

Maternity and Adoption Policy Template

1. Purpose

1.1 This policy outlines the rights and responsibilities of employees who are pregnant or have recently given birth, and sets out arrangements for ante-natal care, pregnancy related sickness, health and safety and maternity leave. A summary of maternity entitlements can be found in Appendix 1.

1.2 This policy also outlines the statutory rights and responsibilities of eligible workers who adopt, and sets out the arrangements for adoption leave.

1.3 Fleetwood Town Football Club is committed to remove and eliminate any direct or indirect discrimination of any form or kind within Fleetwood Town Football Club structures, and will under no circumstances condone unlawful discriminatory practices. The organisation takes a zero tolerance approach to discrimination, harassment, victimisation or bullying.

2. Scope

2.1 This policy applies to all pregnant and new mothers, and individuals who choose to adopt who are employed within Fleetwood Town Football Club.

2.2 The policy is not contractual and it can be amended from time to time.

3. Maternity - Time off for Antenatal Care

3.1 Pregnant employees or agency workers who have completed a 12 week qualifying period are entitled to take reasonable time off with pay during their normal working hours to receive antenatal care. Fathers and partners of pregnant women are entitled to unpaid time off to attend two antenatal appointments.

3.2 Where possible employees and eligible agency workers should arrange their appointments at the start or towards the end of their working day. Antenatal care includes appointments with their GP, hospital, and clinic appointments.

3.3 Employees and eligible agency workers should advise their Manager that they will be absent as far in advance of their appointment as possible. Employees may be asked to produce their appointment card and/or a medical certificate stating that they are pregnant before permission is granted for time off.

4. Adoption – Time off to Attend Adoption Placement Meetings

4.1 The main adopter (if they are an employee or an agency worker who has completed a 12 week qualifying period) has the right to take reasonable time off with pay during normal working hours to attend up to five adoption placement meetings.



ENGLISH FOOTBALL LEAGUE SPONSOR



OFFICIAL BREWING PARTNER



OFFICIAL KIT PARTNER

4.2 The adopter's partner has the right to take unpaid time off to attend up to two adoption meetings if he/she is an employee or an eligible agency worker.

5. Maternity - Sickness

5.1 Periods of pregnancy-related sickness absence shall be paid in accordance with our normal sickness and absence policy in the same manner as any other sickness absence.

5.2 Periods of pregnancy-related sickness absence from the start of an employee's or eligible agency worker's pregnancy until the end of their maternity leave will be disregarded for the purposes of attendance management.

5.3 If an employee is absent for a pregnancy-related reason during the four weeks before the week in which their child is due, their maternity leave may start automatically (see Commencing Maternity Leave below).

6. Maternity/Adoption Leave Entitlement

6.1 All employees who give birth or are matched with a child for adoption are entitled to take up to 26 weeks' ordinary maternity/adoption leave. For adoption leave there are additional requirements that need to be met (See section 7 for details)

6.2 There is no minimum length of service required to take maternity/adoption leave as this is a day one entitlement. In order to qualify for adoption leave the employee has to fulfil certain criteria (see section 7 below).

6.3 All employees are entitled, in addition to their ordinary maternity/adoption leave, to take up to 26 weeks' additional maternity/adoption leave immediately following ordinary maternity/adoption leave.

6.4 Agency workers who are not employees are not entitled to maternity leave, however they can still stop working to care for their child.

7. Additional Requirements for Adoption Leave

7.1 Adoption leave is only available if an employee is adopting through a UK or overseas adoption agency (for overseas adoptions see section 11). It is not available if there is no agency involved, for example, if an employee is formally adopting a step-child or other relative.

7.2 Employees are entitled to adoption leave if they fulfil the following conditions:-

- an adoption agency has given the employee written notice that it has matched them with a child for adoption and the Expected Placement Date (EPD);
- the employee has notified the agency that they agree to the child being placed with them on the EPD;
- the employee's spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave).

8. Notification requirements for Maternity Leave

8.1 Employees who become pregnant are requested to inform their Manager as soon as possible to discuss their future intentions, so that appropriate arrangements can be made. In respect of pregnant employees, it is important for them to notify their manager as there may be health and safety considerations. Although agency workers are not eligible for maternity leave, they should still inform their manager as soon as possible that they are pregnant so that appropriate arrangements and risk assessments are completed.

8.2 Before the end of the fifteenth week before the week in which the child is due to be born or as soon as reasonably practicable thereafter, the employee must notify their manager in writing of the fact that they are pregnant, the date on which they want their maternity leave to start, and the week in which their child is due. A copy should be forwarded to the HR Department. The Scottish FA will then write to the employee within 28 days to tell them the date their entitlement to maternity leave will end.

8.3 Employees must give their manager a medical certificate from their GP (MATB1 form) stating the expected week of childbirth. A copy should be forwarded to the HR Department.

8.4 Employees can postpone their start date by informing the Scottish FA in writing at least 28 days before the original chosen start date, or if that is not possible, as soon as reasonably practicable. Employees can bring forward their chosen start date by informing the Scottish FA at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

8.5 If an employee's child is born earlier than notified (or before any notification has been given), their maternity leave will begin automatically even if it is earlier than the eleventh week before the week in which their child was due. As soon as is reasonably practicable the employee must give their manager notice in writing of the date of childbirth. A copy should be forwarded to the HR Department.

8.6 If an employee fails to give the required notification within the specified time limits, they may lose their right to start maternity leave on their intended start date. The time limits can be extended only in exceptional circumstances where it was not reasonably practicable for the notification in question to have been given any earlier.

8.7 In accordance with its legal obligations Fleetwood Town Football Club will carry out an assessment of the risk to employees/eligible agency workers who are pregnant; those who have given birth within the last six months or who are still breastfeeding. This risk assessment will be completed by the appropriate line manager as soon as the individual notifies them of their pregnancy. The line manager should also regularly review risks as the pregnancy progresses. If the individual's job is identified as carrying any risk for them or their unborn child, they will be notified immediately and arrangements will be made to remove them from those risks.

8.8 This may mean that an employee's working conditions are altered or that the employee is offered another more suitable job (at the same rate of pay and on terms no less favourable than the original role) for the duration of their pregnancy. If neither of these options is possible, the Scottish FA reserves the right to suspend the employee on full pay until they are no longer at risk. If an employee unreasonably refuses a suitable alternative vacancy which is offered, they may lose their right to pay.



8.9 In terms of agency workers who have completed a 12 week qualifying period, if risks cannot be reasonably removed, the agency must end the assignment on maternity grounds.

8.10 If there are any matters which employees feel they would like explained in relation to their working environment when pregnant or their rights to maternity leave and pay, they should speak to the HR department. If an employee has any concerns about their own health and safety at any time, they should speak to their line manager or their Health and Safety representative.

9. Notification requirements for Adoption Leave

9.1 Employees who are matched with a child for adoption are requested to inform their manager as soon as possible to discuss their future intentions, so that appropriate arrangements can be made.

9.2 Employees must give Fleetwood Town Football Club notice in writing of:-

- the Expected Placement Date; and
- the intended start date for adoption leave.

9.3 Fleetwood Town Football Club will then write to the employee within 28 days to inform them of the date they are expected to return to work if they take their full entitlement to adoption leave (Expected Return Date).

9.4 This notice should be given not more than seven days after the agency notified the employee in writing that it has matched them with a child.

9.5 An employee can postpone their intended start date by informing Fleetwood Town Football Club in writing at least 28 days before the original date or, if that is not possible, as soon as they can.

9.6 An employee can bring forward their chosen start date by informing Fleetwood Town Football Club in writing at least 28 days before the new start date or, if that is not possible, as soon as they can.

9.7 Shortly before an employee's adoption leave starts, Fleetwood Town Football Club shall discuss with them the arrangements for covering their work and the opportunities for them to remain in contact, should they wish to do so, during their leave. Unless the employee request otherwise, they will remain on circulation lists for internal news, job vacancies, training and work-related social events.

9.8 At least 28 days before an employee's intended start date (or, if this is not possible, as soon), they must also provide Fleetwood Town Football Club with:

9.8.1 A matching certificate from the adoption agency confirming:

- the agency's name and address
- the name and date of birth of the child;
- the date the employee was notified of the match; and
- the Expected Placement Date; and

9.8.2 Written confirmation that the employee intends to take statutory adoption pay and not statutory paternity pay.



10. Overseas Adoptions

10.1 If an employee is adopting a child from overseas this policy applies with the modifications set out in this paragraph.

10.2 Employees must have received notification that the adoption has been approved by the relevant UK authority ("Official Notification").

10.3 Employees must give Fleetwood Town Football Club notice in writing of:

- Their intention to take adoption leave;
- The date they received Official Notification; and
- The date the child is expected to arrive in Great Britain.

10.4 This notice should be given as early as possible but in any case, within 28 days of receiving Official Notification, or within 28 days of them completing 26 weeks' service if that is later.

10.5 Employees must also give Fleetwood Town Football Club at least 28 days' notice in writing of their intended start date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

10.6 Within 28 days of the date the child arrives in Great Britain the employee/s must also notify Fleetwood Town Football Club of that date.

10.7 Fleetwood Town Football Club may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

11. Commencing Maternity Leave

11.1 Employees can begin their maternity leave at any time after the start of the eleventh week before the week in which their child is due to be born, subject to the exceptions noted within the 'Notification requirements for Maternity leave' section above.

12. Commencing Adoption Leave

12.1 Ordinary Adoption Leave may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

13. Disrupted Adoption

13.1 Adoption leave is disrupted if it has started but:

- the employee is notified that the placement will not take place;
- the child is returned to the adoption agency after placement; or
- the child dies after placement.

13.2 In case of disruption an employee's entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless their entitlement to leave and/or pay would have ended earlier in the normal course of events.

14. Returning from Maternity/Adoption Leave

14.1 Once an employee has notified Fleetwood Town Football Club in writing of their intended start date, they shall receive a letter within 28 days to confirm them of their Expected Return Date. If their start date changes (either because they gave Fleetwood Town Football Club notice to change it, or for example, because maternity leave started early due to illness or premature childbirth) Fleetwood Town Football Club shall write to the employee within 28 days of the start of maternity/adoption leave with a revised Expected Return Date.

14.2 Fleetwood Town Football Club will expect the employee to return on the expected return date unless the employee tells Fleetwood Town Football Club otherwise. If the employee returns to work on that expected return date, they do not need to notify their manager in advance of the date of their return, although it is helpful to Fleetwood Town Football Club if the employee confirms during their maternity/adoption leave that they will be returning as expected.

14.3 If the employee wishes to return to work without taking their full entitlement to maternity/adoption leave, they must give their manager eight weeks' advance notice specifying the date of their return. This notice should be in writing and copied to the HR Department.

14.4 An employee cannot work for the two weeks following the date their child is born or the date in which a child is placed for adoption.

14.5 If an employee attempts to return to work without taking their full entitlement to maternity/adoption leave and without giving their manager eight weeks' notice of the date on which they wish to return, Fleetwood Town Football Club may postpone their return until eight weeks after notice has been given. However, any postponement will not be to a date later than the date on which the employee's full entitlement to maternity leave would have expired.

15. Returning Late from Maternity/Adoption Leave

15.1 If an employee wishes to return later than the Expected Return Date, they should either:

- request unpaid parental leave, giving the Scottish FA as much notice as possible but not less than 21 days; or
- request paid annual leave in accordance with their contract, which will be at Fleetwood Town Football Club discretion.

15.2 If an employee is unable to return to work due to sickness or injury, this will be treated as sickness absence and Fleetwood Town Football Club usual sickness policy will apply.

15.3 In any other case, late return will be treated as unauthorised absence.

16. Deciding to not return to work after Maternity/Adoption leave

16.1 If an employee does not intend to return to work after their maternity/adoption leave, it is helpful if they discuss this with their manager as early as possible. If an employee decides not to return they must give Fleetwood Town Football Club the notice required in accordance with their contract of employment. The amount of maternity/adoption leave left to run when they give notice

must be at least equal to their contractual notice period, otherwise Fleetwood Town Football Club may require the employee to return to work for the remainder of the notice period.

16.2 Once an employee has given notice that they will not be returning to work, they cannot change their mind without Fleetwood Town Football Club agreement.

16.3 This shall not affect an employee's right to receive statutory maternity/adoption pay, however it will affect their right to receive enhanced maternity/adoption pay as this will cease to be payable on the date of termination of their employment.

17. Working Part-Time After Maternity/Adoption Leave

17.1 Fleetwood Town Football Club will deal with any requests by employees to change their working patterns (such as working part time) after maternity/adoption leave on a case-by-case basis. There is no absolute right to work part time, but the Scottish FA will try to accommodate an employee's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible. The procedure for making and dealing with such requests is set out in Fleetwood Town Football Club Flexible Working Policy.

18. Maternity/Adoption Pay

18.1 Fleetwood Town Football Club provides enhancements to Statutory Maternity/Adoption Pay (SMP/SAP). Such enhanced maternity/adoption pay includes the amount of any SMP/SAP to which the employee may be entitled. Employees will be entitled to Enhanced Maternity Pay (EMP) or Enhanced Adoption Pay (EAP) provided that: -

a. Maternity - employees have at least 26 weeks' service at the end of the fifteenth week before the week in which their child is due to be born (Qualifying Week) or

b. Adoption – employees have been continuously employed for at least 26 weeks at the end of the Qualifying Week, this being the week, beginning on a Sunday, in which the employee is notified in writing by an adoption agency of having been matched with a child and they are still employed by Fleetwood Town Football Club during that week.

c. Maternity - employees average weekly earnings during the eight weeks ending with the fifteenth week before the week in which their child is due to be born (the Relevant Period) are not less than the lower earnings limit set by the government;

d. Adoption – employees average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government.

e. Maternity - employees are still pregnant, or have given birth by the eleventh week before the start of expected week of childbirth; and

f. Maternity - employees have provided the Scottish FA with a doctor's or midwife's certificate (MATB1 form) stating their expected week of childbirth and have given at least 28 days' notice (or if that is not possible, as much notice as is reasonably practicable) of their intention to take maternity leave.



g. Adoption – employees have provided the Scottish FA with a matching certificate from the adoption agency and have given at least 28 days’ notice (or if that is not possible, as much notice as is reasonably practicable) of their intention to take adoption leave.

18.2 EMP/EAP is payable for 13 weeks. Week 1 of maternity/adoption pay period is the week after the employee leaves work or starts their maternity/adoption leave.

18.3 The amount of EMP/EAP that employees are entitled to receive depends upon their salary and the length of their maternity/adoption leave. The EMP/EAP is as follows:-

- Full average weekly earnings payable for the first thirteen weeks.
- For 26 weeks thereafter Statutory Maternity/Adoption Pay (SMP/SAP) at the flat rate set by the Department of Social Security or at the rate of 90% of the employee’s average weekly earnings, if this is lower.
- The HR Department will provide the employee with details of their individual entitlement.

18.4 SMP/SAP accrues with each complete week of absence, but payments shall be made on the next normal payroll date. Income tax, national insurance and pension contributions shall be deducted as appropriate.

18.5 If an employee leaves employment for any reason (for example, if they resign or are made redundant) they shall still be eligible for SMP/SAP if they have already qualified for maternity pay or been notified by an agency that they have been matched with a child. In adoption cases, SAP shall therefore start:

- 14 days before the Expected Placement Date; or
- the day after their employment ends; which ever is the later.

18.6 For the avoidance of doubt, EMP/EAP includes any additional sum which the employee may be entitled to receive at any time during their maternity/adoption leave in respect of a pay rise for the purpose of calculating statutory maternity/adoption pay.

18.7 If it is the case that the employee has no entitlement to EMP/EAP or they are entitled to statutory maternity/adoption pay only, but then become eligible for a pay rise before the end of their maternity/adoption leave, they will continue to have no entitlement to EMP/EAP. However, they will be treated for SMP/SAP purposes only (and not EMP/EAP) as if the pay rise had applied during the Relevant Period. This means that the employee may be entitled to SMP/SAP or that their entitlement may be increased. Any such entitlement will be calculated or re-calculated as appropriate and paid retrospectively. Any future SMP/SAP payments at the earnings related rate will also be increased as necessary.

18.8 Maternity - If an employee does not qualify for EMP or SMP, they may be entitled to claim Maternity Allowance. The HR Department will be able to provide advice to employees on how to make a claim. This is paid by the Department of Social Security (Jobcentre Plus).

18.9 While off caring for their new child, agency workers may be entitled to Statutory Maternity Pay, Maternity Allowance, Statutory Paternity Pay, Statutory Adoption Pay and/or Shared Parental Pay (See ACAS for guidance).

19. Contractual benefits



19.1 When an employee is absent on ordinary and additional maternity/adoption leave, their contract of employment will continue and they will be entitled to receive all their contractual benefits except salary. For example, holiday entitlement will continue to accrue, car allowance will continue to be paid, annual bonus paid as per guidelines on the bonus schedule; and pension contributions will continue to be made whilst the employee is being paid maternity pay.

20. Annual Leave

20.1 During ordinary and additional maternity/adoption leave, annual leave will accrue at the rate provided under the employee's contract.

20.2 No more than 5 days annual leave can usually be carried over from one holiday year to the next. If the holiday year is due to end during the employee's maternity/adoption leave, they should ensure that they have taken the full year's entitlement before starting their maternity/adoption leave.

20.3 Fleetwood Town Football Club holiday year runs from 1 January to 31 December.

21. Keeping in Touch (KIT)

21.1 Fleetwood Town Football Club may make reasonable contact with their employee from time to time during their maternity/adoption leave, through their line manager.

21.2 Employees may work (including attending training) for up to 10 KIT days during maternity/adoption leave without bringing their maternity/adoption leave or pay to an end. The arrangements, including pay, would be set by agreement. Employees are not obliged to undertake any such work during maternity/adoption leave. In any case, employees must not work in the two weeks following birth or placement of a child through adoption.

21.3 Shortly before employees are due to return to work, Fleetwood Town Football Club may invite them to have a discussion (whether in person or by telephone) about the arrangements for their return to work. This may include: -

- updating the employee on any changes that may have occurred;
- discussing any necessary training;
- discussing any changes to working arrangements (for example, if the employee has made a request to work part time).

22. Right to return to work

22.1 At the end of the period of ordinary maternity/adoption leave employees are normally entitled to return to the same job on the same terms and conditions as if they had not been absent.

22.2 However, if the employee has taken additional maternity/adoption leave or more than four weeks' parental leave and it is not reasonably practicable for Fleetwood Town Football Club to allow the employee to return into the same position, they may give the employee another suitable and appropriate job on terms and conditions that are not less favourable.

22.3 In the event that an employee's post is affected by a redundancy situation occurring during their maternity/adoption leave, Fleetwood Town Football Club shall write to inform them of any proposals and shall invite them to a meeting before any final decision is reached as to their continued employment. Employees on maternity/adoption leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

23. Maternity - Premature or sick babies

23.1 If the baby arrives early, maternity leave will automatically start on the day after the birth.

23.2 If the baby is stillborn after the twenty fourth week of pregnancy or if the baby is born alive at any point (even if the baby later passes away) the employee is entitled to full maternity rights.

24. Deviations from Policy

24.1 Unless specifically approved, any deviation from this policy is strictly prohibited. Any deviation from or non-compliance with this policy will be dealt with under Fleetwood Town Football Club Disciplinary Procedures.

