Smithfield House
Children's Nursery

14 West Smithfield
London
EC1A 9HY
T. 020 7236 1000
E.manager@smithfieldnursery.co.uk

Pregnancy and Family Leave Policy

Note: This policy reflects new rules which apply to any baby born on or after 6 April 2026; to any baby born before 6 April 2026, but where they were due on or after 5 April 2026; and to any children placed for adoption on or after 6 April 2026. Further, where the expected week of childbirth starts between 5th April and 25th July 2026, employees need to only give 28 days' notice to take Paternity Leave, with the earliest date they can give notice being 18 February 2026. Should an employee be affected by these transitional arrangements, it is recommended that employees are notified of these temporary measures in a separate letter, following relevant legal advice.
Parental leave rights also change from 6 April 2026, when parental leave becomes a day-one right.

Maternity rights
This section is for pregnant employees and new mothers. It details their rights, which fall into three main categories:
- Paid time off for antenatal care
- Maternity leave
- Maternity benefits.

Ante-natal care
You are entitled to be paid your normal rate of pay for any appointments during working hours related to antenatal care. In order to receive payment an appointment card must be produced confirming the appointment and you will be expected to return to work after keeping your appointment wherever possible. When a certificate confirming pregnancy is issued, this must be handed in as soon as possible.

Ordinary maternity leave
You are entitled to 26 weeks' ordinary maternity leave and have the right to return to work in your previous job. These rights apply regardless of length of service, or the number of hours worked.

You have the right to return to your contractual hours of work. Whilst you do not have the right to return on a different number of hours, you may make a flexible working request. Requests should be made in writing to your employer, giving as much notice as possible.

You can start your ordinary maternity leave at any time from the 11th week before the expected week of childbirth (EWC) and there is a two-week compulsory maternity leave period following the birth. For all maternity leave purposes "childbirth" is either a live birth before the end of the 24th week of pregnancy or a live or still birth after the 24th week of pregnancy.

Throughout the ordinary maternity leave period, all your terms and conditions of employment are maintained with the sole exception of pay.
Additional maternity leave
Additional maternity leave starts at the end of the ordinary maternity leave period and ends 26 weeks later. As with ordinary maternity leave, all your terms and conditions of employment are maintained throughout this period with the sole exception of pay.

Notification
The notice periods detailed below must be complied with in order to safeguard your rights.
You must notify your employer in writing by the 15th week before the EWC of the following:
- That you are pregnant
- The EWC
- The date on which you intend to start your maternity leave.

You must also provide a certificate (normally a form MAT B1) stating the EWC. Your employer will then write to you within 28 days to confirm your date of return to work. You can change the date on which you intend to start your maternity leave by giving your employer at least 28 days written notice.

Returning to work
If you take the full entitlement to maternity leave your return date will be the date previously notified to you by your employer. If you wish to return early you must give your employer eight weeks' written notice of your early return date. Your early return may be delayed if this procedure is not followed.

If you intend to return to work at the end of your maternity leave but fail to do so, your employer's normal rules regarding absence will apply.

Maternity benefits
Although you do not need any qualifying service or to work a minimum number of hours to be entitled to maternity leave or the right to return to work, in order to qualify for Statutory Maternity Pay (SMP) from your employer, you need to have the following:
- At least 26 weeks continuous service at the end of the 15th week before the EWC (this is known as the "qualifying week" for maternity pay purposes)
- Average earnings above the National Insurance lower earnings limit during the eight weeks before the qualifying week.

If you meet these conditions, you are entitled to a maximum of 39 weeks SMP which is calculated as:
- Six weeks at 90% of average weekly earnings
- 33 weeks at the lesser of the lower rate of SMP or 90% of average weekly earnings.

If you do not qualify for SMP you may be entitled to Maternity Allowance (MA).

Sickness absence during pregnancy
If you are absent from work because of a pregnancy related illness or reason at any time during the four weeks before your EWC, the ordinary maternity leave period begins on the first day of absence. If the pregnancy related absence began before the fourth week, then the ordinary maternity leave period begins at the start of the fourth week, if that absence is continuing.
If you are absent from work and the illness is not pregnancy related, the maternity leave period will begin on the date you have previously notified.
If you are absent from work in the weeks leading up to your maternity leave it may affect the higher rate of SMP (90% of normal pay) because it is based on your average earnings in the eight weeks prior to the qualifying week.

Adoption rights
This section is similar to the previous section but deals with employee rights on the adoption of a child, which fall into three main categories:
- Paid time off to attend pre-adoption appointments
- Adoption leave
- Adoption benefits.

Different rules apply to adoption rights where a child is being adopted from overseas; where foster parents have children placed with them with a view to adoption; and where employees have entered into a surrogacy arrangement with a surrogate and have been granted or intend to apply for, a parental order. If one of these situations apply, the employee should contact their manager for further information.

Pre-adoption appointments
If you are the primary or sole adopter and you have been advised that a child is due or expected to be placed with you for adoption you are entitled to be paid your normal rate of pay for up to five pre-adoption appointments during working hours. The appointments must have been made by or at the request of the adoption agency and in order to receive payment

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an appointment card must be produced confirming each appointment. The maximum time off for each appointment is six and a half hours and you will be expected to return to work after keeping your appointment wherever possible.

Ordinary adoption leave
If you are the adoptive parent who has elected to take adoption leave you have the right to 26 weeks' ordinary adoption leave, which includes two weeks' compulsory adoption leave. You can start your adoption leave as soon as the child is placed with you for adoption or if pre-notified up to 14 days before that date.

You have the right to return to your contractual hours of work. Whilst you do not have the right to return on a different number of hours, you may make a flexible working request. Requests should be made in writing to your employer, giving as much notice as possible.

Throughout the ordinary adoption leave, all your terms and conditions of employment are maintained with the sole exception of pay.

Additional adoption leave
If you are entitled to ordinary adoption leave, additional adoption leave starts at the end of the ordinary adoption leave period and ends 26 weeks later. As with ordinary adoption leave, all your terms and conditions of employment are maintained throughout this period with the sole exception of pay.

Notification
The notice periods detailed below must be complied with in order to safeguard your rights. You must notify your employer in writing of the following no later than seven days after being matched with a child for adoption:
- The date of placement of the child for adoption
- The date on which you intend to start your adoption leave.

You must also provide an Adoption Certificate from the approved adoption agency. Your employer will then write to you within 28 days to confirm your date of return to work. You can change the date on which you intend to start your adoption leave by giving your employer at least 28 days' written notice.

Returning to work
If you take the full entitlement to adoption leave your return date will be the date previously notified to you by your employer. If you wish to return early you must give your employer eight weeks' written notice of your early return date. Your early return may be delayed if this procedure is not followed.

If you intend to return to work at the end of your adoption leave but fail to do so, your employer's normal rules regarding absence will apply.

Adoption benefits
Although you do not need any qualifying service or to work a minimum number of hours to be entitled to adoption leave or the right to return to work, in order to qualify for Statutory Adoption Pay (SAP) from your employer, you need to have the following:
- At least 26 weeks' continuous service at the end of the week in which the child was matched with you for adoption
- Average earnings above the National Insurance lower earnings limit during the eight weeks before the week in which the child was matched with you for adoption.

If you meet these conditions you are entitled, subject to special rules where the adoption is disrupted or where the child reaches age 18, to a maximum of 39 weeks SAP, calculated as:
- Six weeks at 90% of average weekly earnings

- 33 weeks at the lesser of the lower rate of SAP or 90% of average weekly earnings.

In order to be paid SAP, you should notify your employer in writing of the following no later than 28 days before the date on which you wish your SAP period to begin:

- The name and address of the approved adoption agency
- The date on which the child is expected to be placed for adoption and where the child has already been placed for adoption, the date of placement
- The date on which you were informed that the child was to be placed with you for adoption.

Paternity rights (birth)

Ante-natal appointments

You are entitled to accompany the child's birth-giving parent on up to two ante-natal appointments without pay during working hours. This is on condition that you have or expect to have responsibility for the upbringing of the child and that you are the biological father of the child or are married to or are the partner of the child's birth-giving parent. The maximum time off for each appointment is six and a half hours and you will be expected to return to work after keeping your appointment wherever possible.

Statutory paternity leave

All employees are entitled to choose to take a single block of either one week or two separate blocks of one whole week each, of statutory paternity leave if you meet the following conditions:

- You have or expect to have responsibility for the upbringing of the child
- You are the biological father of the child or are married to or are the partner of the child's birth-giving parent .

Leave has to be taken in whole weeks and cannot be split into days.

You cannot start your statutory paternity leave until the child is born and the leave can be taken within 52 weeks of birth. You must give prior notice of your entitlement and intention to take leave by the 15th week before the EWC (or if this is not reasonably practical, as soon as is reasonably practical) but you do not have to give notice of the dates you intend to take leave until at least 28 days before that period of leave is due to start.

Throughout the statutory paternity leave, all your terms and conditions of employment are maintained with the sole exception of pay.

Paternity benefits

If you are entitled to statutory paternity leave and your average earnings were above the National Insurance lower earnings limit during the eight weeks up to and including the 15th week before the EWC, you are entitled to be paid Statutory Paternity Pay (SPP). SPP is paid during the entire statutory paternity leave period and is the lesser of:

- The standard rate of SPP, or
- 90% of average weekly earnings.

Notification

To safeguard your rights to statutory paternity leave and pay you must complete Form SC3 by the 15th week before the EWC. You can change the date on which you intend to start your statutory paternity leave by completing a new Form SC3 at least 28 days before the original leave date.

Paternity rights (adoption)

Pre-adoption appointments

If you are the primary adopter's partner and you have been advised that a child is due or expected to be placed with you, you are entitled to attend up to two pre-adoption appointments without pay during working hours. The appointments must have been made by or at the request of the adoption agency and the maximum time off for each appointment is six and a half hours. You will be expected to return to work after keeping your appointment wherever possible.

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Statutory paternity leave
All employees are entitled to choose to take a single block of either one week or two separate blocks of one whole week each, of statutory paternity leave if you meet the following conditions:

- You are not taking adoption leave in respect of the child
- You have or expect to have responsibility for the upbringing of the child
- You are married to or are the partner of the child's adopter.

Leave has to be taken in whole weeks and cannot be split into days.

You cannot start your statutory paternity leave before the day the child is placed with the adopter and it must end within 56 days beginning with the date of placement.

Notice of actually taking the leave must be provided 28 days before each period of leave by employee.

Notice of entitlement must be provided to the employer within seven days of the employee receiving notification that they have been matched with a child for adoption. This notice must be in writing and should include the date of notification of being matched with a child, when the placement is expected to start or has started, whether they have or will have responsibility of child's upbringing; and whether they are married to, civil partner of or partner of child's main adopter.

Throughout the statutory paternity leave, all your terms and conditions of employment are maintained with the sole exception of pay.

Paternity benefits
If you are entitled to statutory paternity leave and your average earnings were above the National Insurance lower earnings limit during the eight weeks before the week in which the child was matched for adoption, you are entitled to be paid Statutory Paternity Pay (SPP). SPP is paid during the entire statutory paternity leave period and is the lesser of:

- The standard rate of SPP, or
- 90% of average weekly earnings.

Notification
To safeguard your rights to statutory paternity leave and pay you must complete a Form SC4 no later than seven days after the date on which the adopter is notified of having been matched with the child for adoption. You can change the date on which you intend to start your statutory paternity leave by completing a new Form SC4 at least 28 days before the original leave date.

Shared parental rights (birth)
Introduction
Many parents will be able to share leave in the year after their child's birth and take leave in a more flexible way by stopping and starting their shared parental leave, taking their leave at the same time, and returning to work between periods of leave.
All employees are entitled to qualify for shared parental leave you must have at least 26 weeks' continuous service at the end of the 15th week before the EWC and still be in employment the week before you take the shared parental leave. In addition, you must share the main responsibility for the care of the child that the shared parental leave and pay relates to with the other parent and meet an 'employment and earnings' test.

Opting into shared parental leave and pay
If the birth-giving parent and her partner agree, they can curtail her current maternity leave and 'convert' what remains of the leave period into shared parental leave (SPL). They must do this by giving formal notice to her employer and, if you are the birth-giving parent, we have

a form that can be completed to provide the required information. At least eight weeks' notice must be given to curtail maternity leave, at which time the birth-giving parent and her partner must also give their respective employers an indication of how they intend to take the shared parental leave and pay.

The birth-giving parent's notice to curtail maternity leave will normally be accompanied by a notice of entitlement to take shared parental leave and a request for a period of shared parental leave and pay. Once notice to curtail maternity leave has been given, it can only be withdrawn in very limited circumstances. However, if they give notice to curtail her maternity leave before the child is born, she has up to six weeks after the birth to change her mind. If they revoke her curtailment notice, she remains on maternity leave and can give a new notice to curtail her maternity leave at a later date.

Taking shared parental leave

Before you can take shared parental leave and pay you must provide your employer with a notice of your entitlement to shared parental leave and pay, and this must be accompanied by a 'declaration' from your partner. This is a 'one off' notice and, if you are the birth-giving parent, you will already have given this notice with your notice to curtail your maternity leave. If you are their partner we have a form that can be completed to provide the required information. The total number of weeks of SPL available is 52 weeks minus the maternity leave that they have already taken (including the compulsory maternity leave period). The leave must be taken in whole weeks (part-weeks count as whole weeks), and it must be taken before the child's first birthday.

All your terms and conditions of employment are maintained throughout the SPL period with the sole exception of pay and, if your combined total of maternity/paternity and SPL does not exceed 26 weeks, you are entitled to return to work in your previous job. You have the right to return to your contractual hours of work. Whilst you do not have the right to return on a different number of hours, you may make a flexible working request. Requests should be made in writing to your employer, giving as much notice as possible.

Notification

You are allowed three 'notifications' to take a period of SPL. A minimum of eight weeks' notice must be given before each period of leave, and the birth-giving parent's first notice to take SPL will usually be included as part of the notice to curtail maternity leave.

If your notice is for a continuous period of SPL, for example six weeks off, it cannot be refused. If, however, your notice is for a discontinuous period of leave, for example six weeks comprising three weeks of SPL, three weeks in work, then three weeks of SPL, this can be refused. The first two weeks of the eight week notice period are to enable you and your employer to discuss this type of request and to try to reach agreement on the pattern of leave.

If agreement cannot be reached you have until the 15th day after you submitted your request (i.e. the day after the discussion period expires) to either let the request stand or to withdraw the request. If you let the request stand your employer can insist that the SPL is taken as a period of continuous leave (in the above example as a continuous period of six weeks). You then have five days in which to decide the start date for the period of continuous leave, otherwise it will start on the date of the first period you previously notified. Alternatively, you can withdraw the request and it will not count as one of your three notifications.

If you want to change the dates of a previously notified period of SPL and your employer agrees to this, then the change does not count as a formal 'notification'. If, however, your employer does not agree to the change you can submit a formal notification of the change (giving at least eight weeks' notice). Your employer will have to accept this notification, but the change will count as one of your three 'notifications'.

Statutory Shared Parental Pay

If you qualified for SMP, MA or SPP you will also qualify for Statutory Shared Parental Pay (SSPP). The total number of weeks of SSPP available is 39 weeks minus the number of weeks of SMP already paid to them. SSPP is paid at the lesser of:

- The standard rate of SSPP, or

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- 90% of average weekly earnings.

As there will be more weeks of SPL available than weeks of SSPP, employees who claim SSPP will be required to sign a declaration stating the total pay available and the total pay received.

Shared parental rights (adoption)
Introduction
Many parents will be able to share leave in the year after the adoption and take leave in a more flexible way by stopping and starting their shared parental leave, taking their leave at the same time, and returning to work between periods of leave.

To qualify for shared parental leave you must have at least 26 weeks' continuous service at the end of the week in which the adopter is notified of having been matched with a child for adoption and still be in employment the week before you take the shared parental leave. In addition, you must share the main responsibility for the care of the child that the shared parental leave and pay relates to with the other parent and meet an 'employment and earnings test'.

Opting into shared parental leave and pay
If the primary adopter and their partner agree, the primary adopter can curtail their current adoption leave and 'convert' what remains of the leave period into shared parental leave (SPL). The primary adopter must do this by giving formal notice to the employer and if you are the primary adopter, we have a form that can be completed to provide the required information. At least eight weeks' notice must be given to curtail adoption leave, at which time the primary adopter and their partner must also give their respective employers an indication of how they intend to take the shared parental leave and pay.

The primary adopter's notice to curtail adoption leave will normally be accompanied by a notice of entitlement to take shared parental leave and a request for a period of shared parental leave and pay. Once notice to curtail adoption leave has been given, it can only be withdrawn in very limited circumstances.

Taking shared parental leave
Before you can take shared parental leave and pay you must provide your employer with a notice of your entitlement to shared parental leave and pay, and this must be accompanied by a 'declaration' from your partner. This is a 'one off' notice and, if you are the primary adopter, you will already have given this notice with your notice to curtail your adoption leave. If you are the secondary adopter/adopter's partner we have a form that can be completed to provide the required information. The total number of weeks of SPL available is 52 weeks minus the adoption leave that the primary adopter has already taken (including the compulsory adoption leave period). The leave must be taken in whole weeks (part-weeks count as whole weeks), and it must be taken during the first year following the adoption.

All your terms and conditions of employment are maintained throughout the SPL period with the sole exception of pay and if your combined total of adoption/paternity and SPL does not exceed 26 weeks, you are entitled to return to work in your previous job. If you work full time you have the right to return to your full time position but you do not have the right to return part time. However, your employer will discuss any request for part time work and will, on request consider part time work. Requests should be made in writing to your employer, giving as much notice as possible.

Notification
You are allowed three 'notifications' to take a period of SPL. A minimum of eight weeks' notice must be given before each period of leave, and the primary adopter's first notice to take SPL will usually be included as part of the notice to curtail adoption leave.

If your notice is for a continuous period of SPL, for example six weeks off, it cannot be refused. If however, your notice is for a discontinuous period of leave, for example six weeks comprising three weeks of SPL, three weeks in work, then three weeks of SPL, this can be refused. The first two weeks of the eight week notice period are to enable you and your employer to discuss this type of request and to try to reach agreement on the pattern of leave.

If agreement cannot be reached you have until the 15th day after you submitted your request (i.e. the day after the discussion period expires) to either let the request stand or to withdraw the request. If you let the request stand your employer can insist that the SPL is taken as a period of continuous leave (in the above example as a continuous period of six weeks). You then have five days in which to decide the start date for the period of continuous leave, otherwise it will start on the date of the first period you previously notified. Alternatively, you can withdraw the request and it will not count as one of your three notifications.

If you want to change the dates of a previously notified period of SPL and your employer agrees to this, then the change does not count as a formal 'notification'. If, however, your employer does not agree to the change you can submit a formal notification of the change (giving at least eight weeks' notice). Your employer will have to accept this notification, but the change will count as one of your three 'notifications'.

Statutory Shared Parental Pay
If you qualified for SAP or SPP you will also qualify for Statutory Shared Parental Pay (SSPP). The total number of weeks of SSPP available is 39 weeks minus the number of weeks of SAP already paid to the primary adopter. SSPP is paid at the lesser of:

- The standard rate of SSPP, or
- 90% of average weekly earnings.

As there will be more weeks of SPL available than weeks of SSPP, employees who claim SSPP will be required to sign a declaration stating the total pay available and the total pay received.

Parental leave
All employees who are parents of children born or placed for adoption are entitled to take unpaid parental leave. The right applies to mothers and fathers and to a person who has legal parental responsibility. Parents are able to start taking parental leave when the child is born or adopted.

Parents are entitled to 18 weeks' leave for each child, to be taken before the child reaches age 18. Parents must give 21 days' written notice to take parental leave and it must be taken in blocks or multiples of one week (part-weeks, including single days or part days, count as whole weeks) up to a maximum of four weeks in any one year. Parents of disabled children for whom a disability living allowance has been awarded have the additional flexibility to take leave in days without them being counted as whole weeks, although part days count as full days.

Leave can be postponed by the nursery for up to six months where the business cannot cope, except when the parental leave is to start on the date that the child is born (or in the case of an adopted child, when the child is placed with the adoptive parents).

Neonatal care leave (NCL)
If your baby requires specialist neonatal care after birth, the Neonatal Care (Leave and Pay) Act 2023 entitles you to take statutory neonatal care leave (NCL) in addition to any other statutory family leave to which you may be entitled and to receive statutory neonatal care pay (SNCP), subject to satisfying the eligibility criteria. NCL is a day-one right, if you comply with the notice requirements.

You are entitled to one week of NCL for each qualifying week your child spends in neonatal care, up to a maximum of 12 weeks. It must be taken in weekly blocks. The neonatal care

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must begin within 28 days of your child's birth and last for a continuous period of at least seven days (not including the day on which the care starts).

NCL will be granted when you have a qualifying parental, or other personal relationship, with your child including where your child has been adopted and in parental order (surrogacy) cases. NCL may be taken in addition to other types of statutory family leave, but must be taken within the first 68 weeks of your child's birth.
You have the right to return to the same job (or, in certain circumstances, to return to a suitable and appropriate alternative job), are entitled to be offered suitable alternative employment on redundancy in priority to other employees and you are protected from detriment or dismissal related to NCL).

Further information will be available from your employer.

Time off for dependants
You will be allowed to take reasonable time off work without pay to deal with an emergency involving a dependant. The amount of time off allowed will depend on the circumstances.

For example, if a dependant is ill or injured, reasonable time off will be given to deal with the emergency – this does not mean that you will be allowed to take time off to look after the dependant personally.

Compassionate leave
This leave applies on the death of an employee's spouse, life partner, parent, brother, sister, grandparent, dependent or other relative for whom the employee has special responsibility or has had special ties.

Generally, the amount of time off required will be at the manager's or senior management team's discretion and will depend on individual circumstances..

Death of a child: Statutory Parental Bereavement Leave
If an employee experiences the death of a child under the age of 18 or suffers a stillbirth from 24 weeks of pregnancy, or has an abortion after 24 weeks (in very limited circumstances an abortion can take place after 24 weeks if the birth-giving parent's life is at risk or the child would be born with a severe disability), the employee will be entitled to Statutory Parental Bereavement Pay , subject to meeting the eligibility criteria having been employed for at least 26 weeks.

If the period of Parental Bereavement Leave is to be taken around the same time as another period of family leave, the employer will seek legal advice regarding the employee's individual circumstances at the time of the bereavement.

Support will be given including making reasonable adjustments on the return to work and further ongoing support as required.

This policy was adopted on	Signed on behalf of the nursery	Date for review
1st July 2026		Annually - unless changes to legislation