14.7 Your employment contract and all its terms and conditions remain in force throughout ordinary parental leave, other than the fact that it is unpaid. Your holiday entitlement continues to accrue in the normal way.

15. What happens if I am adopting a child?

15.1 You are entitled to time off to attend an adoption appointment. This is an appointment arranged by an adoption agency, usually for you to get to know the child who will be placed with you, but sometimes for other reasons related to the adoption.

15.2 If more than one child is being placed with you at the same time, we treat this as one adoption and will not give you time off to attend additional appointments. Time off for this type of appointment must be taken before any child is placed with you.

15.3 You may attend up to five appointments per adoption, on paid time off if you are adopting on your own or will be the primary adopter. You may attend up to two appointments, on unpaid leave, if you are the secondary adopter.

15.4 You are entitled to take up to 6.5 hours for each appointment. This includes travelling and waiting time. We will need a signed statement with details of the time and date of the appointment as well as confirmation that:

- the adoption agency has arranged or requested the appointment;
- you are either adopting the child on your own or jointly with someone else; and
- you are electing to take either paid or unpaid time off work if you are adopting jointly.

15.5 It is sometimes necessary to ask you to rearrange an appointment, and we reserve the right to refuse a request for a particular day or time in exceptional circumstances. We will however never do this without good reason.

16. Can I claim adoption leave and pay?

16.1 We have similar arrangements in place for adoption as we do for maternity leave and pay. You should ask your manager for full details.

16.2 You may be entitled to adoption leave if you are having a baby by a surrogate mother. Your manager will be able to obtain information to explain the process.

16.3 You may also be eligible for ShPL and ShPP if you are adopting or having a child by a surrogate mother. Again, ask your manager for more information.

17. Glossary

This is a glossary of the acronyms used in this policy:

- EWC — Expected Week of Confinement, or the week in which a pregnant woman is due to deliver
- Qualifying week — the 15th week before the EWC
- MA — Maternity Allowance
- SMP — Statutory Maternity Pay, the legal minimum women are entitled to receive while on maternity leave
- KIT – Keeping In Touch days
- ShPL — Shared Parental Leave, the scheme under which a mother can share leave with somebody else (usually the father) by opting out of the statutory maternity leave scheme
- ShPP — Statutory Shared Parental Pay, a payment similar to SMP but paid to the mother and her partner while they are on ShPL.

Dr Serena Trowbridge,
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