

MATERNITY POLICY

Statement of Policy and Purpose of Policy

1. The HOLT Isle of Wight C.I.C. (the **Employer**) recognises and respects the rights of expectant and recent mothers to take time away from work in connection with their maternity and childbirth. No one will be subjected to a detriment for exercising their right to take maternity leave in accordance with this Policy or for seeking to do so.
2. The purpose of this Policy is to ensure that staff and managers are clear about entitlements to maternity leave, the process that should be followed for arranging leave and the terms that apply during and after maternity leave.
3. This Policy is intended to summarise your statutory rights. If there is a contradiction between this Policy and the statutory maternity leave entitlements that apply at any time, this Policy shall be deemed to be amended, as necessary, to comply with legislative requirements.
4. This is a statement of policy only and does not form part of your contract of employment. We may amend this Policy at any time, in our absolute discretion.

Definitions

5. In this Policy we will use the following definitions:
 - a. **Expected Week of Childbirth:** the week, starting on a Sunday, in which your doctor or midwife expects you to give birth.
 - b. **Qualifying Week:** the fifteenth week before the Expected Week of Childbirth.

What is Maternity Leave and Who is Eligible to Take It?

6. Maternity leave is the right for qualifying employees to take up to 52 weeks of leave in connection with their pregnancy and/or birth of their child. Pregnant employees also have the right to time off work for antenatal appointments.
7. To be eligible for maternity leave you must:
 - a. be an employee (not a contractor or consultant);
 - b. be pregnant at the Qualifying Week;
 - c. in general, comply with the notification requirements set out in this Policy.
8. The right to take maternity leave is not dependent on your length of service, although to qualify for statutory maternity pay, you must have at least 26 weeks of service at the Qualifying Week.
9. If your child is born after 4 April 2015, you can take shared parental leave instead of your full entitlement of maternity leave. For details about shared parental leave, you should contact the Director.

Giving Notice of Your Pregnancy

10. In all cases, we request that you tell us as soon as possible that you are pregnant so that we can ensure we comply with any health and safety requirements.
11. You must tell us before the end of the Qualifying Week, or as soon as reasonably practical afterwards, that you are pregnant, the dates of your Expected Week of Childbirth and when you would like your maternity leave to start.

12. You must also confirm your Expected Week of Childbirth by providing us with a certificate from a doctor or midwife (this will usually be on a MAT B1 form).

Antenatal Appointments

13. During pregnancy, you may take time off from work to attend antenatal classes. You will be paid as normal. Please give us as much notice as you can of your intention to take time off. If you haven't already given us a certificate of your pregnancy from your midwife, doctor or health visitor then we will ask you to provide this and an appointment card for the class, except for the first appointment.

Health and Safety During Your Pregnancy

14. As well as our normal health and safety duties to all our staff, we will assess workplace risks specific to pregnant women and those who have recently become mothers and/or are breastfeeding. When you tell us that you are pregnant, we will inform you of any relevant risks that we have identified along with the measures that you and we must take to help protect against those risks. In some cases, we may need to take steps to protect you and/or your child against health hazards that may include having to:
 - a. change your working arrangements;
 - b. offer you suitable alternative work, on terms and conditions that are the same or not substantially less favourable; or
 - c. suspend you from duties on full pay (or if you have unreasonably refused suitable alternative work, without pay).

Sickness

15. If you are absent from work because of pregnancy-related sickness then your entitlement to payment will be as for any other period of sickness absence and subject to the same limits and conditions, as set out in Sickness Policy. Payment in excess of the normal rules is at our discretion.
16. Pregnancy-related sickness absence will not be taken into account for the purpose of any employment decisions to which sickness absence is relevant.
17. During the four weeks immediately before your Expected Week of Childbirth, any sickness absence will normally automatically trigger the start of your maternity leave.

Starting Maternity Leave

18. As noted above, you must formally notify us of the date on which you want to start maternity leave before the end of the Qualifying Week.
19. Your maternity leave cannot start earlier than 11 weeks before the Expected Week of Childbirth (unless you give birth prematurely before then). Within 28 days of receiving your notice, we will confirm to you in writing the last date by which you must return from maternity leave.
20. You can change the start date for your maternity leave by giving us written notice. You must give the notice at least 28 days before the earlier of (i) the new start date or (ii) the original start date. If it is not possible to give that much notice then you must notify us as soon as reasonably practicable.
21. Your maternity leave will start on the date notified to us in accordance with this Policy unless:

- a. you give birth before then, in which case your leave will start on the day after the birth and you must give us written notice of the date of birth as soon as possible; or
 - b. you are absent from work for a pregnancy-related reason during the four weeks immediately before the Expected Week of Childbirth, in which case you must tell us as soon as possible in writing and leave will start on the day following the first day of that absence unless we agree otherwise.
22. You may not work during the two weeks immediately after giving birth, by law, so your maternity leave period must include these two weeks.
23. Near the time when your leave is due to start, we will discuss the arrangements for your maternity cover and the arrangements for keeping in touch with us during your leave, if you wish to do so. During your leave, you will continue to receive certain internal communications like job vacancies, social events, training and similar news unless you tell us that you would prefer not to receive these.

Maternity Pay

24. During your maternity leave, qualifying employees will be entitled to receive statutory maternity pay (**SMP**) for up to 39 weeks. To qualify, you must:
- a. still be employed and have at least 26 weeks of continuous employment at the end of the Qualifying Week;
 - b. provide us with a doctor's or midwife's certificate (MAT B1 form) confirming the date of your Expected Week of Childbirth;
 - c. have average earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) of at least the lower earnings limit set by the Government; and
 - d. notify us of your intention to take maternity leave at least 28 days in advance or, if that is not possible, give us as much notice as you can.
25. During the first six weeks of your maternity leave, SMP is paid at 90% of your average weekly earnings calculated over the Relevant Period. After that, for up to a further 33 weeks, it is paid at a statutory rate set annually by the Government.
26. If you are due a pay rise during your maternity leave then this will be deemed to have applied during the Relevant Period, which will have the effect of retrospectively increasing your entitlement to SMP for the first six weeks of your maternity leave. If you have already received your SMP for that six weeks then we will pay you the difference in a lump sum. Otherwise, we will pay your SMP through normal payroll, less tax, National Insurance and any other lawful deductions.
27. SMP will stop being payable if you return to work (except where you are simply keeping in touch in as described in the "During maternity leave" section below).
28. If you leave employment after the start of the Qualifying Week you will still be eligible for SMP from the later of (i) the week following your final week of employment or (ii) the 11th week before the Expected Week of Childbirth.

During Maternity Leave

29. While you are on maternity leave, your normal terms of employment will continue to apply except for your entitlement to pay. In particular, benefits in kind shall continue and you will continue to accrue holiday. The effect of your maternity leave on your pension arrangements depends on the type of scheme in which you are participating and the terms of your participation. For further information on this, speak to the Director.
30. Although we will respect your absence during your maternity leave, we may need to make contact with you from time to time. In particular, we will make contact shortly before your maternity leave ends to arrange a discussion with you about your return to work including any training needs, proposed changes to your working arrangements or just to

update you on developments in your absence. If you have any concerns regarding this, you should speak with the Director.

31. In addition, if you would like to attend work for training or other reasons during your maternity leave then you can do so for up to ten days by prior agreement with us. You are under no obligation to do this. Attending work on this basis will not end your maternity leave or your entitlement to maternity pay. If you would like to discuss this option further, you should speak with the Director.

Expected Return Date

32. As noted above, we will confirm to you the date on which you are expected to return to work after maternity leave within 28 days of your notifying your pregnancy and leave start date to us. If your maternity leave start date changes for any reason then we will confirm the revised return to work date to you within 28 days of the start of your maternity leave.
33. If you plan to come back to work on the return date that we have notified to you then you are not obliged to do anything further, although we would be grateful if you would help us plan ahead by confirming during your leave that you will return as expected.
34. If you wish to return to work earlier than the date that we have notified to you then you will need to give us at least eight weeks' prior notice of the new date and we request that you do this in writing. If you don't give us eight weeks' notice then we may postpone your return until the sooner of eight weeks from the date of your notice or the date that you were originally expected to return.
35. If you wish to return later than the date we have notified to you then you should either:
 - a. request parental leave in accordance with our Employee Parental leave policy, by giving us at least 21 days' notice; or
 - b. request to take holiday in accordance with your contract.
36. If sickness absence prevents you from returning on the planned date then the normal rules relating to sickness absence will apply.
37. In any other case, late return will be treated as unauthorised absence.
38. If you decide not to return to work at all then you must give notice of resignation in accordance with your contract of employment. If your maternity leave is due to end during the currency of your notice period then you may be required to return to work until your notice period expires.

When You Return to Work

39. In general, you will return to work in the same job and on the same terms as if you had not been absent. However, in some cases where you have taken more than six months' leave or any period of parental leave in conjunction with your maternity leave then we may offer you another suitable role, on terms and conditions that are not less favourable than those that applied before your leave.
40. If you wish to change your working patterns when you return to work then you should make a request for flexible working in line with set procedures that the Director can provide you with information about. Flexible working requests take time to deal with so it's important that you make your request as soon as possible, otherwise you may have to return to work on the basis of your prior working patterns until the process of dealing with the request has finished.

Rights to Leave on Adoption

41. Certain employees can take adoption leave, paternity leave or shared parental leave in relation to the adoption of a child. Further details are set out in our Paternity Leave Policy and Employee Adoption leave policy which is available from the Director. For more information on shared parental leave, speak with the Director.

Data Protection

42. The Employer processes personal data when managing employees' right to maternity leave in accordance with its Data Protection Policy.
43. In particular, data collected as part of this procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to maternity leave requests and managing maternity leave.
44. Inappropriate access or disclosure of Employee data constitutes a data breach and should be reported in accordance with the Employer's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Employer's Disciplinary Procedure.

Attribution

45. This Maternity Policy was created using a document from [Rocket Lawyer](https://www.rocketlawyer.com/gb/en) (<https://www.rocketlawyer.com/gb/en>).