



## **Leeds Baby Bank Maternity, Paternity and Parental Leave Policy**

Leeds Baby Bank always aims to comply with the law, maintain fairness, and maintain policy that is reasonable and which provides a safe and positive workplace.

We will never discriminate against someone we employ, or are considering employing, because of:

- their pregnancy
- an illness related to their pregnancy, including related time off
- maternity pay or leave they take, or plan to take

### **This policy applies to:**

- The management team of Leeds Baby Bank
- Employees of Leeds Baby Bank

We will not discriminate anyone on the basis of pregnancy related matters by:

- not offering somebody a job
- changing pay or other terms
- forcing anyone to work while on maternity leave
- stopping anyone returning to work because they're breastfeeding
- any other forms of disadvantage faced; in regards to pregnancy.

### **This policy covers:**

- Ante-natal care and Maternity leave
- Adoption leave
- Paternity leave
- Shared parental leave

- Unpaid parental leave
- Parental bereavement leave.

### **Ante-natal care and Maternity leave:**

#### **Ante-natal care**

Pregnant women have the right to paid time off for ante-natal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor.

After the first appointment, employees should show their appointment card to their line manager, to enable leave to be granted.

#### **Maternity leave**

Pregnant women have a right to up to 52 weeks' maternity leave.

There is no length of service requirement – in theory, this entitlement could be taken from the first day of employment.

#### **Statutory maternity pay**

Pregnant employees may qualify for statutory maternity pay (SMP) during their leave.

SMP is paid for a maximum of 39 weeks.

There is a higher rate for the first six weeks then, a lower rate for the subsequent 33 weeks.

To qualify for SMP, they must have been:

- Employed by Leeds Baby Bank continuously for at least 26 weeks ending with the 15th week before the week their baby is due (the 'qualifying week')
- Earning on average an amount which at least equals the lower earnings limit for National Insurance contributions.

If the employee does not qualify for SMP, you must give them [form SMP1](#) for them to take to the Job Centre Plus. This may allow them to claim Maternity Allowance.

### **Employees responsibilities for reporting pregnancy:**

#### **Please advise your line manager:**

- that you're pregnant
- the expected week of the birth – to confirm this you can ask for a medical certificate, such as a 'MAT B1' form if they're more than 20 weeks pregnant
- the date they want to start maternity leave – the earliest it can start is 11 weeks before the due date

This information does not have to be in writing.

We need to know this, this information no later than 15 weeks before the due date.

## **Management responsibilities for reporting pregnancy:**

After receiving this information Leeds Baby Bank will:

- Reply to the employee within 28 days
- Tell them they're entitled to 52 weeks' maternity leave
- Confirm their return to work date – assume they'll take 52 weeks (they can change it later if they want to take less, but must give you 8 weeks' notice)

If the management team do not give them this information, Leeds Baby Bank:

- Cannot stop them employees returning early without notice
- Might not be able to discipline or dismiss employees for delaying their return from maternity leave

## **Changes in start date for Maternity Leave:**

The employee must give their line manager 28 days' notice if they want to change their maternity leave start date. If it's shorter notice, the new date must be agreed by both of you.

## **If you'd like to end your maternity leave early:**

Employees do not have to take their full maternity leave. But they must take at least the first 2 weeks following the birth. This period is known as compulsory maternity leave.

If you work in the warehouse, you must take at least the first 4 weeks following the birth. We will not discourage any employee from taking all their maternity leave.

## **4 weeks before the baby is due**

If an employee is off work because of a pregnancy-related illness within 4 weeks of the date the baby is due, the maternity leave begins automatically. This is unless management and the employee agree together to delay it (for example, for health and safety reasons). Once maternity leave starts, we will pay them maternity pay instead of sick pay.

## **If the baby arrives early or unexpectedly**

If the baby arrives early, maternity leave and pay starts on the day after the birth. We'd appreciate to be advised if this happens, and it's more than ok to be a relative or friend to advise us.

## **If the baby is late and the employee planned to take leave from a specific date**

If the baby is late and the employee gave a specific date they wanted maternity leave to start, they can still start the leave from that date. They just need to tell you the date they give birth, so that they start their compulsory maternity leave from then.

## **If the baby is late and the employee planned to start leave the day after the birth**

If the employee told us they wanted to start maternity leave the day after the birth, you do not need to change anything.

If they want to start their maternity leave early, they must give you 28 days' notice of the new start date. If they have a good reason not to give this notice (for example, it's late in the pregnancy), you would both need to agree this date.

### **If there's a miscarriage, stillbirth or the baby dies soon after birth**

The employee still has their maternity leave and pay rights if the baby:

- is stillborn after the 24th week of pregnancy
- the baby dies soon after birth

If the employee is eligible for [parental bereavement leave and pay](#), they have the right to take this after they finish their maternity leave.

### **Employment benefits**

Women on maternity leave are entitled to keep normal employment benefits apart from salary.

This includes:

- Employer contributions to a pension scheme (if applicable) for the period of receipt of maternity pay
- Accrual of holiday entitlement (normally including bank/public holiday entitlement) during the whole period of maternity leave.

### **Risk assessment**

Leeds Baby Bank will undertake a risk assessment with pregnant employees as soon as we are informed of a pregnancy. This is to protect the employees health and that of the unborn child.

We will use the guidance from: [HSE's FAQ on expectant mothers](#). We will

- Conduct risk assessments for individual employees, especially if you know of any health risks for a particular employee
- Cover people who are not employees, such as work carried out by volunteers, contractors or the self-employed, in the assessment

Risks can include:

- Heavy lifting or carrying
- Long working hours
- Standing or sitting for long periods without suitable breaks
- Being exposed to dangerous substances
- Very high or low temperatures

We will also schedule in discussions every 4 weeks with the pregnant employee to consider:

- Possible risks that may occur at different stages of pregnancy
- Medical advice the employee has received
- The type of work they do and whether it needs to be altered

### **Keeping in touch days**

During maternity leave, women may undertake up to 10 keeping in touch (KIT) days.

These are days when they can undertake work for you without bringing their entitlement to statutory maternity leave and (where applicable) statutory maternity pay to an end.

They cannot do the KIT days during the two-week period after the birth ('compulsory maternity leave').

There is no obligation for the employee to undertake KIT days and there is no obligation on you as the employer to offer them. However, KIT days can be a useful way of keeping in contact. You should not subject the employee to any detriment whether or not she wishes to undertake a KIT day.

The employee's maternity leave is not extended by the number of KIT days she takes.

The law does not state the amount that an employee should be paid for a KIT day, but Leeds Baby Bank will pay the normal salary for any day that the employee works.

### **Paternity leave**

Paternity Leave is for a period of two weeks and must be taken:

Within 56 days of the birth of the baby

or

Within 56 days of the date of placement for adoption.

Paternity leave may be taken by women, for example in the case of a same-sex couple or when a man is the primary adopter and is taking the longer adoption leave (see below).

This can be arranged by the father, or primary adopter requesting such leave in writing to management.

### **Adoption leave**

Adoption leave is for up to a year and can be taken by the principal adopter in a couple, whether this person is male or female. The entitlements to leave and pay mirror those for maternity leave.

### **Shared parental leave**

The mother or principal adopter may choose to 'curtail' their maternity or adoption leave and share the remaining leave with the father/partner. Up to 50 weeks of leave can be shared by law.

### **Recovery of statutory maternity, paternity or adoption payments**

Employers can usually reclaim 92% of employees' SMP, paternity, adoption and shared parental pay. You can reclaim 103% if your business qualifies for small employers' relief. See the government page, [Get financial help with statutory pay](#) for further information.

### **Unpaid parental leave**

Parents or adopters may apply for unpaid parental leave of up to 18 weeks, to be taken before the child reaches age 18. A maximum of four weeks' unpaid parental leave may be taken in any one year. There are certain eligibility criteria.

For further information, see [the government's pages on parental leave](#) or see [guidance on the Acas website](#).

### **Parental bereavement leave**

With effect from 6 April 2020, parents who suffer a bereavement of a child under the age of 18 or a stillbirth from 24 weeks of pregnancy are entitled to up to two weeks of parental bereavement leave. This is paid at statutory rates, subject to length of service.

See [government guidance on parental bereavement leave](#). You may also wish to check for updates in due course on the [Acas website](#).