

Maternity Leave and Pay Policy

Key to Abbreviations

AWC	Actual Week of Childbirth – the week in which the baby is born
EWC	Expected Week of Childbirth – the week, beginning on a Sunday, in which the baby is likely to be born.
MAT B1	A certificate issued by your Doctor/Midwife illustrating the expected date of childbirth
MLP	Maternity Leave Period – the time absent from work.
QW	Qualifying Week for SMP – this is the beginning of the 15 th week before EWC.
SMP	Statutory Maternity Pay
OML	Ordinary Maternity Leave
AML	Additional Maternity Leave

Introduction

This document sets out our current Maternity Leave and Pay Policy which is intended to reflect the statutory maternity provisions and provides guidelines only. If there is any conflict between this Policy and the statutory provisions, the latter will prevail. This policy applies to employees only and does not apply to agency workers or self-employed contractors. This policy does not form part of any employee's contract of employment and may be amended at any time.

Current Government advice and guidance is available at:

<http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Pregnancyandmaternityrights/index.htm>

You are entitled to maternity leave and pay in accordance with the current statutory provisions. If you become pregnant, you should notify your Manager/Supervisor at an early stage so that your entitlements and obligations can be explained to you.

Please note that the current statutory provisions do not apply to commissioning mothers in surrogacy arrangements.

Please note that references to a 'week' are references to a seven-day period beginning with a Sunday (unless the context otherwise requires).

These notes are for guidance purposes only. They include a summary of complex law which may change from time to time. The notes deal with issues which commonly affect employees but may not be applicable to all personal circumstances. Guidance notes are not a substitute for individual advice and we are available to assist with individual queries.

Please contact your Manager/Supervisor if you have any individual queries.

Maternity Leave

Ordinary Maternity Leave (OML)

Provided the conditions under Notification Requirements (see below) are satisfied all employees are entitled to 26 weeks' OML. You can take up to 11 weeks of your OML before your expected week of childbirth (EWC).

You should note that health and safety regulations prohibit us from allowing employees who have given birth to return to work in the two week period beginning with the day of childbirth. This is known as the Compulsory Maternity Leave period (CML).

Please refer to Start of Ordinary Maternity Leave for further details regarding the commencement of OML.

Additional Maternity Leave (AML)

Provided the conditions under Notification Requirements (see below) are satisfied all employees are also entitled to 26 weeks' AML, beginning on the day immediately following the day on which your OML ends. This means you are entitled to take up to 52 weeks' maternity leave (OML and AML) in total.

Notification Requirements

In order to qualify for maternity leave, you should notify your Manager/Supervisor that you are pregnant, in or before the 15th week before your EWC. You should also discuss with your Manager/Supervisor the date of your EWC and when you intend to commence your OML. If you wish to vary the date of commencement of OML, you must give us written notice of at least 28 days, or, if that is not reasonably practicable, as soon as is reasonably practicable. We will write to you within 28 days of receipt of your notice to confirm your expected date of return from AML.

You will also be asked to produce a certificate from a registered medical practitioner or registered midwife stating your EWC – this is called a MAT B1. You will need this to claim SMP or Maternity Allowance.

Your Manager/Supervisor will be able to help with any queries you may have about your maternity entitlement.

If you do not comply with the notification requirements listed above, you may lose your entitlement to maternity leave.

Maternity Pay

If you have been employed by the Company for at least 26 weeks at the 15th week before your EWC and your average earnings exceed the lower earnings limit, you will be entitled to be paid statutory maternity pay (SMP) at the following rates, provided you comply with the SMP notification requirements:

- a) For the first six weeks of your maternity leave – 90% of your average weekly earnings (higher rate SMP).
- b) For the following 33 weeks – SMP at the current statutory rate (lower rate SMP) or 90% of your average weekly earnings, if lower.

For further information about your entitlement, please contact your Manager/Supervisor/HR.

SMP is subject to Income Tax and National Insurance deductions in the same way as your normal pay.

If you have been employed by the Company for less than 26 weeks at the 15th week before your EWC, you may be entitled to receive a Maternity Allowance. This is paid to you by the Department for Work and Pensions for 39 weeks at the current statutory rate. Any claim for Maternity Allowance should be made using Form MA1 - <https://www.gov.uk/maternity-allowance/how-to-claim>.

If you are on maternity leave for more than 39 weeks, the right to receive any statutory maternity pay ends after 39 weeks, so the remaining 13 weeks of AML are unpaid.

Annual Leave Entitlement

Annual leave entitlement will accrue during maternity leave.

For the avoidance of doubt, please note that you will not be able to take annual leave whilst on maternity leave.

Pension Scheme

Your pension contributions will be paid into the scheme during OML and during any part of paid AML. Employee contributions will be based on SMP received. Employer contributions will be based on the salary you would have received had you not gone on maternity leave.

Alternatively, you can request that your employee contributions are maintained at the existing level of contribution paid prior to your period of OML commencing, subject to you complying with the relevant Pension Scheme and HMRC rules relating to maximum contributions allowed under such arrangements.

After the period of paid maternity leave has ended, your contributions will cease. Upon returning to work you will have the option of paying the pension contributions you would have paid had you been working; in this case, the period for which you pay contributions will count as pensionable service.

Other Benefits

All contractual benefits (except for salary) will continue to be provided during both OML and AML.

Ante-natal Appointments

All pregnant employees, regardless of their length of service, will be entitled to reasonable time off with full pay to attend ante-natal clinics or to receive ante-natal care. In order to exercise this entitlement, you must have an ante-natal care appointment on the advice of a Doctor, Midwife or Health Visitor. The relevant Doctor's certificate or evidence of medical appointments must be provided on request.

You should arrange ante-natal care appointments for times that will cause minimum disruption to your work and department.

Start of Ordinary Maternity Leave (OML)

Your OML will normally start on the date that you have notified the Company that you intend to start your leave. Paid maternity leave cannot start earlier than the 11th week before the EWC.

OML will start automatically if you are absent from work wholly or partly because of pregnancy after the beginning of the 4th week before the EWC (and you have not already started your planned maternity leave). You must notify us in writing as soon as is reasonably practicable that you are absent from work wholly or partly because of pregnancy. OML will start on the day after the first day of absence. In such a case, sick pay (if entitled) will cease and maternity pay (if eligible) will start to be paid. If you are ill for a non-pregnancy related reason, you may remain on sick leave until the baby is born or, if you have already notified us of your start date of maternity leave that is the date when you will start your maternity leave and start to receive your maternity pay (if eligible).

If your period of OML has not already started when you give birth, then it will start automatically the day after your baby is born. If your OML is triggered by the birth of your child, you must notify us, in writing, of the date of childbirth as soon as is reasonably practicable after the birth.

Contact During Maternity Leave

Shortly before your maternity leave starts, your Manager/Supervisor will discuss the arrangements for you to keep in touch during your maternity leave, should you wish to do so.

We reserve the right in any event to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Keeping in Touch Days

Except during the compulsory maternity leave period, you may agree to work for the Company for up to a maximum of ten days during either your OML or AML without that work bringing your maternity leave to an end and without loss of a week's SMP. These are known as 'keeping in touch' days. Any work that you agree to carry out on a keeping in touch day constitutes a day's work for these purposes.

We have no right to require you to carry out any work, and you have no right to undertake any work, during your maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping in touch days, is entirely a matter of agreement between the Company and you. Any keeping in touch days that you do work do not extend the total period of your maternity leave. Once the ten keeping in touch days have been used up, you would lose a week's SMP for any week in which you agree to work for the Company during your maternity leave.

Date of Return to Work

You do not need to give confirmation of your intention to return to work at the end of your period of AML. This will be assumed. If, however, you wish to return before the end of AML (which includes returning during or at the end of your period of OML), you must give at least eight weeks' written notice in advance.

Transfer of Maternity Leave

If you propose to return to work early without using your full 52 week entitlement to maternity leave, you may be eligible to transfer the remainder of your untaken maternity leave entitlement (and any outstanding SMP) to a shared pot that can be used by you or your spouse, civil partner or cohabiting partner, or the father of your child as shared parental leave (and shared parental leave pay) once you have brought your maternity leave to an end.

The earliest that shared parental leave may commence is two weeks after the birth and it must end no later than 12 months after the date of birth. If you wish to exercise your right to shared parental leave then you will need to meet the eligibility requirements for doing so and follow the notification requirements in place. Please see our Shared Parental Leave Policy for further details.

Rights After Return to Work

If you resume work after OML you are entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen.

If you return to work after AML you are also entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen. If, however, there is some reason other than redundancy why it is not reasonably practicable for you to be taken back in your original job, you are entitled to be offered suitable alternative work.

Failure to Return to Work

Except where you are ill and have followed the normal procedures in relation to sickness absence, should you fail to return to work at the end of your maternity leave, you will be treated in the same way as any other employee who has failed to return to work after a period of authorised absence and consequently may be subject to disciplinary proceedings which could result in your summary dismissal.

Suspension on Grounds of Health & Safety

Where, on pregnancy grounds, it is not safe for you to continue in your normal job, you will either be offered suitable alternative work, if available, or suspended on maternity grounds on full pay. These situations are covered by health and safety regulations.

Working Comfortably

Under the Health & Safety at Work Act 1974 and other health and safety regulations, everyone is responsible for ensuring their environment is healthy and safe. This may need a little extra thought when you are pregnant.

A risk assessment of your work station will be carried out by your Manager/Supervisor. Your workplace will be re-arranged, as far as is reasonably practicable, so that you do not have to bend or stretch unduly, to ensure that there are no obstructions you could bump into, and to ensure that you are working in a comfortable and safe environment.

If you are concerned about the nature of the job you are doing, then speak to your Manager or Supervisor.

Request for Flexible Working

It may be possible to return to work from maternity leave to either a part time position or a full time position that is shared with someone else, or some other flexible working arrangement. Please refer to the Flexible Working Policy for details on how to apply for a flexible working arrangement.

Should we agree to you returning to a flexible working arrangement, then we will set out the terms in a letter to you.

Termination of Employment

If you do not wish to return to work following the end of your maternity leave (or indeed wish your employment to terminate during your maternity leave), please note that you are still required to give us notice of your intention to resign from your position, in line with your contractual notice period.

