

## MATERNITY LEAVE AND PAY POLICY

<b>Policy Adopted</b>	March 2013
<b>Last Reviewed</b>	May 2022
<b>Next Review Due</b>	March 2025

Date Reviewed	Reviewed by	Approved by	Date Accepted by Trustees
03/05/2022	Operations Manager	Policy Review Committee	16/05/2022

## **Introduction**

It is the policy of Triple C (Liverpool), hereafter referred to as Triple C, to ensure that as far as possible our employees are able to combine their career and family responsibilities. We recognise that parenthood brings additional responsibilities. We value the contributions of our female staff, and every effort is made to encourage women to return to work from Maternity Leave. This policy is compliant with the Employment Rights Act 1996, Employment Act 2002, Maternity and Parental Leave Regulations 1999 (as amended) and the Work and Families Act 2006.

### **1. Antenatal Care**

- 1.1 All pregnant employees, regardless of their length of service with the company, are entitled to reasonable time off to keep appointments for antenatal care made on the advice of a doctor, midwife or health visitor.
- 1.2 The pregnant employee is entitled to be paid full rate of pay for this time off.
- 1.3 Except in the case of a first appointment to obtain a certificate, the woman must be prepared to show on request from her employer, a certificate from a doctor, midwife or health visitor confirming that she is pregnant, and also an appointment card or some other document showing that an appointment has been made.

### **2. Health and Safety**

- 2.1 Triple C recognises its obligations to protect the health and safety at work of all employees and others, including new and expectant mothers. If a risk is identified that could jeopardise the health and safety of a new or expectant mother or her baby (this might include working at night if she has a medical certificate stating night work could damage their health), then regardless of the duration of her service, Triple C will:
  - Attempt to remove the hazards or prevent exposure to the risk.
  - If the risk still cannot be avoided, further steps to protect her health and safety must be taken - changes in the woman's working conditions or hours, offers of suitable alternative work or, if this is not available, suspension from her work, with pay, for as long as is necessary to protect her health and safety or that of her child.

### **3. Leave**

- 3.1 All pregnant employees, regardless of their length of service, are entitled to a maximum of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. Employees are also entitled to Statutory Maternity Pay (SMP) as detailed in 4.2
- 3.2 Employees may be entitled to take some of the leave as Shared Parental Leave. Please refer to our Shared Parental Leave Policy
- 3.3 The pregnant employee must advise Triple C in writing of the intended date for Maternity Leave to start, and must do so by the 15th week before the baby is due
- 3.4 The employee may change her mind about the date she wishes to start and end her Maternity Leave, but must give at least 28 days' notice of the new start date of her maternity leave and must give 8 weeks' notice if she wants to change the return to work date.
- 3.5 Evidence of when the baby is due must also be provided, this is normally on Certificate MATBI. The earliest that this can be issued by a doctor or midwife is 20 weeks before the week in which the baby is due.
- 3.6 Triple C cannot pay SMP without this evidence
- 3.7 Triple C will respond to a woman's notification of her leave plans within 28 days, setting out the date on which she is expected to return to work if she takes her full entitlement to Maternity Leave.

- 3.8 Maternity Leave can start no earlier than the beginning of the 11th week before the expected week of childbirth, unless the baby is born early.
- 3.9 Maternity Leave will start the day after the birth if the baby is early, the employee must give Triple C the child's birth certificate or a document signed by a doctor or midwife which confirms the actual date of birth.
- 3.10 Maternity Leave will start automatically if the employee is off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that the baby is due
- 3.11 Triple C will honour Statutory Maternity Leave and SMP if the baby is born early, is still born after the start of the 24<sup>th</sup> week of pregnancy or dies after being born.
- 3.12 Employees must take at least 2 weeks maternity leave after the birth.

#### 4. Payments

- 4.1 Triple C offers maternity pay based on statutory requirements. An employee will be entitled to SMP if she fulfils the following criteria:
  - She has taken her Maternity Leave
  - She has given 28 days' notice of her maternity leave (unless with good reason)
  - She has provided evidence with a MATBI
  - She has been employed continuously for 26 weeks up to and including her qualifying week (the expected week of childbirth) – 15 weeks before the expected week of childbirth; and
  - She has earned the minimum amount as detailed on the following link [Maternity pay and leave: Eligibility - GOV.UK \(www.gov.uk\)](http://www.gov.uk) in an 8-week 'relevant period'
- 4.2 SMP for eligible employees will be paid for up to 39 weeks as follows:
  - For the first 6 weeks at 90% of normal weekly earnings before tax;
  - For the remaining 33 weeks, either 90% of normal weekly earnings or the current rate of SMP per week, whichever of these is lower. SMP will be subject to Tax and National Insurance
  - The current rate of SMP can be found by clicking on the following link [Maternity pay and leave: Pay - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- 4.3 If a pregnant employee does not qualify for SMP she may be entitled to Maternity Allowance instead. This is paid direct to the woman, and the employee should complete form SMP1 within 7 days of making their decision.
- 4.4 You can't get Statutory Maternity Leave if you have a child through surrogacy - you could get Statutory Adoption Leave and Pay instead. Please refer to our Adoption Leave and Pay Policy

#### 5. Terms and Conditions

- 5.1 During Ordinary Maternity Leave, Triple C employees shall be entitled to the benefit of the terms and conditions operational prior to her absence, except those relating to remuneration.
- 5.2 During Additional Maternity Leave, Triple C employees shall be entitled to the benefit of the terms and conditions operational prior to her absence, except those relating to remuneration.
- 5.3 The employee shall also be continually bound during the above periods by her obligation to Triple C of good faith and terms and conditions relating to notice of termination; the disclosure of confidential information; the acceptance of gifts or other benefits; and her participation in any other business.

#### 6. Work and contact during Maternity Leave

- 6.1 The employee may keep in reasonable contact with Triple C during her Maternity Leave

without bringing her Maternity Leave to an end or losing her SMP.

- 6.2 The employee is entitled to work during her Maternity Leave on a “keeping in touch” (KIT) day without bringing her Maternity Leave to an end or losing her SMP. The employee may take up to a total of 10 KIT days during her Maternity Leave.
- 6.3 The employee is not obliged to take any KIT days and the decision to do so remains at the employee’s discretion. No detrimental action shall be taken against the employee if no KIT days are taken.
- 6.4 Work on a KIT day may include training or other events and is not limited to the normal job performed by the employee.
- 6.5 If the employee wishes to work on a KIT day this must be agreed with the Operations Manager.
- 6.6 Before working on a KIT day the amount of pay that the employee will receive for working on that day must be agreed, as must the weekly pay for a week during which the employee works on a KIT day. Payment cannot be lower than the weekly rate of SMP to which the employee is entitled.
- 6.7 The total Maternity Leave period will be unaffected whether the employee works on a KIT day or not.

## **7. Meetings with Triple C during maternity leave**

- I. During the preceding 4 weeks (and not less than 2 weeks) before the employee is due to return to work, she will be invited for an informal meeting with the Operations Manager in order to provide an opportunity for discussion of her return to work. These discussions will include:
  - 7.1 Updating her on developments at work
  - 7.2 Considering whether any training needs have arisen due to new, technical or other developments. It is our aim to ensure that an employee’s Maternity Leave does not put her at a disadvantage in relation to skills or other training needs.
  - 7.3 Providing her with an opportunity of indicating whether she wishes to be considered for flexible working.
  - 7.4 The meeting will also provide an opportunity to discuss and explain any necessary and unavoidable changes to the employee’s work.

## **8. Returning to work**

- 8.1 A woman may not return to work within 2 weeks of giving birth. However, in relation to Ordinary Maternity Leave the employee may return if giving at least 8 weeks’ written notice of intending to return to work early.
- 8.2 At the end of Ordinary and Additional Maternity Leave, the employee will be entitled to return to the same job with the same terms and conditions, unless a redundancy situation has arisen, in which case a suitable alternative vacancy will be offered if available.
- 8.3 A woman who goes on Maternity Leave has no automatic right to return on any varied terms or conditions. However, requests to return on any varied condition, including reduced hours will be considered seriously using the relevant procedures and accommodated where possible.
- 8.4 If such variation is not reasonably practicable Triple C may refuse to make such a change and expect the employee to return on her original terms and conditions.