

Maternity Policy

Wokingham Housing Ltd (WHL) and Loddon Homes have put together this policy to set out the rights of employees to statutory maternity leave and pay. It is a step by step guide for expectant or new mothers on how to manage antenatal care, pregnancy-related illness, and maternity leave and pay.

Employees should also read and fully understand the Government policy on maternity which can be found by visiting <https://www.gov.uk/maternity-pay-leave>.

The following definitions are used in this policy:

"Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects them to give birth.

"Qualifying week" means the 15th week before the expected week of childbirth.

All pregnant employees (regardless of length of service) are entitled to a total period of 52 week's maternity leave. This is made up of 26 week's ordinary maternity leave and a further 26 week's additional maternity leave.

With the exception of the first two weeks from the day of childbirth, all employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity, subject to following the correct notification procedures as set out below.

Notice requirements

On becoming pregnant, an employee should notify WHL or Loddon Homes by the end of the 15th week before the expected week of childbirth, or as soon as reasonably practicable if that is not possible.

By the end of the qualifying week the employee is required to inform WHL or Loddon Homes in writing of:

- the fact that they are pregnant;
- her expected week of childbirth; and
- the date on which they intend to start their maternity leave.

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth, as soon as practically possible but before the 32nd week of pregnancy.

An employee may bring forward or postpone their maternity leave start date provided that WHL or Loddon Homes are notified, in writing, at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

Time off for antenatal care

Pregnant employees will be entitled to paid time off work to attend antenatal appointments as advised by their doctor, registered midwife or registered health visitor.

Employees should provide as much notice as possible of any antenatal appointments and, where reasonably possible, try to arrange them for the beginning or end of the working day. An employee is required to produce evidence of appointments, such as a medical certificate or appointment card, if requested to do so.

Maternity Leave

The law states you must take a minimum of two weeks maternity leave immediately after the birth of the child.

Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless their child is born prematurely before that date in which case it will start earlier).

Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- in the event of any absence occurring after the beginning of the 4th week before the Expected Week of Childbirth, whether related to pregnancy or not.

If the employee gives birth before their maternity leave was due to start, they must notify the organisation of the date of the birth as soon as reasonably practicable.

Statutory Maternity Pay (SMP)

Employees will qualify for statutory maternity pay, providing that:

- they have been continuously employed for at least 26 weeks before the Qualifying week of pregnancy i.e. 41 weeks' continuous service
- they have provided a MAT B1 form stating their expected week of childbirth;
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions. Further information can be found at: <https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions> and
- they give at least 28 days notice or if the baby arrives early, as soon as reasonably practicable.

Statutory maternity pay is payable for up to 39 weeks:

- six weeks payable at 90% of the employee's average weekly earnings.
- the following 33 weeks, paid at the rate set by the government for the relevant tax year or 90% of average weekly earnings (whichever is lower) subject to PAYE and national insurance deductions.

The qualifying week, relevant period, notice period and maternity pay can be calculated by using the [government SMP calculator](#). SMP will be paid in the same way as your normal wages and Tax and national insurance will be deducted.

Statutory maternity pay is payable whether or not the employee intends to return to work after their maternity leave.

Any employee who is not entitled to statutory maternity pay may be entitled to receive maternity allowance payable directly by the Government. An MP1 form will need to be completed and submitted to the Department for Work and Pensions (DWP). Full information can be found at:

<https://www.gov.uk/maternity-allowance>

Occupational Maternity Pay (OMP)

Employees with at least one year's continuous service at the beginning of the 11th week before the EWC (i.e. 63 weeks' continuous service by the EWC), will be entitled to receive a further 12 week's salary at half pay.

Although it is not a statutory requirement, if you wish to qualify for this additional salary you must notify your manager of your intention to return to work after ordinary maternity leave/additional maternity leave (AML).

Payment of OMP is on the condition that you return to work for a period of at least three months. This will be paid in conjunction with SMP but would have to be reclaimed if you do not return to work for the 3-month period.

You may opt out of OMP if you notify your manager that you do not intend to return to work after ordinary maternity leave/additional maternity leave. This will not affect your rights if you then change your mind and decide to return to work. In these circumstances any OMP owing will be paid in a lump sum following returning to work for the 3 month period.

Sickness absence

A pregnant employee who is absent from work during pregnancy owing to sickness, will receive normal statutory or contractual sick pay in the same manner as they would during any other sickness absence provided that they have not yet begun ordinary maternity leave.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, Ordinary maternity leave will be automatically triggered.

Keeping-in-touch days

Employees can agree to work for the organisation (or to attend training) for up to 10 days during their maternity leave without that work bringing their maternity leave to an end and without loss of a week's statutory maternity pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes regardless of the hours undertaken.

WHL or Loddon Homes has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave. Any work carried out on a day shall be paid in line with normal contractual arrangements. For more details visit [employee's rights when on leave](#).

Returning to work after maternity leave

The employee may return to work at any time during ordinary maternity leave or additional maternity leave. Employees must confirm their return to work date with their manager / HR, giving at least 21 days' notice.

The employee may take their full period of maternity leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of maternity leave has elapsed, they must give at least eight weeks' notice in writing to the organisation of the date on which they intend to return.

The employee has the right to resume working in the same job if returning to work from ordinary maternity leave. If the employee returns to work after a period of additional maternity leave, they are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of maternity leave will be treated as unauthorised absence and could result in termination of employment unless the employee is sick and produces a current medical certificate before the end of the maternity leave period.

If the employee decides during maternity leave that they do not wish to return to work, they should give written notice of resignation to the organisation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after maternity leave has ended, your manager may ask you to return to work for the remainder of the notice period.

If you had worked full-time prior to maternity leave, you will have no automatic right to return to work on a part-time basis or to make other changes to your working patterns.

All requests for flexible working will be considered in line with operational requirements. If you would like this option to be considered, you should discuss this with your line manager as soon as possible in advance of your return date.

Transfer of maternity leave

Shared parental leave

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the organisation's agreement).

To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing their maternity leave.

Full information on Shared Parental Leave can be found at <https://www.gov.uk/shared-parental-leave-and-pay> , which includes full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed.

The mother and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

Health and safety

Your line manager should discuss a health and safety risk assessment with you. This should assess any workplace risk to your pregnancy or post pregnancy.

If you think you're at risk but your manager disagrees, you should talk to a member of the WBC HR team immediately.

Exceptional Circumstances

In the event of a miscarriage in the first 24 weeks of pregnancy there is no entitlement to maternity leave and pay. However, special leave or sick leave may be granted according to the individual circumstances.

In the event of a stillborn child after 24 weeks of pregnancy, the entitlement to maternity leave and pay is unaffected.

Where a baby dies at, or after being born maternity leave and pay are unaffected.

Where a baby is born prematurely each case will be considered on its merits. Maternity leave and pay will commence on the actual date of birth, if this is earlier than the notified leave date.

Other Terms and Conditions

With the exception of salary and other remuneration, the terms and conditions of the employee's contract will continue.

Employees will continue to accrue annual leave whilst on maternity leave. Employees are encouraged to take some of their leave prior to maternity leave and/or some after as long as it is in the same leave year that it is earned.

The organisation's pension contributions will continue based on the employee's normal pay during ordinary maternity leave and paid additional maternity leave. However, the organisation's pension contributions will cease during any periods of unpaid additional maternity leave.

The organisation reserves the right to maintain reasonable contact with employees during maternity leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

DOCUMENT CONTROL

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