

## **MATERNITY, PATERNITY, ADOPTION, PARENTAL AND DEPENDANTS LEAVE**

### **Maternity Leave**

#### Right to ante natal care

Employees have the right to antenatal care where this cannot be taken outside of working hours. This would include visits to doctor, hospital and mid wife but not parenting classes. After the first visit to the hospital, please show your appointment card to your line manager when requesting time off work. Any time off for antenatal care would be paid.

#### How much leave

All pregnant employees who are eligible are entitled to the statutory 18 weeks ordinary maternity leave. If not eligible for maternity pay the employee may be entitled to a maternity allowance from the Benefits Agency. Women are not permitted to work in the two weeks period immediately after giving birth.

Women who have one year's service with TFSR (at the beginning of the eleventh week before the expected week of childbirth EWC) are entitled to additional maternity leave. The additional maternity period of 29 weeks is calculated from the actual date of confinement.

#### When it will be taken

Maternity leave can start any time after the beginning of the eleventh week before the birth is due. It will automatically start if childbirth is before this date. Childbirth means the birth of a living child or the birth of a child whether living or dead after 24 weeks of pregnancy. In effect this means that women whose babies are stillborn after 24 weeks retain the right to a full period of maternity leave. Absence from work due to pregnancy related illness in the 6 weeks before the EWC will result in maternity leave starting immediately.

#### What pay will be offered and for how long

The right to statutory maternity pay (SMP) is dependent on:

- an employee having at least 26 weeks continuous service with TFSR at the beginning of the 15<sup>th</sup> week before the week the baby is due.
- the employee ceasing to work because of their pregnancy or in order to have the baby.
- the employee having given TFSR 21 days prior notice that they will be absent due to pregnancy, or if childbirth occurs earlier inform TFSR of this.
- have provided TFSR with a certificate of maternity.(MAT B1)
- Earnings during the qualifying period must exceed the NI lower limit (£72 in 2001)

SMP is 90% of full pay for first 6 weeks and a further 12 weeks at £62.20 (£75 from April 2002).

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What notice is required? The date to start maternity leave, the date to return.  
An employee must give 21 days written notice of the day she wants maternity leave to start and at the same time provide information to TFSR as to when the baby is due. She must provide a medical certificate (MAT B1). TFSR will write to her 21 days before the end of the ordinary maternity leave period (at the earliest), asking her to confirm the date on which childbirth occurred and whether or not she intends to return to work, at the end of her ordinary or additional maternity leave if eligible. This letter will explain how she can work out the date on which her additional maternity leave period will end. She must respond within 21 days of receipt of the letter or disciplinary action may be taken against her which may lead to dismissal.

If she wants to return to work before the end of the ordinary maternity leave period she must give 21 days written notice. If 21 days notice is not possible, notice must be given as soon as practicable. TFSR can postpone the return to work date if 21 days notice is not given, but not beyond the expiry of ordinary maternity leave.

Employees on additional maternity leave must give the employer at least 21 days written notice of the date she intends to come back to work. TFSR can postpone the return to work date if 21 days notice is not given, but not beyond the expiry of additional maternity leave.

### What happens if a woman needs to postpone her return to work?

The employee can postpone the date of return for up to four weeks if she is ill but she must tell the employer she is going to do this before she is due back to work. She must also provide a medical certificate.

### How the rest of contractual rights are treated

All contractual rights remain except for pay, which is in accordance with the pay scheme outlined in this document.

Holidays accrue for the basic 18 weeks ordinary maternity leave period, but not during the additional maternity leave period.

## **Paternity leave**

All male staff, who have worked at TFSR for more than 26 weeks, are entitled to ten days paid leave, to be taken either from the time of or commencing within two weeks of the birth of their child.

Staff who have been employed for more than six months are entitled to a further three months unpaid leave. TFSR must be informed of the intended period of leave, when the leave is booked.

Notice should be given that paternity leave is likely to happen.

Annual leave will not accrue during the unpaid leave time.

### **Adoption leave**

Employees, who have worked at TFSR for more than 26 weeks, are entitled to 10 days paid leave and up to three months unpaid leave on the adoption of a child. This leave may start one week before the intended date of adoption. TFSR must be informed of the intended period of leave, when the leave is booked.

In the case of two employees adopting the same child, only one employee will be entitled to adoption leave.

Annual leave will not accrue during the unpaid leave time.

### **Parental Leave**

An employee with any children under five years old has the right to 13 weeks unpaid parental leave. The main features for this leave are:

- Employees must have worked for TFSR for 1 year.
- That it is unpaid
- It is available on the grounds of the birth or adoption of a child.
- In the case of adopted children, must be taken within 5 years of placement or the 18<sup>th</sup> birthday, whichever is earliest.
- It is available for each child.
- It is available separately to each parent.
- It is a right additional to statutory maternity rights.
- Must be taken before the child's 5<sup>th</sup> birthday (18<sup>th</sup> birthday if the child is disabled in receipt of DLA).

This leave may be taken as follows.

- To be taken in blocks/multiples of 1 week (parents of disabled children are exempt from this).
- Maximum of 4 weeks per child per year
- 21 days notice must be given to TFSR
- TFSR can postpone the leave for up to 6 months if the charity cannot cope or it is harmful to the charity.

### **Dependants Leave**

An employee will be entitled to take a reasonable amount of time off during working hours in order to provide assistance when a dependent falls ill or gives birth or make arrangements for the provision of their care, or as a result of the death of a dependent.

Time off will be subject to the agreement of the employer and does not have to be paid, although prior agreement may be difficult to obtain in emergency situations. The employee will have to inform the employer the reason for the absence and how long they expect it to be.

The definition of dependent includes spouse, child, parent, and any person living in the same household (other than tenant, lodger or boarder of the employee). It also includes any person who reasonably relies on the

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employee for assistance when ill or injured or to make arrangements for their care in the event of illness or injury.

This leave is not in order to provide care but in order to make arrangements for care. It is expected to be short term, for the day of the emergency and perhaps the following day.

In the case of a bereavement this leave will be paid, other cases will be considered on an individual basis.