



# **MATERNITY LEAVE POLICY**

**We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.**

# **MATERNITY LEAVE**

## **GENERAL**

The aim of this policy is to inform all eligible employees of their entitlement to contractual and/or statutory maternity rights and to ensure that those rights are understood by employees who qualify.

The following options are available to staff and will be dependent on various qualifying conditions (see below).

An employee may:

- Go on Maternity Leave and return to work, and qualify for Occupational and Statutory Benefits.
- Go on Maternity Leave and return to work and qualify for only Statutory Benefits.
- Resign from the organisation and apply for Statutory Benefits.

## **QUALIFYING CONDITIONS**

An employee must continue to be employed (regardless of whether they are at work) immediately prior to the beginning of the eleventh week before the Expected Week of Childbirth (EWC). However, on production of a medical certificate, stating that an employee is fit to continue working then the employee can work beyond this date.

All pregnant employees must supply a medical certificate or certificate form "MATB1" confirming the pregnancy and specifying the expected week of the childbirth (normally issued by the Doctor or Midwife when the woman is at least 27 weeks pregnant). If this is not available at this stage, it should be forwarded as soon as possible to their Line Manager.

All employees must notify their Line Manager, in writing, no later than the end of the 15th week before the EWC with the following information:

- Confirmation of the pregnancy
- The expected week of childbirth
- The date on which the employee wants to start their maternity leave

For planning purposes and in order to comply with the Health & Safety legislation (see below.) employees should wherever possible inform their Line Manager earlier.

Within 28 days of receiving the notification, the organisation will notify the employee of the date on which their maternity leave period will end.

The employee should notify their Line Manager of the date of birth of their child. The actual date of birth will affect the return date if the employee qualifies for additional maternity leave.

If the employee wishes to change the date she would like to start her maternity leave she must give 28 days notice to the organisation.

## **MATERNITY LEAVE**

So long as the employee complies with the notification requirements then the following entitlements apply:

- a) All employees are entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave, regardless of their length of service or hours of work. They also have an automatic right to return to their own job, or to one on the same terms and conditions (please see Return to work section for more information) as applied before the maternity leave, without giving advance notice of that date, unless it is not reasonably practicable to do so. Ordinary Maternity leave can begin any time after the 11th week before the week the baby is due. Ordinary maternity leave will automatically commence (if it has not already done so) in the event of childbirth. The employee will be expected to notify the organisation as soon as is reasonably practical that she has given birth. The employee has the right to work right up to the day of birth if they wish. However, if the employee is absent from work with a pregnancy related issue in the four weeks prior to the expected date of childbirth, the maternity leave will start automatically from the first date of absence.
- b) Additional Maternity Leave must commence immediately after the period of Ordinary Maternity Leave. Statutory Maternity Pay is paid for a total of 39 weeks. Therefore, if employees wish to take full entitlement of leave, 13 weeks will be unpaid. There is no statutory entitlement to any pay during Additional Maternity Leave.
- c) During the 26 weeks ordinary maternity leave and 26 weeks additional maternity leave, employees will be entitled to all contractual rights and non cash benefits , (e.g. professional membership fees, living accommodation, company car, continuity of service and accrual of holiday entitlement, with the exception of remuneration. Employees who opt to return to work may carry over any remaining annual leave entitlement (up to the Statutory Minimum Holiday entitlement) for use on their return to work. Line Managers will discuss individual holiday entitlement with employees prior to them going off on maternity leave. If an employee returns on a job-share basis or part-time basis, the annual leave upon return will be based on the part time hours.
- d) Eligible employees must notify the organisation, in writing, if they intend to take additional maternity leave. This must be done at least 8 weeks before the end of ordinary maternity leave.
- e) An employee on additional maternity leave can apply to make a phased return to work on reduced hours and pro-rata pay. She should apply to the employer at least 8 weeks before the proposed date of return. The phased return can last for up to 4 weeks and must entail a minimum of two and a half days being worked each week if previously full time.
- f) Two weeks Compulsory Maternity Leave must be taken from the date of the child's birth.
- g) Employers have the right to have "reasonable contact" with employees who are on maternity leave, to discuss a range of issues, such as keeping them informed of important

developments. In the same way, an employee may make contact with her employer during her maternity leave.

- h) An employee can go into work for up to 10 mutually agreed “Keeping In Touch days” (KIT) during their maternity leave without losing statutory maternity pay. “KIT days” are different to “reasonable contact” as during “KIT days”; employees can carry out work for the employer for which they will be paid. Once these 10 days have been used up, if the employee works for the organisation, they will lose a week’s Statutory Maternity Pay for any week in which they work.
- i) Employees should be informed of any relevant job vacancies, promotion opportunities and any other information related to her job whilst on maternity leave.
- j) Eligible employees can choose to transfer some of their maternity leave entitlement to their partners (classed as Shared Parental Leave).

### **CAR ALLOWANCES**

Essential car user allowance will not normally be paid during maternity leave.

### **COURSE OF STUDIES**

An employee, who is undertaking a course of study, including public and professional examinations, will normally continue to receive financial support, provided that they undertake to return either full or part time. This will include payment of professional membership fees already being paid by the Group. Each case will be considered on its merits and a course of action agreed with the individual prior to the beginning of the maternity leave.

### **PENSIONS**

The following rights apply, when an employee is on maternity leave:

When a member is on paid maternity leave they are required to pay contributions on any pay they are receiving from the employer. During this period, the employer pays the amount it would pay if the member were working normally (based on the pay they would have been receiving), plus any shortfall in the member’s usual contribution.

So, if the member would have paid £90 per month in member contributions, but is paying £30 per month as a result of receiving Statutory Maternity Pay, the employer would need to pay the balance of £60 **plus** its usual employer contribution. Any shortfall paid by the employer, as described above, should be paid as employer contributions, not member contributions.

Should an employee wish to access their full entitlement to maternity leave, and be on nil pay, they will have the right to cease their pension contributions until they return to work. At this point, however, an agreement will normally be made to make up the outstanding amount. *(In any event the organisation will maintain the Life Assurance cover for the duration of the unpaid Maternity leave)*

## **BUPA**

During ordinary and additional maternity leave, the employer's subscription to BUPA for the particular employee will continue to be paid. Where applicable the employee will continue to pay for dependents.

During unpaid maternity leave, where an employee has dependents added to their cover, the employee could either cease cover for dependents or make an internal arrangement with finance to pay their cover.

Please note, this will extend to other forms of unpaid leave.

## **ADDITIONAL PAYMENTS**

Employees who receive additional payments such as first aider payments or health and safety representative payments will not receive these payments whilst on maternity leave as they will not be providing this service to the organisation.

## **HOLIDAYS**

Annual leave is accrued throughout Ordinary and Additional maternity leave period for all employees. The employee must take this leave either before or on return to work. Employees who opt to return to work may carry over any remaining holiday entitlement up to the statutory maximum. Where an employee intends to take annual leave due to her, prior to her return from maternity leave, she must confirm in writing:

- The date she wishes her maternity leave to end
- The subsequent period to be taken as annual leave; and
- The physical date of return to work

This must be done 8 weeks before the expiry of the Maternity leave period.

## **STATUTORY MATERNITY PAY**

Entitlement to Statutory Maternity Pay (SMP) is dependent on length of service prior to the EWC and employees will fall into one of the following categories:

- a) Less than 26 weeks service at the Qualifying Week (which is 15 weeks before the EWC) – no entitlement to SMP but may be entitled to State Maternity Allowance.
- b) At least 26 weeks service at the Qualifying Week (up to and including the 15th week before the EWC) and earn at least equal to the Lower Earnings Limit will be entitled to 6 weeks at the Higher Rate of SMP (90% of average weekly earnings) plus 33 weeks at the Lower Rate. Or 90% of the woman's average weekly earnings if this is lower than the standard weekly rate.

Statutory maternity pay is paid for a total of 39 weeks.

Statutory Maternity Pay is paid via payroll in the normal way.

The maternity pay period cannot start earlier than 11 weeks prior to the EWC. Entitlement will cease when the employee returns to work, even if this is before the end of the maximum 39 week period.

If an employee decides not to return to work after maternity leave she will be entitled to continue to receive her full amount of statutory maternity leave and pay.

### **OCCUPATIONAL MATERNITY PAY**

Employees who have at least 26 weeks service at the Qualifying Week, comply with the notification procedure and who on return to work remain with the Group for at least 3 months, will be entitled to both Statutory Maternity Pay and the organisation's Maternity Pay.

Employees can opt to receive the occupational maternity pay during the Maternity Leave or as a lump sum on return to work.

Occupational Maternity Pay consists of:

- 6 weeks at full basic pay, inclusive of Statutory Maternity Pay
- followed by 20 weeks at half basic pay of average weekly pay (plus any Statutory Maternity Pay due at the Lower Rate)
- followed by 13 weeks at the Lower Rate of Statutory Maternity Pay.

Employees who fail to return to work or who fail to remain at work for at least 3 months (excluding leave) must repay all Occupational Maternity Payments excluding SMP Entitlements. Those that are eligible for Occupational Maternity Pay, but who opt not to return to work, will receive Statutory Maternity Pay enhanced to full pay for the first 6 weeks.

### **CALCULATION OF MATERNITY PAY**

Calculating Statutory and Group Maternity Pay is done in the same way as Statutory Sick Pay. A week's pay is an average of the 8 week period immediately prior to the QW.

If a pay rise is awarded which is effective at any time from the start of the set period used to work out the SMP and the end of the maternity leave, the SMP will be recalculated and any balance due will be paid.

### **ANTE-NATAL CARE**

All pregnant employees, irrespective of length of service or hours of work, are entitled to paid time off work, during working hours, to attend antenatal care, provided an appointment card is produced confirming the requirements to attend.

This time off facility may include relaxation or baby craft classes only if these are recommended by your Doctor/Midwife. If employees wish to attend these classes and they do not have recommendation from their Doctor/Midwife, they are required to make their own personal arrangements. Evening classes are usually available.

The Group will allow partners to attend up to four ante-natal/hospital appointments and will credit back flexi time if the appointments are during core working hours. Employees will be expected to request and seek approval from their Line Manager before taking this time.

## RETURN TO WORK

Employees on ordinary maternity leave do not have to legally confirm the intended date of return. The organisation, would, however, appreciate as much notice as possible, in order to make arrangements for return to work

Employees who do not automatically return at the end of the 26-week leave period and have not informed the organisation that they wish to take Additional Leave will be deemed to have commenced sick leave.

Employees who take additional maternity leave, must notify the organisation at least 8 weeks before the end of ordinary maternity leave to confirm if she wishes to take the extended leave and if so, how much.

An employee can change the date of her return to work as long as she gives the organisation 8 weeks notice.

If the employee asks to return before the **26** weeks then she must provide their Line Manager with 8 weeks notice of her intended date of return.

The employee must return to work no later than

- the first working day after the end of the 26 weeks Ordinary Maternity Leave.
- the first working day after the end of the 52 weeks (26 weeks Ordinary and 26 weeks Additional) maternity leave if the employee wishes to take Additional Maternity Leave.

At the end of Ordinary Maternity Leave, the employee has the right to return to the same job with the same terms and conditions, unless a redundancy situation has arisen. If this is the case, the employee is entitled to be offered a suitable alternative position.

At the end of Additional Maternity Leave, the employee is entitled to have the same job and terms and conditions as before, unless a redundancy situation has arisen or where there is another reason why it is not reasonably practical for the organisation to take the employee back in the original job. If this is the case, the employee is entitled to be offered suitable alternative employment.

An employee on Additional Maternity Leave can apply to make a phased return to work on reduced hours and pro-rata pay. Employees must apply to the organisation at least 8 weeks before the proposed date of return. The phased return can last for up to 4 weeks and must entail a minimum of two and a half days being worked each week if previously full time.

The return to work may also be postponed by up to four weeks if the employee provides a medical certificate from her Doctor, before the return date, stating that she will be incapable of work at that time.

The organisation may equally delay the employee's return by up to 4 weeks provided certain conditions are met (contact Employee Relations team for further details).

If an employee decides not to return to work after maternity leave then the employee should put her resignation in writing to the Line Manager.

If an employee wishes to amend her hours of work on her return to work, the employee must put their request in writing to their Line Manager, stating the reasons for the request and the hours/days, which they wish to work in the future.

The organisation will give a thorough and fair consideration to any request in line with the flexible working procedures.

The Line Manager should prepare an induction programme prior to the maternity returner to ensure they are updated on any changes, any training requirements identified and maximise the most effective welcome back to the team as possible.

### **TEMPORARY & FIXED TERM CONTRACTS**

An employee who is on a temporary or fixed term contract should contact their Line Manager for further information. Specific entitlements will be dependent on satisfying the occupational provisions and ability to return to work for three months. However, such staff will automatically be entitled to the statutory leave without remuneration with the provision that the end of contract date has not been superseded.

Where such employees do not qualify for Occupational benefits, there may be an entitlement to Statutory Maternity Pay provided that the provisions are met. If the contract runs out before they receive, or while they are still in receipt of SMP it will still be paid in full. Responsibility for payment is usually divided between the organisation and the Department for Work and Pensions.

### **TRAINING**

An employee on Maternity Leave will still, where appropriate, receive items of information circulated to the general employees. They will also be invited to attend staff training days at their convenience. Expenses may be paid for attendance at such events and the level of such expenses should be agreed in advance.

Line Managers will receive suitable advice and support from the Employee Relations team.

### **HEALTH & SAFETY**

Once the employee has notified the employer in writing that she is pregnant, has given birth in the last six months, or is breastfeeding, under the Management of Health and Safety at Work Regulations a risk assessment will be carried out by the Health and Safety Advisor on the individual's working environment. Further details of rights under this regulation can be obtained from the Health & Safety Advisor.

If the risk assessment identifies any specific risks, the employer is required to ensure that the employee is not exposed to that risk.

### **FURTHER INFORMATION**

If an employee has any queries, they should speak with their Line Manager in the first instance.