

## **MATERNITY LEAVE POLICY**

This policy aims to provide information relating to the processes involved in maternity leave and pay.

### **1. Notification From Employee**

1.1 A pregnant employee must notify her line manager of the following, by the fifteenth week before the expected week of childbirth (EWC) or as soon as is reasonably practical:

- a) That she is pregnant
- b) The expected week of childbirth
- c) The date she expects to commence maternity leave

A Maternity Leave form should be completed and signed by the employee and sent to her line manager together with an MATB1 certificate, which the employee obtains from her doctor or midwife. Failure to give the required notice and produce a MATB1 certificate may delay the processing of the employee's rights to leave and/or pay entitlements.

The MATB1 certificate needs to be received by the line manager as soon as possible and no later than 12 weeks prior to the date of commencement of maternity leave.

*NB: maternity payments are dependent on the MATB1 certificate being produced in line with statutory stipulations.*

The employee may change the commencement date of maternity leave provided she gives a minimum of 28 days' notice provided she able to carry out her duties as usual.

1.2 Maternity leave will commence when one of the following events occurs:

- a) On the date the employee notifies her line manager as being the first day she intends to start maternity leave; or
- b) The baby's date of birth if born before the expected week of childbirth; or
- c) The date the employee is first absent from work due to illness, wholly or partly because of pregnancy, provided it is after the start of the fourth week before the expected week of childbirth.

After the employee notifies her line manager of her pregnancy, a health and safety assessment must be carried out to ensure that the employee and her unborn child are not exposed to undue risks in the workplace. Any concerns she herself has about workplace risks should be referred to her line manager. See paragraph 5 below for further information.

### **2. Notification From Employer**

2.1 Once the employee has returned the Maternity Leave form, the line manager should write to the employee to confirm her maternity leave and pay entitlements.

### **3. Time off for Antenatal Care**

3.1 Irrespective of the employee's length of service, or hours of work (i.e. part-time employees have the same rights), she is entitled to reasonable paid time off during working hours to

attend antenatal care appointments. The line manager may, at any time, request to see the appointment letter/email/sms text.

#### **4. Sickness During Pregnancy**

If the employee is unable to attend work as a result of ill health wholly or partly because of pregnancy she will be entitled to sick pay in line with sick pay regulations provided this does not occur after the start of the fourth week before the expected week of childbirth.

#### **5. Health and Safety**

- 5.1 The Church has a duty to take care of the health and safety of all employees. The employer is also required to carry out a **New and Expectant Mother Risk Assessment** to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to her health and that of her baby. This will also take into account the risk arising from either processes, working conditions or physical, chemical or biological agents in the workplace. The line manager will provide the employee with information as to any risks identified in the risk assessment and take appropriate action to minimise or avoid those risks.
- 5.2 If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal duties of her job, the employer will take such steps as are reasonably necessary to avoid those risks, such as altering her working conditions.
- 5.3 In some cases this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.
- 5.4 If it is not possible for the Circuit to alter the employee's working conditions to remove the risks to her health and safety, and there is no suitable alternative work available to offer on a temporary basis, her line manager in consultation with the employee and District Lay Employment Secretary (DLES), may suspend her from work on maternity grounds, until such time as there are no longer any risks to her own or her baby's health and safety. This may be for the remainder of the pregnancy until the commencement of maternity leave.
- 5.5 If the employee is suspended in these circumstances her employment will continue during the period of the suspension, and it does not in any way affect statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of suspension, unless she unreasonably refused an offer of suitable alternative employment.

#### **6 Maternity Leave**

- 6.1 All pregnant employees are entitled to take up to 52 weeks maternity leave irrespective of their length of service. This is divided into 2 periods – Ordinary Maternity Leave for the first 26 weeks, followed by Additional Maternity Leave for a further 26 Weeks.

#### **7 Ordinary Maternity Leave (OML)**

- 7.1 Maternity Leave can begin 11 weeks before the expected week of childbirth. The employee may work later than this if she is fit to do so and there is no unreasonable health and safety risk involved.
- 7.2 At the end of the 26 weeks' OML, the employee will have the right to return to work in the same post under the same terms and conditions, with no break in continuous service. If there is any organisational change that affects her post she must be included as part of the consultation process.

7.3 By law a **woman is not allowed to return to work within two weeks of giving birth**. The two-week period is counted from the actual date of birth.

7.4 If the employee wishes to return early from OML she must give a minimum of 8 weeks' written notice. Failure to give the required notice may delay her return to work but not beyond the end of the maternity leave period. Alternatively, at the end of OML she may take Additional Maternity Leave (AML).

## **8 Additional Maternity Leave (AML)**

8.1 At the end of the 26 weeks' AML, the employee will have the right to return to work in the same, or similar, post under the same terms and conditions, with no break in continuous service. If there is any organisational change that affects the employee's post she must be included as part of the consultation process.

8.2 If the employee wishes to return early from AML she must give a minimum of 8 weeks' written notice. Failure to give the required notice may delay her return to work but not beyond the end of the maternity leave period.

8.3 There is no right on either side to extend maternity leave beyond the AML entitlement.

8.4 It is advisable for management to encourage the employee to utilise any annual leave accumulated during maternity before returning to work.

## **9 Maternity Pay**

9.1 If the employee has completed 26 weeks service at the end of the fifteenth week before the expected week of childbirth (EWC) she is entitled to receive a maximum of 39 weeks Maternity Pay\* as follows:

- 90% of her average weekly earnings (before tax) for the first 6 weeks
- £151.97 or 90% of her average weekly earnings (whichever is lower) for the next 33 weeks.

SMP is paid in the same way as the employee's salary/wages (e.g. monthly or weekly). Tax and National Insurance will be deducted. Your payroll department or outsourcing service will be able to provide further assistance. You may also see below for further reading:

*\* see also [www.gov.uk/maternity-pay-leave/pay](http://www.gov.uk/maternity-pay-leave/pay)*

9.2 If the employee leaves her job voluntarily for a reason not connected with her pregnancy between the qualifying week (the beginning of the fifteenth week before the expected week of childbirth) and the start of maternity leave she will not be eligible for Maternity Pay.

9.3 If the employee is not entitled to Maternity Pay she may be eligible for Maternity Allowance. If so, the MATB1 certificate should be returned to the employee together with an SMP1 form. The employee must then contact her local Works & Pensions Office to claim Maternity Allowance.

- Maternity Pay is only payable to employees who earn above the Lower Earnings Limit (LEL) for National Insurance contributions. The LEL figure is set and reviewed annually by the HMRC.

## **10 Contractual Conditions**

10.1 The employee will normally have the right to return to the same job under her original contract of employment and on terms and conditions no less favourable than would have been applicable if she had not been absent.

If it is not possible for the employee to return to her original job (e.g. because of redundancy or reorganisation), then she will be treated as any other employee in a similar situation. She will be offered an alternative job, if one exists, providing it is suitable and appropriate to her circumstances and with terms and conditions no less favourable than if she had been able to return to her original job (protection arrangements may apply).

10.2 If it is not possible for the employee to return to work at the end of her maternity period due to any work related issues, she may return as soon as it is practical to do so. This should be discussed and agreed with the line manager and the DLES and put in writing to the employee.

10.3 The period of maternity leave absence is regarded as continuous service for all legal and contractual purposes except pensions. (See paragraph 10 below on 'Pensions').

10.4 The employee will be entitled to benefit from any terms and conditions of employment, other than pay, which would apply if she had not been absent for maternity reasons. If an incremental date, for which she is eligible, or pay award occurs during the maternity absence period these will be applied on her return.

10.5 The employee will continue to accrue annual leave during maternity leave. If she goes on maternity leave without taking most of her annual leave due, or start her maternity absence early in the leave year, the annual leave may be taken in one of the following ways:

- a) at the beginning of the maternity leave period, or
- b) at the end of the maternity pay period, so extending the weeks for which she receives pay, or
- c) in the last weeks before she is due to return to work - in effect returning to Payroll before she actually returns to work. If she intends to do this she must agree the arrangements with her line manager at least two months before the end of her maternity absence.

These options have the effect of reducing the number of weeks of unpaid maternity absence.

## **11 Pension**

11.1 The employee should consult her Pension provider directly for information relating to the period of maternity leave.

## **12 Premature Birth**

Hopefully the employee's pregnancy develops without incident, however occasionally a pregnancy does not go to full term. In these circumstances the following arrangements will apply:

12.1 If the employee's baby is born prematurely, but after the maternity pay period has started, maternity payments will not be affected and she will continue to be paid in the normal way, as set out above.

12.2 If the baby is born before the commencement of the maternity pay period, then maternity pay will start from the week of birth. If she is taking advantage of option a) of paragraph 9.5

above and the baby is born before the expected week of childbirth, she will be entitled to maternity leave as normal even if the baby only lives for a short period of time.

### **13 Death of Baby**

- 13.1 If there is a stillbirth or the baby dies after 24 weeks of pregnancy, the employee will still be entitled to maternity leave and pay as stated above. The employee is also entitled to statutory parental bereavement leave of up to 2 weeks and qualify to receive statutory bereavement pay. If this happens and or there is a miscarriage before 24 weeks, she will not be entitled to maternity leave and pay as stated above but will be treated as normal sickness absence and she would be entitled to receive Statutory Sickness Pay. However, the DLES should be informed as soon as reasonably possible and suitable arrangements regarding time off and return to work will be discussed and agreed and put in writing to the employee.
- 13.2 Statutory parental bereavement leave should be taken either in a single block of 2 weeks or 2 separate blocks of 1 week each and must be taken within 56 weeks of still birth or death of the baby. This leave can be taken at the end of the maternity leave. Also the partner of the employee will be entitled to paternity leave even if the live birth takes place before 24 weeks and must utilise the paternity leave within 56 weeks of the birth.

### **14 Extended Leave**

- 14.1 There is no right to extend the period of maternity leave beyond the period of additional leave. If however the employee is unable to return to work as a result of ill-health she may be entitled to sick pay. The provisions of the Circuit's Sickness Absence Policy apply to any period of sick leave after maternity leave has been completed.
- 14.2 If the baby is born with a disability it may be necessary to extend the period of leave. The employee may take Parental Leave in addition to maternity leave. This should be discussed with the line manager and the DLES to agree suitable arrangements. (See Parental Leave Policy).
- 14.3 If the employee is unable to return to work at the end of the maternity leave period as a result of personal problems, a further period of unpaid leave may be granted. In these circumstances the employee should contact their line manager who will liaise with the DLES as soon as possible to discuss her needs.

### **15 Communication With Employees**

- 15.1 It is good practice that employees on maternity leave, who intend to return to work, are kept informed about significant changes at work. Before maternity leave commences the line manager should discuss with the employee what contact would be appropriate and what job circulars, newsletters, information on training and workplace development opportunities should be provided. The employee may prefer not to receive information from the employer and should indicate if this is the case.

### **16 Keeping in Touch Days**

Employees are encouraged to make use of Keeping in Touch (KIT) days as a positive way to keep in contact with developments in their workplace. As work undertaken during maternity leave may only take place with the agreement of both parties, the employee will not be at any disadvantage regarding the options chosen. If the employee is unable or declines the

opportunity to work any of the Keeping in Touch Days she is entitled to do so without suffering any detriment.

The employee will be allowed to work during maternity leave on 'Keeping in Touch' days without bringing maternity leave to an end or losing entitlement to Maternity Pay.

The employee can work for up to 10 (KIT) days and there are no restrictions on when these days are taken, as long as the two weeks compulsory maternity leave period immediately following birth is avoided.

'Keeping in Touch' days must be by agreement between the employee and her line manager, in consultation with the DLES. The days may be used for any activity which would ordinarily be classed as work under the contract, and could be particularly useful, for example, in enabling attendance at a conference, training activity, away day, staff meetings etc.

There is no obligation on the employee to undertake work, or for the line manager to provide work during Maternity Leave.

The employee will be entitled to be paid for these Keeping in Touch (KIT) Days, which will be equivalent to a full day's pay. . The employee's entitlement to full pay applies even if they only spent an hour or part of the day on the actual agreed KIT day.

## **17 Probationary Period**

17.1 If the employee commences maternity leave before satisfactorily completing her probationary period, the probation will continue on return from Maternity Leave in order to complete the full probationary period. This needs to be discussed with the employee and confirmed in writing.

## **18 Employee Loans**

18.1 If the employee is in receipt of an employee loan (for example season ticket), deductions will continue to be made during paid maternity leave. The employee should liaise with the line manager to ensure the outstanding loan amount is repaid within the agreed time frame. She should agree this before she starts maternity leave.

## **19 Resignation during Maternity Leave**

19.1 If the employee does not wish to return to work at the end of her maternity leave, she is required to give notice in accordance with the terms of her contract of employment. If the notice period expires after her maternity leave ends, she will be required to return to work for the remainder of the notice period.

If she resigns, the employee does not have to repay any of her Maternity Pay, and will be entitled to be paid for any outstanding holiday pay that has accrued during maternity leave up to the end of her notice period.

**20 Failure to Return to Work**

20.1 If the employee fails to return to work at the end of her maternity leave period and does not provide a written explanation, or has not submitted her resignation, she will be deemed to have terminated her contract of employment. The line manager will write to the employee no later than one week from the date she was expected to return to work, requesting confirmation that she is not returning and making it clear that failure to reply will be taken as termination of her contract. The line manager should ensure that the DLES is informed when an employee fails to return from maternity leave.

**21 Shared Parental Leave**

- 21.1 If the employee proposes to return to work by giving proper notification, her spouse, civil partner or partner may be eligible to take shared parental leave and pay once she has returned to work.
- 21.2 The earliest that shared parental leave may commence is 2 weeks after the date on which the child is born and it must end no later than 12 months after the date of birth.
- 21.3 Further details should be obtained from her spouse's or partner's employer. She will be required to submit a written and signed declaration form from her partner, stating the date they wish to commence shared parental leave and she must provide 8 weeks' notice. (See Shared Parental Leave Policy).

Further reading: [www.gov.uk/maternity-pay-leave/pay](http://www.gov.uk/maternity-pay-leave/pay)