



SNIPEF

Employer Guide

Family Friendly Policies

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**Getting advice: Contact the IR department
at the SNIPEF offices at info@snipef.org**

MATERNITY

Maternity Leave

An employee is entitled to a period of 52 weeks' Statutory Maternity **Leave** regardless of her length of service. To qualify she must tell her employer the following information by the end of the 15th week before the expected week of childbirth:

- that she is pregnant
- provide a medical certificate which states the expected week of childbirth (MATBI Form)
- the date she intends to start maternity leave. (This can normally be any date which is no earlier than the beginning of the 11th week before the expected week of childbirth up to the birth).

The earliest date a woman can start her maternity leave is at the beginning of the 11th week before the baby is expected. The law requires that the employee takes a minimum of 2 'compulsory weeks' maternity leave immediately following the birth. She must provide her employer with a MATBI form which details the week the baby is expected and the start date of her maternity leave. Having received this, the employer must respond in writing to this notification within 28 days, stating the date the employee is expected to return to work after she finishes her full maternity leave entitlement. If this date should change the employee must write to her employer giving 8 weeks notice of a change in return date.

During the first 26 weeks' of maternity leave, the employee is entitled to benefit from all their normal terms and conditions of employment, for example: pensions and statutory holiday pay but not the terms providing for wages or salary. At the end of the leave, she has the right to return to her original job.

After 26 weeks of maternity leave, the employee is entitled to return to the same job or a job of the same calibre, status, terms and conditions where it has not been reasonably practicable to keep the post open for them. If a redundancy situation arises, she must be offered a suitable alternative vacancy if one is available. If you cannot offer suitable alternative work, she may be entitled to redundancy pay.

The employer must continue to make normal contributions to an occupational pension scheme during any period of statutory and contractual maternity payment.

Maternity Pay and Maternity Leave

To be applicable for maternity **pay**, the employee must have 26 weeks continuous service 15 weeks before the expected week of childbirth and have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions which is currently £118 (which will increase to £120 in April 2020). The employee is entitled to statutory pay for 39 weeks: the first 6 weeks of which are paid at 90% of their average weekly earnings and 33 weeks at £148.68 per week (or 90% of the average weekly earnings if this is less than £148.68 per week)(which will increase to £151.20 April 2020). Statutory Maternity Pay is subject to tax and national Insurance.

The employee must tell their employer the date they expect any payments of Statutory Maternity Pay to

start at least 28 days in advance, unless this is not reasonably practicable.

The employer must pay Statutory Maternity Pay but this can be partly or wholly reimbursed by the government depending on whether or not you have a small firm. For this reason it is important that you maintain your records for at least 3 years and complete a [Statutory Maternity Leave Record Sheet](#). (A small firm is one whose annual national insurance payments are £45,000 and under. Small firms can apply to recover 100% of the cost, with an additional 3% compensation rate for the NIC payment the employer pays on the SMP by completing HMRC's [Recovery of Statutory Payments](#)).

If the employee is off work due to her pregnancy in the 4 weeks prior to the date they expect, the employer may wish to start her maternity leave and pay from the day after the first day of her absence.

If the pregnant employee does not qualify for Statutory Maternity Pay (for example, she has not completed 26 weeks continuous service 15 weeks before the expected week of childbirth or does not pay National Insurance) she may be entitled to Maternity Allowance instead, which is payable for up to 39 weeks. In these circumstances the employer must provide the employee with an [SMP1 form](#).

Time off for antenatal care

The pregnant employee is entitled to reasonable time off with pay to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care may include relaxation classes and parent craft classes. The employee must provide her employer with the necessary appointment card detailing all their appointments, bar their first appointment.

Health and Safety Obligations

When the employer is advised by the employee that they are expecting, the employer must carry out an Expectant Mothers Risk Assessment of the employee's work activities to ensure that they are not carrying out any duties which may be a health and safety risk to themselves and to the development of the baby. If a risk can not be avoided, the employer must either remove the risk or provide suitable alternative work. In cases where there is no safe alternative work to provide the employee, they will be suspended with full pay for as long as is necessary in order to protect the mother and her child.

Keeping in Touch Days

Reasonable contact should be maintained during maternity Leave. It should be conveyed to and agreed with the employee how contact will be maintained. The employer must inform the employee of changes that take place in the work place, including job vacancies. To encourage communication between the employee and the employer during Maternity Leave there are "Keeping in Touch days". These allow the employee to come in to work for up to 10 mutually agreed days during their leave, receiving their normal graded rates of wages (contractual pay) for hours worked. The employer may wish to off set the statutory payment against any contractual remuneration but it is essential that the employee is made aware of this when the Keeping in Touch days are agreed (for example, the weekly statutory paternity payment which an employee can receive is higher than 1 Keeping in Touch day worked in 1 week for a graded plumber). Whether the employee comes into work to have a Keeping in Touch day for 1 hour or a

full day, this will equate to 1 keeping in Touch day, regardless of the number of hours worked on any day.

The purpose of the “Keeping in Touch” days is to allow the employee to carry out work which will make it easier for the employee when they return to their normal work (which can include gas course training and assessment for example). It is important that these days must be by **agreement** only. The employer cannot demand that the employee will undertake work nor can the employee take any “Keeping in Touch” days without first receiving the employer’s agreement.

ADOPTION LEAVE & PAY

Adoption parents retain the same rights as a couple seeking Maternity and Paternity Leave and Pay and Shared Parental Leave and Pay. There are clearly variations in the wording in terms of the date of being matched with a child with birth date.

Adoption leave is available to an employee who has newly adopted and who is one partner of a couple where the couple adopt jointly (the couple must choose which partner takes adoption leave). The partner of an individual who adopts, or the other member of the couple who are adopting jointly, may be entitled to paternity leave and pay.

To qualify the employee must tell the employer of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption (unless this is not reasonably practicable). They need to tell the employer the following information:

- when the child is expected to be placed with them and
- when they want their adoption leave to start

Adoption Leave can start from the date of the child's placement (whether this is earlier or later than expected), or from a fixed date which can be up to 14 days before the expected date of placement. Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

PATERNITY

Basic Paternity Leave

To qualify for Basic Paternity Leave the employee must have 26 weeks continuous employment 15 weeks before the expected week of childbirth and either be the biological father of the child or the mother's husband or partner and expects to have responsibility for the baby's upbringing.

The 'expected week of childbirth' is the week in which the expected date of the baby's birth falls, starting with the preceding Sunday and ending the following Saturday. If the birth date falls on a Sunday, that date is the first day in the expected week of childbirth. The 'qualifying week' is the 15th week before the expected week of child birth.

The leave must be taken within 56 days of the actual date of birth and the employee can choose to take their Basic Paternity Leave as blocks of either 1 or 2 consecutive weeks (if choosing 2 weeks leave the employee can not take this sporadically). The duration of Basic Paternity Leave remains the same regardless of the number of children resulting from a single pregnancy. The employee can choose the leave to start from:

- the date of the child's birth or any day of the week following the birth
- if the baby is born earlier than expected, then the leave must be completed within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

The employee must inform their employer of their intention to take paternity leave by the end of the 15th week before the baby is expected (unless this is not reasonably practicable) and must provide the following information to the employer when completing a SC3 form:

- the week the baby is due
- whether the employee wishes to take one week or two weeks' leave
- when the employee wishes their leave to start

If the employee wishes to change the start date of their Basic Paternity Leave he should (where reasonably practicable) give the employer 28 days' notice of the change. The employer may wish him to provide this notification in writing.

Statutory Paternity Pay

The rate for Statutory Paternity Pay is the same as Statutory Maternity Pay, £148.68 per week from April 2019 (or 90% of average weekly earnings if this is less than £148.68, which will increase to £151.20 in April 2020). The employee must have average weekly earnings (before tax) at least equal to the lower earnings limit for National Insurance contributions which is currently £118 per week (which will increase to £120 in April 2020). Statutory Paternity Pay is subject to tax and national Insurance.

The employee must provide the employer with a completed SC3 form and a self-certificate as evidence of their entitlement to Statutory Paternity Pay. An employer can obtain a self-certificate from either the HM

Revenue & Customs or from the Plumbing Industry Sick Pay Scheme. The employer requires this form 28 days before the employee wishes their pay to start (or as soon as is reasonably practical). Where an employee qualifies for Paternity Pay but their contract of employment ends after the birth of the child the employee will still retain their right to receive Statutory Paternity Pay. If an employee is not eligible to receive Statutory Paternity Pay an employer should complete an [SPP1 form](#).

During Statutory Paternity Leave the contract of employment continues. Employees will continue to accrue their holidays during this period therefore holiday credits should continue to be purchased from the Industry Holiday Pay Scheme. You must continue to make normal contributions (calculated as if the employee was working normally and receiving normal pay for doing so) to the Industry occupational pension scheme during any period of Statutory Paternity Leave.

The employer must pay Statutory Paternity Pay but this can be partly or wholly reimbursed by the government depending on whether or not you have a small firm. For this reason it is important that you maintain your records for at least 3 years and complete a [Recovery of Statutory Payments](#) form. (A small firm is one whose annual national insurance payments are £45,000 and under. Small firms can apply to recover 100% of the cost, with an additional 3% compensation rate for the NIC payment the employer pays on the SPP by completing HMRC's [Recovery of Statutory Payments](#)).

Time off for antenatal care

There is no legal entitlement to paid time off for antenatal appointments but a father can have unpaid time off to accompany the mother to 2 appointments of up to 6.5 hours. Where a father requests further leave, an employer may wish to reasonably suggest he takes unpaid time off or annual leave may be considered for antenatal appointments. In all cases an employer should ensure employees complete a special leave form to record such leave. The employer may request their employee to provide the necessary appointment card detailing all their appointments.

[Shared Parental Leave](#)

Shared Parental Leave allows a mother to choose to bring her Maternity Leave to an end at any point (after the initial two week compulsory maternity leave period) following the birth of the child and then opt to convert her Maternity Leave into Shared Parental Leave.

Parents can choose how to split up the Shared Parental Leave between themselves, which can result in the mother and father either being able to take Shared Paternity Leave at the same time or separate times. The maximum possible Shared Parental Leave is 50 weeks (where a mother only takes her Compulsory 2 weeks Maternity Leave). Shared Parental Leave can be taken any time after 2 weeks after the child is born but must have finished by the child's 1st birthday.

The parents can choose to take a minimum of 1 continuous week Shared Parental Leave taken in multiples of complete weeks, as one continuous period or a maximum of 3 discontinuous periods up to a maximum of 50 weeks shared between the parents (**not** 50 each). The duration of eligible Shared Parental Leave remains the same regardless of the number of children resulting from a single pregnancy.

This means that the mother can return to work after Maternity Leave and take Shared Parental Leave at a later date or dates. Similarly, the father can take Shared Parental Leave at any time as it does not need to start as soon as the mother has given notice to end her Maternity Leave or returned to work. The mother is required to state she intends to end her Maternity Leave and Pay in order to trigger the Shared Parental Leave. Shared Parental Leave can start for the father while the mother is still on Maternity Leave if she's given binding notice to end her leave.

To qualify for Shared Parental Leave the parents both must have 26 weeks continuous employment from the qualifying week (that is, 15 weeks before the expected week of child birth) and remain continuously employed until the week before any period of Shared Parental Leave starts. Further, the mother must be eligible to Maternity Leave and Statutory Maternity Pay or Maternity Allowance.

The mother must inform their employer of their request to end her Maternity Leave early in order to take up the option of Shared Parental Leave with the father by completing a '[Curtailment of Maternity Leave and Pay Form](#)' at least 8 weeks before the start of the leave. If notice is given before the birth, the mother is able to revoke the notice up to six weeks after the birth. If notice is given after the birth, the notice is binding.

If a parent wishes to take Shared Parental Leave they must:

1. Inform their employer they wish to take Shared Parental Leave (at least 8 weeks before the start of the first period of Shared Parental Leave) by submitting a '[Notice of Intention to take SPL Form](#)'.
2. Inform their employer the period(s) of leave they wish to take (at least 8 weeks before the start of the first period of Shared Parental Leave) by submitting a '[Period of Leave Form](#)'.

The employer must reply within 2 weeks of receipt of a 'Period of Leave Form' stating they agree to the period(s) of leave requested or propose alternative dates, or refuse the dates.

If a parent later wishes to vary their period(s) of Shared Parental Leave they must inform their employer at least 8 weeks before the start of the period of Shared Parental Leave they wish to vary.

Shared Parental Pay

There is a maximum 37 weeks of Shared Parental Pay available to share between the parents (the remaining 13 weeks of the maximum 50 week Shared Parental Leave is unpaid).

Shared Parental Pay is paid for 37 weeks at £148.68 per week from April 2019 (or 90% of average weekly earnings if this is less than £148.68, which will increase to £151.20 in April 2020).

Unlike Statutory Maternity Pay, there is no provision for the first six weeks to be paid at 90 per cent of the parent's actual weekly earnings. This is the case even if the mother returns from maternity leave after only two weeks, during the period where the higher level of maternity pay would have been available to her.

During Shared Parental Leave the contract of employment continues. Employees will continue to accrue their holidays during this period therefore holiday credits should continue to be purchased from the Industry Holiday Pay Scheme. You must continue to make normal contributions (calculated as if the employee was working normally and receiving normal pay for doing so) to the Industry occupational pension scheme during any period of Shared Parental Leave.

Shared Parental Leave in Touch Days

Shared Parental Leave 'in touch days' are for parents who take Shared Parental Leave. Each parent is entitled to 20 Shared Parental Leave 'in touch days'. (These are in addition to the Keeping in touch (KIT) days already available for women on Statutory Maternity Leave).

UNPAID PARENTAL LEAVE

Parental leave is the right for an employee who is either the parent or the person who has obtained parental responsibility for a child, to take unpaid time off work to look after a child or make arrangements for the child's welfare. The employee must have **one year's continuous service** before they are able to apply for the parental leave. The employee also has the guaranteed right to return to the same or similar job with the same terms and conditions or to a better status than the post previously held.

The employee is entitled to 18 weeks unpaid parental leave for each child under the age of 18 years or until the 18th anniversary of the adoption of a child. The designated leave entitlement is per child so that if a parent for example, has triplets they are entitled to 54 weeks. The employee must take their leave as block weeks and can take a maximum of 4 weeks parental leave in one year (this is pro rata to part time employees).

TIME OFF FOR DEPENDENTS

The employee is entitled to reasonable unpaid time off work to deal with an unexpected or sudden emergency involving a dependent. A wife, husband or partner, child or parent, or someone living with the employee as part of their family can all be considered as dependant.

Such emergencies for dependants include the following:

- help a dependent or to make care arrangements when: a dependent falls ill, gives birth, is injured or assaulted;
- make arrangements following the death of a dependent or attending their funeral
- make new care arrangements for a dependent because of a disruption to or breakdown of existing arrangements
- deal with an incident which involves a dependent child during school hours, or on a school trip or other circumstances where the school has responsibility for the child
- maternity arrangements when a dependant goes into labour

The employee should tell you as soon as reasonably practicable how long they expect to be absent from work, where it is possible to measure the time. The amount of time granted is at your discretion but it should be reasonable in light of the circumstances. You must ensure that you treat all employees equally in similar circumstances.

FLEXIBLE WORKING ARRANGEMENTS

An employee who has a child can make a request for flexible working hours to care for the child. (From 30 June 2014 this was extended to all employees being eligible to request flexible working who have 26 weeks employment). Employers have a duty to consider a request in a reasonable manner and can only refuse a request for flexible working if they can show that one of a specific number of grounds apply.