

St Peter, Paul & Thomas of Canterbury, Bovey Tracey

MATERNITY & PATERNITY POLICY

Who approves the policy?	Standing Committee
Who is responsible for updating the policy?	Church Administrator
Classification	Employment
Original Issue Date	19 August 2021
Last Revision date	
Revised By	
Next Revision Date	August 2024
Related Documents	
Where to find a copy of the policy	Google Drive PPT Church Admin
Scope	This Policy applies to all the PCC of PPT Bovey employees plus those individuals identified in paragraph 2. The PCC of PPT Bovey reserves the right to amend this policy at its discretion at any time. It does not form part of any employees' contract of employment with the PCC of PPT Bovey
Extensions	Individuals identified in Paragraph 2.
Exclusions	None

The Employer complies with the statutory scheme of maternity rights from time to time in force. Currently the statutory scheme provides the following:

1. Ante-natal care

The Employer will not unreasonably refuse pregnant employees time off work in order to attend an appointment for ante-natal care. Such an appointment must have been made on the advice of the employee's doctor, midwife or health visitor.

Requests for paid time off work for ante-natal care should, wherever possible, be made at least one week in advance of the proposed ante-natal appointment. Any such requests should be in writing and should be made to the employee's line manager.

The Employer may require the employee to produce a certificate from her doctor, midwife or health visitor, confirming her pregnancy. The employee may also be required to produce her ante-natal appointment card.

The Employer would prefer that ante-natal care should take place outside working hours and, if this is possible, employees are encouraged to arrange it. Part-time employees, particularly, may be able to arrange to attend for ante-natal care outside their working hours.

If it is not possible to arrange ante-natal care outside working hours, in order to minimise inconvenience at work, wherever possible ante-natal appointments should be arranged to coincide with the start or end of the employee's working day. Where time off is permitted during working hours, it will be paid at the employee's normal rate of pay.

2. Maternity leave

- (i) The law currently provides two schemes of maternity leave for pregnant employees (both of them subject to the employee's compliance with the notification requirements set out at (3) below). A period of 26 weeks' maternity leave ("ordinary maternity leave") is available to all pregnant employees.
- (ii) A further period of 26 weeks' maternity leave following the date of childbirth ("additional maternity leave") is available to all pregnant employees.

3. Notification arrangements

In order to qualify for ordinary maternity leave or additional maternity leave ("maternity leave"), a pregnant employee must, in or before the 15th week before the EWC, notify her line manager in writing of the following

-)(her pregnancy
-)()(the expected week of childbirth ("EWC"); and
-)()()(the date on which she intends her ordinary maternity leave to start ('the notified leave date')

The pregnant employee must enclose with this written notification a certificate (Form MAT B1) from her doctor, midwife or health visitor confirming the EWC. Having received this notification, the Employer will, within 28 days, set out in writing the expected date of return from maternity leave, assuming that the employee takes her full entitlement. The employee must give the Employer 28 days' notice (or as much as is reasonably practicable) if she wishes to change the start date for her maternity leave.

Maternity leave may not start earlier than 11 weeks before the EWC nor later than the actual date of the baby's birth (The EWC begins on the Sunday before an employee's baby is due).

If an employee is absent from work wholly or partly because of pregnancy or childbirth during the six weeks before the EWC and she otherwise has the right to maternity leave, then the period of maternity leave will automatically start on the first day of such absence within that six-week period.

4. Right to return to work after maternity leave

An employee who qualifies for maternity leave may return to work at the end of her period of ordinary maternity leave or, the end of her additional maternity leave period. However if she wants to return to work before the end of the additional maternity leave period, she must give the Employer at least eight weeks notice in writing of her intended return date. If she attempts to return to work early without giving the Employer due notice of her intention to do so, then the Employer may postpone the return so that the Employer does have 28 days advance notice, or until the end of the maternity leave period, whichever is the earlier. During such a period of postponement the Employer is under no obligation to pay contractual remuneration to the employee.

5. Restrictions on returning to work after any period of maternity leave

No employee may return to work within two weeks of childbirth.

6. Postponing a return to work after a period of additional maternity leave

If an employee is on additional maternity leave and cannot return to work because she is ill, she can postpone her return as long as she provides the Employer with appropriate medical evidence of her condition. Please note that in some circumstances, if such an employee cannot return to work at the appointed time, she will lose her right to return to work.

7. Employee deciding not to return to work

If an employee decides not to return to work after all, she should notify her line manager of this decision immediately, whether she is on ordinary or additional maternity leave. In any event, the employee should give at least the amount of notice specified in her contract.

8. Maternity pay

The Employer will pay statutory maternity pay (SMP) in accordance with its legal obligations from time to time. Currently, in order to qualify for SMP, a pregnant employee must satisfy the following criteria:

- (i) she must have completed 26 weeks' continuous employment with the Employer by the end of the 15th week before her EWC (the qualifying week);
- (ii) she must still be pregnant (or have had her baby by then) at the beginning of the 11th week before the EWC;
- (iii) her average earnings must have been at or above the lower earnings limit for national insurance payment purposes for the appropriate period of time (the eight weeks ending with the qualifying week);
- (iv) she must have started her period of maternity leave; and
- (v) she must have given the Employer written notification in accordance with (3) above (including evidence of the EWC).

The Employer will pay SMP at the appropriate rate from time to time. SMP is subject to deductions for tax, national insurance and any other deductions which the Employer may legally make.

If a pregnant employee does not qualify for SMP, she may be able to claim state maternity allowance (SMA). She should claim SMA direct from her local office of the Department for Social Security.

9. Contractual benefits and obligations during maternity leave

An employee on ordinary maternity leave will continue to receive her contractual benefits other than remuneration i.e. wages or salary, during the period of ordinary maternity leave. If such an

employee decides not to return to work, all benefits will cease from the date on which her resignation takes effect.

An employee will receive a statement setting out which of her benefits will continue (and confirming the terms on which any such benefit is available) when she starts her maternity leave.

During ordinary maternity leave, an employee is bound by any obligations arising under its contract except in so far as they are inconsistent with their right to take ordinary maternity leave.

During additional maternity leave, an employee is entitled only to the benefit of any terms and conditions of employment relating to:

- (i) notice of termination of her employment contract by the employer;
- (ii) compensation in the event of redundancy;
- (iii) disciplinary or grievance procedures.

During additional maternity leave an employee is bound by her implied obligation of good faith; and any terms and conditions that may be relevant relating to notice of termination of contract by her, the disclosure of confidential information, acceptance of gifts or other benefits and the employee's participation in any other business.

b) PATERNITY LEAVE POLICY

To be eligible for paternity leave an employee must:

1. have been employed for 26 weeks by the 15th week before the expected week of childbirth;
2. be responsible for the upbringing of a child; and
3. be the biological father of the child, married to the child's mother or the partner of the child's mother.

Subject to the above criteria, fathers may take two weeks' leave in one block within 56 days of the child's birth. Fathers who wish to take paternity leave should notify the employer four weeks' before they intend to take the leave.

Employees will be paid statutory paternity pay rather than their normal salary in respect of periods of paternity leave.

At the end of the period of paternity leave the employee is entitled to go back to the same job.

c) ADOPTION LEAVE POLICY

1. Entitlement

This policy applies to staff who have been continuously employed for 26 weeks when they are notified that they have been matched for adoption. A member of staff, male or female, who adopts a child will be entitled to adoption leave provided that only one of the adoptive parents may take adoption leave. The other parent will be entitled to take paternity leave.

2. Adoption Leave

An employee who adopts a child is entitled to one year's adoption leave. The period of adoption leave will begin on the date when the child is placed for adoption or a date in the two weeks before that date, if specified by the employee. An employee wishing to take adoption leave should notify the employer within seven days of receiving notice that they have been matched with a child or as soon as reasonably practicable thereafter.

3. Right to Return to Work

After a period of adoption leave, the employee has a right to return to their same job. If the employee has been absent for more than six months and it is not reasonably practicable for them to return to the same job, they have a right to return to an alternative job that is suitable and appropriate.

If you wish to return earlier than agreed you must provide eight weeks' written notice of your intended return. The Employer is not obliged to allow you to return before the end of this eight week period.

4. Adoption Pay

The Employer will pay statutory adoption pay (SAP) in accordance with its legal obligations from time to time. Currently, in order to qualify for SAP, an employee must satisfy the following criteria:

- she/he ("she") must have completed 26 weeks' continuous employment with the employer when she is notified that she has been matched for adoption;
- she must have taken adoption leave;
- her average earnings must have been at or above the lower earnings limit for national insurance payment purposes for the appropriate period of time (the last eight weeks);
- she has elected to receive SAP.

SAP is payable for a maximum period of 39 weeks. The Employer will pay SAP at the appropriate rate from time to time. SAP is subject to deductions for tax, national insurance and any other deductions which the Employer may legally make.

5. Working During Adoption Leave Period

You can work or undertake training or other activities for the purpose of keeping in touch with the workplace for up to 10 days (a KIT day) during your adoption leave without bringing your adoption leave to an end or losing your entitlement to SAP.

Your total period of adoption leave will remain at 52 weeks regardless of whether you work on a KIT day.

6. Contact during the Adoption Leave Period

Your Employer is entitled to make reasonable contact with you during your adoption leave (for example to discuss your return to work).

d) FLEXIBLE WORKING POLICY

Employers have a duty to consider requests from parents of young children or adult carers for flexible working, which could include part-time work, working from home or job-sharing. To be eligible to make such a request an employee must be either:

- The parent, adoptive parent, foster parent or guardian (or the partner of such a person) of a child under the age of 6 or under the age of 18 in the case of a disabled child; or
- The person who cares for an adult who is 18 or over who is in need of care where they are:
 - married to, or the partner or civil partner of, the adult, or
 - a relative of that adult, or
 - neither of the above, but living at the same address as to the adult for whom they care.
 - "Relative" is defined as parents, children, brothers, sisters

- aunts, uncles and grandparents
- brothers-in-law, sisters-in-law, parents-in-law, daughters-in-law, sons-in-law
- guardian

These relatives may be full blood/half blood or adoptive.

The employee must also have been continuously employed for 26 weeks.

The employee must specify in their written application the change that they seek and the date on which they would like the change to be implemented. The employee must also specify the effect that they think the change will have on the employer and suggest how these effects could be dealt with. Each employee may only make one application per year. The purpose of requesting the change must be to enable the employee to care for someone who is, at the time of the application, a child or adult in respect of whom the employee has childcare obligations.

The employer must meet with the employee to discuss the request within 28 days. The employee may bring a fellow employee/worker to the meeting, though that companion would not normally be allowed to answer any questions on the employee's behalf. The application must be considered carefully but may be refused only on specified grounds, namely the burden of additional costs, inability to reorganise work among existing staff, inability to recruit additional staff, detrimental impact on quality, detrimental impact on performance, insufficiency of work during the periods the employee proposes to work and planned structural changes.

The employer must give their decision to the employee within 14 days of the date of the meeting. Where the decision is to refuse the application, the employer must state which of the grounds for refusal are considered to apply, explain why those grounds apply in relation to the application, and advise the employee of their right to appeal. An employee has fourteen days in which to submit an appeal and the appeal meeting must take place within a further fourteen days. The employee must be informed of the outcome of the appeal within fourteen days.

If a flexible pattern of working is agreed this will need to be confirmed formally. Once a flexible arrangement is agreed, the employee does not have a right to revert to the previous arrangement, even when their children are older or where they no longer have care obligations

Reviewed and approved by PCC of PPT Bovey Tracey on

16 September 2021

Signed

Rev W G Hamilton (PCC Chairman)