



Peninsula Dental Social Enterprise (PDSE)

Parental Leave Policy Version 3.0

Date approved: October 2018

Approved by: The Board

Review due: October 2020

Policy will be updated as required in response to a change in national policy or evidence-based guideline.

Contents

Section	Topic	Page No
1	Principles	3
2	Procedure	3
3	Maternity Leave	4
4	Adoption Leave	5
5	Surrogacy	5
6	Paternity Leave	6
7	Shared parental leave (birth)	6
8	Shared parental leave (adoption)	9
9	Parental leave	12

Parental Leave

1. Principles

- 1.1 This policy reflects the Employment Act 2002, the Work and Families Act 2006 and any subsequent legislation in relation to parental leave including Paternity Leave regulations in 2011 and the Shared Parental Leave regulations in 2014.
- 1.2 It covers the entitlement of staff to adoption leave, maternity leave, paternity leave and parental leave. Specific guidance for adoption, maternity and paternity leave is updated as legislation changes, and will be circulated to staff who require it.
- 1.3 There are qualifying periods of employment that must be met before there is an entitlement to the various types of parental leave, and to qualify for the relevant payments. Individuals must check with the statutory guidance that covers their circumstances.
- 1.4 Staff are also entitled to take unpaid time off for domestic emergencies involving a dependent – see our Absence Policy.

2. Procedure

- 2.1 An employee who requires adoption leave, maternity leave, paternity leave or shared parental leave must put their request in writing to their line manager as soon as it is reasonably practicable.
- 2.2 Once a letter has been received by the Company, it will be acknowledged together with a copy of this policy and up to date guidance regarding the type of parental leave required. This must be done within 28 days of the employer receiving notification from the employee.
- 2.3 Any employee who is pregnant must inform their line manager at the earliest opportunity to ensure that they take relevant precautions in line with health and safety, and relevant time off for antenatal appointments / healthcare checks. Pregnant staff are entitled to paid time off for antenatal appointments and classes that are recommended by healthcare professionals.
- 2.4 Any member of staff taking maternity, paternity or adoption leave should give a minimum of 4 weeks notice of the required leave. In the case of paternity leave, an approximate date is acceptable. In the case of maternity leave, a member of staff must tell her employer that she is expecting a baby, when it is due and when she intends to start maternity leave by 15 weeks before the estimated week of confinement.

- 2.5 Employees returning from parental leave of any sort are entitled to return to either the job they left, or an equivalent job with the same hours, status and pay. Any potential change to their role must be consulted upon. If an individual wishes to request a change in working hours or pattern of work after taking parental leave of any sort, they should use the flexible working policy.
- 2.6 Employees on maternity or adoption leave may be paid for up to 10 individual contact days during their leave, without losing their maternity or adoption benefits. These days are intended to be “keeping in touch” days and may include team meetings, staff away days or training days.
- 2.7 It is reasonable for employers to maintain reasonable contact with employees on maternity or adoption leave. This may include sending staff newsletters, regular telephone contact or visits. Such contact should be agreed before the member of staff goes on maternity or adoption leave.

3. Maternity Leave

- 3.1 Any member of staff who is pregnant is entitled to 52 weeks maternity leave.
- 3.2 A member of staff who has had a baby cannot legally return to work within 2 weeks of the birth date.
- 3.3 A member of staff with 6 months service at the 15th week before the estimated week of confinement (EWC) is entitled to receive statutory maternity pay (SMP) for the 26 weeks of ordinary maternity leave + an additional 13 weeks = total of 39 weeks. If a member of staff is not entitled to SMP they will receive a form SMP1 to claim a maternity allowance from the Inland Revenue.
- 3.4 Maternity leave can commence any time between the 11th week before the EWC, and the day the baby is due as specified on her MatB1 from the midwife or General Practitioner. If a pregnant employee is sick with a pregnancy related illness 4 weeks or less before the baby is due, she will immediately start her maternity leave, whether or not this was her original intention.
- 3.5 A mother may decide to share her Maternity Leave with her partner. For further details, please read the section on ‘Shared Parental Leave’.
- 3.6 It is expected that a member of staff who is on maternity leave will return to work at the end of her full entitlement of maternity leave (52 weeks). If the member of staff intends to return on a different date (before the expiry of maternity leave), she must give the employer 8 weeks written notice of her return to work.
- 3.7 During maternity leave, all term time employees will for the purpose of accruing annual leave be put onto a standard (52 week) contract. The leave that is accrued must be taken before returning to work. HR will be able to advise how much annual leave has been accrued.

- 3.8 On returning to work, breastfeeding mothers are entitled to facilities whereby they can either breastfeed their baby or express milk.

4. Adoption Leave

- 4.1 Adoption leave is available from day one for employed adopters and adoption pay is payable to the “primary adopter” to match occupational maternity pay. An employee who is a primary adopter is allowed to time off to attend up to five pre-adoption appointments (paid) and allow any secondary adopter employee time off to attend up to two pre-adoption appointments (unpaid). The total amount of time off per appointment will be capped at 6.5 hours.
- 4.2 Adoption leave can be taken by either parent adopting a child. Staff are entitled to take up to 52 weeks adoption leave, regardless of service. Staff with 6 months service at the week that a child is successfully matched with them are entitled to statutory adoption pay for the first 26 weeks + an additional 13 weeks = total of 39 weeks.
- 4.3 Adoption leave can start on any day between 14 days before the child/children is/are placed until the date of placement.
- 4.4 It is expected that a member of staff who is on adoption leave will return to work at the end of his/her full entitlement of adoption leave (52 weeks). If the member of staff intends to return on a different date (before the expiry of adoption leave), s/he must give the employer 8 weeks written notice of his/her return to work.
- 4.5 If an employee has completed one year's service with an employer, they are entitled to 18 weeks unpaid parental leave for each child born or adopted.

5. Surrogacy

- 5.1 Parents who have a child through a surrogacy arrangement are entitled to take ordinary paternity leave pay and adoption leave and pay and shared parental leave and pay, provided that they meet the eligibility criteria. They are allowed to take unpaid time off work (unpaid) to attend two antenatal appointments with the mother of the child.

6. Paternity Leave

- 6.1 Paternity leave can be taken by the partner of someone taking maternity or adoption leave. That partner must be someone who will take an active part in bringing up the child.
- 6.2 Staff requiring paternity leave must have 6 months service at either 15 weeks before their partner is due to give birth or at the week where a successful match is made with a child.
- 6.3 Paternity leave is for a period of up to 2 weeks at full pay. The 2 weeks must be taken consecutively and notice must be given, as far as it is practicable to do so, in relation to the time that the leave will be required. It must be taken within 8 weeks of a child being born or placed with the family.

(The new legislation on Shared Parental leave will also entitle the father or civil partner of the pregnant women the right to unpaid time off to attend up to 2 ante-natal appointments.)

7. Shared Parental Leave (birth)

- 7.1 Shared parental leave (SPL) is a form of leave available to working parents following the birth of a child. It applies in respect of children who are expected to be born on or after 5 April 2015.
- 7.2 SPL allows parents to take up to 52 weeks leave in total on the birth of a child. They may be able to take this leave at the same time or at different times.
- 7.3 The following conditions must also be fulfilled:
 - you must have at least 26 weeks continuous employment with us by the end of the 15th week before the Expected Week of Childbirth (EWC), and still be employed by us in the week before the leave is to be taken;
 - the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
 - you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.
- 7.4 The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave). SPL is additional to the statutory right to two weeks' paternity leave.
- 7.5 If you are the child's mother you cannot start SPL until you have provided 8 weeks written notice that you wish to end your maternity leave (a curtailment notice) and you cannot start SPL until after the compulsory maternity leave

period (first 2 weeks after the child's birth). If you are the child's father or the mother's partner, you will only be able to take SPL once the mother has given one of the following notices:

- a curtailment notice to her employer to end maternity leave;
- if she is not entitled to maternity leave but is entitled to SMP, a curtailment notice to end her SMP; or
- if she is not entitled to maternity leave or SMP, a curtailment notice to the benefits office to end her MA.

7.6 You must also provide on request:

- A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- The name and address of the other parent's employer (or a declaration that they have no employer).

7.7 To Opt-In to SPL

- You must submit a written period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. This notice must state:
 - a) Your name and the name of the other parent
 - b) The start and end dates of your, or the mother's, maternity leave
 - c) The total SPL available i.e. 52 weeks minus the number of weeks maternity leave taken or to be taken.
 - d) The allocation of SPL between you and the other parent, or your partner.
 - e) If you are claiming statutory shared parental pay (ShPP) the total ShPP available i.e. 39 weeks minus the number of weeks of the SMP or MA period taken, or to be taken.
 - f) The allocation of ShPP between you and your partner
 - g) An indication of the pattern of leave you are thinking of taking (including suggested start and end dates for each period of leave)
 - h) Declarations by you and the other parent, or your partner, that you both meet the statutory conditions to enable you to take SPL and ShPP
- If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing.

- If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave).

7.8 Alternatively, you may:

- choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
- withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

7.9 Keeping in touch

7.9.1 We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

7.9.2 You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during your SPL. This is in addition to the 10 KIT days that you may have taken during maternity leave. KIT days are not compulsory and must be discussed and agreed with the line manager and Commercial Manager.

7.9.3 You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement. Alternatively, you may agree with the line manager and Commercial manager to receive the equivalent paid time off in lieu.

7.10 Returning to Work

7.10.1 If you want to end a period of SPL early, you must give us eight weeks' prior notice of the return date. It is helpful if you give this notice in writing.

7.10.2 If you want to extend your SPL you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three period of leave notices. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to business need.

7.10.3 You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if you have taken more than 26 weeks of SPL in total, or a period of SPL in combination with more than four weeks of ordinary parental leave (under our Parental Leave Policy), and it is not reasonably practicable for us to allow you to return into the same position,

we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

7.10.4 If you want to change your hours or other working arrangements on return from SPL you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

7.10.5 If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

8. Shared Parental Leave (adoption)

8.1 Shared parental leave (SPL) is a form of leave that may be available where an adoption agency places a child with you and/or your partner on or after 5 April 2015.

8.2 SPL allows you and your partner to take up to 52 weeks leave in total on the adoption of a child. You may be able to take this leave at the same time or at different times.

8.3 The following conditions must also be fulfilled:

- you must have at least 26 weeks continuous employment with us by the end of the week the adoption agency notifies you that you have been matched with a child for adoption, and still be employed by us in the week before the leave is to be taken;
- your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the week in which a successful match is determined and had average weekly earnings of at least £30 during 13 of those weeks; and
- you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end any adoption leave, or statutory adoption pay (SAP).

8.4 The total amount of SPL available is 52 weeks, less the weeks of adoption leave (or SAP) taken by you or your partner.

8.5 You cannot start SPL until you have provided 8 weeks written notice that you wish to end your adoption leave (a curtailment notice – see below).

- a curtailment notice to your employer to end adoption leave; or
- if you are not entitled to adoption leave but are entitled to SAP, a curtailment notice to end your SAP.

8.6 You must also provide on request:

- A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- The name and address of the other parent's employer (or a declaration that they have no employer).

8.7 To Opt-In to SPL

- You must submit a written period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. This notice must state:
 - a) Your name and your partner's name
 - b) The start and end dates of your or your partner's adoption leave or SAP
 - c) The total SPL available i.e. 52 weeks minus the number of weeks adoption leave taken or to be taken.
 - d) The allocation of SPL between you and your partner.
 - e) If you are claiming statutory shared parental pay (ShPP) the total ShPP available i.e. 39 weeks minus the number of weeks of SAP taken.
 - f) The allocation of ShPP between you and your partner
 - g) An indication of the pattern of leave you are thinking of taking (including suggested start and end dates for each period of leave)
 - h) Declarations by you and the other parent, or your partner, that you both meet the statutory conditions to enable you to take SPL and ShPP
- If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing.
- If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave).

8.8 Alternatively, you may:

- choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or

- withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

8.9 Keeping in touch

- 8.9.1 We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.
- 8.9.2 You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during your SPL. This is in addition to the 10 KIT days that you may have taken during maternity leave. KIT days are not compulsory and must be discussed and agreed with the line manager and Commercial manager.
- 8.9.3 You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement. Alternatively, you may agree with the line manager and Commercial manager to receive the equivalent paid time off in lieu.

8.10 Returning to Work

- 8.10.1 If you want to end a period of SPL early, you must give us eight weeks' prior notice of the return date. It is helpful if you give this notice in writing.
- 8.10.2 If you want to extend your SPL you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three periods of leave notices. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to business need.
- 8.10.3 You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if you have taken more than 26 weeks of SPL in total, or a period of SPL in combination with more than four weeks of ordinary parental leave (under our Parental Leave Policy), and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.
- 8.10.4 If you want to change your hours or other working arrangements on return from SPL you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.
- 8.10.5 If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

9. Parental Leave

- 9.1 Parents of children under the age of 18 are entitled to a total of 18 weeks unpaid parental leave, once they have completed one year of service with the Company. Leave can only be taken by parents who have responsibility for bringing up that child, but may not have to be living with the child to qualify.
- 9.2 The entitlement can be taken in up to 4 week blocks, and the entitlement is a maximum of 4 weeks in any one year. The leave must be taken in whole weeks, not individual days.
- 9.3 Requests for leave must be made in writing to the relevant manager. The request must be made at least 4 weeks before the date it is required.
- 9.4 A birth certificate or other relevant documentation may be requested by the employer in relation to the leave request. The Company can deny a request if it has reasonable grounds to do so in relation to the service it is providing for its customers. Any postponement of parental leave must be agreed and a new date given within 7 days, in writing, and accompanied by an explanation of the reasons for postponement. The new dates must be within 6 months of the original requested date.
- 9.5 Parental leave is unpaid. The child must be under 18.

Child	Entitlement
For each child (excluding multiple births)	18 weeks up to their 18th birthday

- 9.6 The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise).
- 9.7 You must take parental leave as whole weeks (eg 1 week or 2 weeks) rather than individual days, unless your employer agrees otherwise or if your child is disabled. You don't have to take all the leave at once.
- 9.8 A 'week' equals the length of time an employee normally works over 7 days.

Example

If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52.

- 9.9 Full Guidance

Full guidance is available from Direct.Gov or ACAS. Also guides are available at: <https://www.gov.uk/employers-maternity-pay-leave/entitlement> (With links down the right side to other related articles.)

Appendix A PDSE Maternity

Weeks 1 - 6	Full Pay
Weeks 7 – 12	Half Pay + SMP
Weeks 13 - 39	SMP
Weeks 40 - 52	Unpaid Leave

Should you decide not to return to work after maternity leave or if you leave within 3 months of returning you will be required to pay back any pay above SMP that was paid to you during your maternity period.

Please see PDSE HR to check your own situation if you are on TUPE'd Terms and Conditions.

Maternity Risk Assessment

Name of employee: Social Enterprise	Location:	Contractual role / hours:	Assessor name / title:
Date notified of pregnancy:		Expected due date:	

Do you:	YES	NO	Impact			Action to be taken:
			Low	Medium	High	
Work Overtime						
Stand / Sit						
Manually handle						
Use VDU equipment						
Have exposure to nauseating smells						
Work in hot / cold conditions						
Have difficulty in taking breaks						
Have difficulty in entering / Leaving your site of work						
Have problems with working on wet / slippery surfaces						
Have difficulty of working in tightly fitting workspaces						
Wear protective clothing						

Do you:	YES	NO	Impact			Action to be taken:
			Low	Medium	High	
Because of your furniture or workstation have a posture problem						
Work with difficult and unpredictable patients						
Work with chemical agents						
Handle / dispose of waste (chemical, special and human)						
Come into contact with biological agents						
Run the risk of exposure to infection						
Work in an area where there may be exposure to radiation						

Following assessment, M	YES	NO
Is a change of working conditions recommended?		
Is a change of hours of work recommended?		
Is an alternative work recommended?		
Is referral to Occupational Health necessary?		

[Type a quote from the document or the summary of an interesting point. You can position the text box anywhere in the document. Use the Drawing Tools tab to change the formatting of the pull quote text box.]

This will be reviewed as the pregnancy progresses and reasonable adjustments will be made if required.

Signed (Manager):

Signed (Employee):

Assessment date:

Please complete this on notification of pregnancy. If this is before the first scan, please review once this scan has been done. This assessment should be reviewed as a minimum each trimester or more if there is any change to the employee or pregnancy.

Assessment number / Date:	Additional Comments
Assessment 1:	
Assessment 2:	
Assessment 3:	
Assessment 4:	