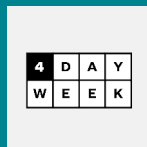




ESG Gaming

Maternity, Paternity and Adoption Policy



Version control:

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Maternity, Paternity and Adoption Policy

Who is covered by this policy?

All staff.

What is covered by this policy?

This policy covers staff members' rights and responsibilities in the event of pregnancy of themselves or a partner, or in the event of adoption. It outlines leave entitlement, pay during leave, returning to work following leave and the procedures to follow.

Purpose

The purpose of this policy is to help staff understand what their rights and responsibilities are in the event of pregnancy of themselves or a partner, or adoption.

ESG Gaming is committed to ensure that staff who are responsible for the care of children are aware of all relevant provisions under the law.

Maternity rights

Maternity leave

Staff members of ESG Gaming have the right to 26 weeks of Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML) – making one year in total (including holidays). Provided the individual meets certain notification requirements (outlined in the following sections), they can take this no matter how long they have been working for ESG Gaming, how many hours they work or how much they are paid.

Ordinary Maternity Leave

The length of this leave is 26 weeks and all pregnant staff are entitled to this, no matter how long their length of service. During this time, their employment contract continues, and they will continue to receive all their contractual benefits, except their wages or salary. (See 'Statutory Maternity Pay rates and pension contributions' section below.)

If, after 24 weeks of pregnancy, the staff member suffers a stillbirth, they will still be entitled to 52 weeks' maternity leave (making one year in total including holidays).

Additional Maternity Leave

This begins from the end of the OML period and is for a period of a further 26 weeks. The contract of employment continues during this time, but Statutory Maternity Pay (see below) only covers half of this period and the rest is unpaid (unless your contract offers enhanced maternity pay).

Informing ESG Gaming about intended maternity leave

Staff must tell their line manager at least 15 weeks before the beginning of the week their baby is due.

ESG Gaming needs to receive verbal and written notice of pregnancy, and the essential information that must be covered in writing is:

- notice that the staff member pregnant;
- when the baby is due (a copy of Form MAT B1 is required from a doctor or midwife);
- when the staff member wants to start their maternity leave (the date can be changed later as long as ESG Gaming receives 28 days' notice).
- ESG Gaming will then write to the staff member within 28 days, telling them the date when their leave will end.



Antenatal care

A staff member is entitled to paid time off for antenatal care regardless of how long they have worked for ESG Gaming. Antenatal care may include relaxation and parent craft classes, as well as medical examinations. The staff member must provide evidence of recommendations for this care from a registered medical practitioner, registered midwife or registered health advisor.

Taking maternity leave

The earliest staff members can start their leave is 11 weeks before the expected week of childbirth.

Leave will also start:

- the day after the birth if the baby is early;
- automatically if the staff member is off work for a pregnancy-related illness in the four weeks before the week (Sunday to Saturday) that their baby is due.
- The individual does not have to take all of their maternity leave, but they must take two weeks of compulsory maternity leave after their baby is born. Maternity leave must be taken in one go.

Losing the baby

Staff can still take maternity leave if their child is:

- stillborn after 24 weeks of pregnancy;
- born alive at any point of the pregnancy.
- If the individual loses their baby, they are also entitled to statutory parental bereavement leave after their maternity leave has ended (parental bereavement leave must be taken within 56 weeks of the date of death or stillbirth).

Terms and conditions during maternity leave

While staff is on OML, they keep their usual employment rights and benefits (apart from wages). If they take AML, some contractual rights and benefits (e.g. pension contributions) can be put on hold while they are not being paid, although their statutory rights continue.

Annual leave

Staff will continue to accrue annual leave while they are on maternity leave, but they cannot take annual leave during their maternity leave period. Staff members can add holiday to the beginning or end of their leave.

'Keeping in touch days'

During maternity leave, it is often helpful to keep in touch. ESG Gaming is entitled to make reasonable contact with staff members during their leave. This might be to discuss such things as arrangements for their return to work or to update them on any significant changes in the workplace while they have been away.

Any maternity leave and pay will normally come to an end when the individual returns to work. However, they are entitled to do up to ten days' work during their maternity leave without losing maternity pay or bringing their leave to an end.

These 'keeping in touch days' may only be worked if both the staff member and ESG Gaming agree. Although particularly useful for things such as training or team events, they may be used for any form of work and should make it easier to return to work after leave. The staff member will need to agree with ESG Gaming what work is to be done on 'keeping in touch days' and how much pay they will receive.

Redundancy

In the unlikely event that ESG Gaming makes someone redundant during their maternity leave, it will offer the individual a suitable alternative job if there is one.



Maternity pay

Qualifying for paid maternity leave

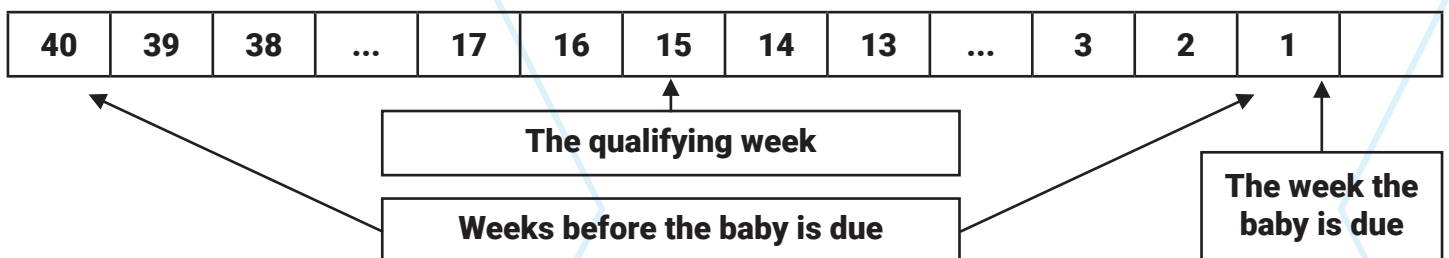
In order to take advantage of antenatal care and to qualify for paid maternity leave, there are certain procedures staff must comply with:

- To be eligible for Statutory Maternity Pay (SMP), staff need to have been employed by ESG Gaming without a break for at least 52 weeks into the 15th week before the week their baby is due. This period must include at least one day in the qualifying week.
- If the individual has the right to receive SMP, they will get it even if they decide to leave their job before they start receiving SMP. The individual does not have to repay it if they decide not to go back to work or to leave their job while getting SMP.
- Staff can choose when they want their maternity leave to start, and the SMP will normally coincide with that. Unless the baby is born sooner, the earliest SMP can start is 11 weeks before the week the baby is due.

Statutory Maternity Pay rates and pension contributions

SMP is paid as follows:

- 6 weeks at 100% of monthly salary (statutory minimum 90%).
- 33 weeks at SMP rates, which are determined by the government and can be found out via your line manager.
- ESG Gaming will contribute to staff member's pension during the period they are in receipt of SMP. This will be based on their pay before they started their leave, and the employee's contributions will be based on the actual pay they receive.
- If the staff member resigns, providing they qualify for SMP and have notified ESG Gaming of their intended maternity leave start date, they will still be paid SMP after the start of the 15th week before the estimated week of childbirth.
- SMP starts on the Sunday after the last day an employee has worked (unless their baby is born prematurely).



Maternity allowance

If the staff member does not qualify for SMP, they may be able to claim Maternity Allowance (MA). Further detail is available at www.gov.uk/maternity-allowance.

The procedure to follow before the birth

1. The staff member has to notify their line manager and the line manager in writing of their pregnancy and the week they expect their baby to be born. This needs to happen at least 15 weeks before the estimated week of childbirth.
2. The individual must show an appointment card, except for their first appointment, confirming that an appointment has been made with their doctor/midwife/hospital.
3. The staff member must produce a written certificate from their doctor, midwife or health visitor confirming their pregnancy (this is not the MATB1).
4. If the employee is absent from work wholly or partly because of pregnancy-related illness four weeks before their estimated week of childbirth, the maternity leave period is triggered automatically.
5. The individual must give written notification of the date they wish to start their maternity leave period



- 28 days before the date it begins – unless they give birth prematurely.
- ESG Gaming will respond to the notification within 28 days of receiving it, giving the individual the date of their return to work.
 - Staff may choose when their maternity leave begins, but it cannot be earlier than 11 weeks before the estimated week of childbirth. They may continue working right up to the date their baby is born. The latest leave date is the date of birth itself.
 - Staff can change their leave dates provided they give 28 days' notice.
 - If the baby is born prematurely or before the staff member has notified ESG Gaming of the leave date, the maternity leave period automatically starts the day after the baby is born.

Procedure for returning to work

- If the staff member intends to return to work before the end of either OML or AML, they must give eight weeks' notice in writing to their line manager.
- If the individual returns to work before the end of their maternity leave, they lose their SMP for the weeks they work but they will receive their normal salary instead.
- Staff do not need to give advance notice if they intend to return to work after the end of their maternity leave period, but, for obvious reasons, ESG Gaming would like notification of the intention to return to work.
- At the end of their OML period, staff are entitled to return to the same job on the same terms and conditions unless a redundancy situation has arisen, in which case, where practicable, they will be offered a suitable alternative vacancy on terms which are not substantially less favourable. At the end of their AML period, staff are entitled to return to the same job on the same terms and conditions. If that is not possible because there have been significant changes to the organisation, staff could be offered a similar job, which cannot be on worse terms than before (in terms of pay, benefits, holiday entitlement, seniority, etc.).
- If the individual does not wish to return to work after their maternity leave period, they must give the notice period required by ESG Gaming.

Sickness and absence during pregnancy

If the staff member resigns or is dismissed for reasons unrelated to their pregnancy before they have notified ESG Gaming of their intended maternity leave start date, they will lose their right to maternity leave.

Where sickness during their pregnancy is unrelated to the pregnancy (e.g. a broken leg), the staff member will be paid in accordance with ESG Gaming's Sickness Policy and Procedure. If the individual is sick during their 26 weeks' SMP or MA period, they are disqualified from receiving Statutory Sick Pay (SSP).

If staff are unable to attend work at the end of their maternity leave, ESG Gaming's Sickness Policy and Procedure will apply.

Paternity rights

If a staff member is the partner of someone taking maternity or adoption leave and will be responsible with them for bringing up the child, they have the right to paid paternity leave providing they meet certain conditions.

Paternity leave

Staff can take paternity leave if they:

- are a staff member with a contract of employment;
- are either the biological father of the child or the partner/husband of someone taking maternity or adoption leave;
- have been with ESG Gaming for at least 52 weeks by the end of the 15th week before the beginning of the week when the baby is due or before the matching week;



- will be fully involved in the child's upbringing and are taking the time off to support the parent giving birth or care for the baby.
- Staff can take either one or two weeks of paid leave. They cannot take odd days off, and if they take two weeks, those weeks must be taken together.

The leave can start:

- on the day the baby is born;
- a number of days or weeks after the baby is born, as agreed with the line manager;
- from a specific date after the first day of the week in which the baby is expected to be born.
- The leave can start on any day of the week (but not before the baby is born), and has to finish within 56 days of the baby being born or, if the baby is born before the week it was due, within 56 days of the first day of that week.
- If the staff member's partner has a multiple birth, the staff member is only allowed one period of paternity leave.

Losing the baby

Staff can still take paternity leave if their child is:

- stillborn after 24 weeks of pregnancy;
- born alive at any point of the pregnancy.

If the individual loses their baby, they are also entitled to statutory parental bereavement leave after their paternity leave has ended (parental bereavement leave must be taken within 56 weeks of the date of death or stillbirth).

Paternity pay

Staff must complete a self-certificate to be entitled to Statutory Paternity Pay (SPP). The rate of SPP is the same as SMP (see 'Maternity rights' section above), but ESG Gaming will pay 100% of the employee's salary for the one week or two weeks of leave.

The same rights and conditions apply to when taking paternity leave as for those employees taking maternity leave and all contractual benefits apply.

The eligibility factors for taking paternity leave are:

- continuous employment for 52 weeks, ending with the 15th week before the baby is due;
- the staff member must be the baby's biological father or the partner/husband of the parent giving birth and must provide independent documented evidence which confirms their relationship with the child;
- the staff member must have (or expect to have) responsibility for the baby's upbringing.

The procedure to follow

Staff must inform ESG Gaming of the intention to take paternity leave by the end of the 15th week before the baby is expected. ESG Gaming must know:

- when the staff member wants to start their leave to start;
- when the baby is due;
- whether they want one week or two weeks of leave.

A simple way to give notice is to fill in a self-certificate. Form SC3 'Becoming a parent' works as a self-certificate and can be downloaded from www.direct.gov.uk.

Adoption rights

Individuals who adopt, or one partner of a couple where the couple adopt jointly, enjoy adoption rights and are entitled to paid Statutory Adoption Leave of 52 weeks.



Adoption leave

To qualify for paid adoption leave, an employee must:

- be newly matched with a child by an adoption agency ('matched' means that the adoption agency gives the individual the details of the child they think is suitable for them to adopt);
- have worked continuously for ESG Gaming for at least 52 weeks before the beginning of the week when they are matched with a child.

Staff must give ESG Gaming documentary proof, usually a matching certificate from the adoption agency, to show that they have the right to paid adoption leave. The adoption agency must be one which is properly recognised in UK law. Statutory rights do not apply in the case of a private adoption.

As long as the staff member has been matched by a recognised agency, it should not matter whether they have previously been fostering the child they adopt.

Adopters who meet the employment conditions have the right to up to 26 weeks' Ordinary Adoption Leave (OAL), followed by up to 26 weeks' Additional Adoption Leave (AAL).

Adoption leave can start:

- from the date the child starts living with the individual;
- on an earlier date up to 14 days before the date the individual expects the child to start living with them.
- The leave can start on any day of the week.

Statutory Adoption Pay

Paid adoption leave is available to employed people who are adopting a child on their own or for one member of a couple who are adopting together. The couple can decide who will take the paid leave. The other member of the couple, or the partner of the adopter, may be able to take paid parental leave.

Statutory Adoption Pay (SAP) begins at the same time as the adoption leave and (unless the individual finishes their leave sooner) runs for 39 weeks. The current level of SAP is available at www.gov.uk/employers-adoption-pay-leave. ESG Gaming will pay staff in the same way as they get their regular wages, and the staff member will pay tax and National Insurance contributions in the usual way.

Returning to work

After OAL, staff have the right to return to the same job. After AAL, staff have the right to return to the same job or, if that is not reasonably practicable, to another suitable job which cannot be on worse terms than before (in terms of pay, benefits, holiday entitlement, seniority, etc.).

ESG Gaming will assume staff members are taking a full 52 weeks' leave unless they specify otherwise. If the individual wishes to change the date that they are going to return to work, they must give at least eight weeks' notice.



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Gaming



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