

# Maternity Policy

Expansive Learning Group

March 2023

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## **1. Purpose of the policy**

This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth. It details the arrangements for antenatal care, pregnancy-related illness, maternity leave and pay.

Expanse Learning recognises that employees may have questions or concerns relating to their maternity rights. We want to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

## **2. Scope of the policy**

This policy applies to all employees who are pregnant or have recently given birth, including those who work part-time or on fixed-term contracts.

## **3. Role and responsibilities**

- Senior Leadership Team have overall responsibility for this policy.
- Line Managers are responsible for familiarising themselves with the contents of this policy and for applying it consistently.
- pregnant employees are responsible for clarifying the correct procedures with their Line Manager
- The Head of shared Services is responsible for reviewing this policy once a year.

## **4. Definitions**

- 'Expected week of childbirth' means the week, starting on a Sunday, during which the employee's doctor or midwife expects an employee to give birth.
- 'Qualifying week' means the fifteenth week before the expected week of childbirth.

## **5. Notification of pregnancy**

When an employee becomes pregnant, they should tell their line manager as soon as possible. This is so the company can consider the health and safety implications.

The employee is required to inform the organisation in writing by the end of the qualifying week, or as soon as reasonably practicable afterwards:

- the fact that they are pregnant
- the expected week of childbirth
- the date on which they want 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. The form must have either the doctor's name and address or the midwife's name and registration number on it.

Employees can change the start date of their maternity leave so long as they give 28 days' notice in writing. If that 28-day notice is not possible, as soon as reasonably practicable.

We will respond in writing to an employee's notification of their maternity plans within 28 days. This letter will confirm the expected return to work date if the employee takes their full 52-week maternity leave entitlement.

## **6. Time off for antenatal appointments**

All pregnant employees are entitled to time off for antenatal appointments scheduled on the advice of a registered medical practitioner.

To take time off, except in the case of the first appointment, pregnant employees must show:

- a certificate confirming, they are pregnant. This can be provided by a registered medical practitioner, a registered midwife, or a registered health visitor, or
- an appointment card or some other document showing that an appointment has been made.

Pregnant employees will be paid their normal rate of pay specified in their employment contracts for the time off to

attend antenatal appointments.

The following are entitled to take unpaid time off work to attend up to 2 antenatal appointments:

- partners of the pregnant employee, or the child's father
- in a surrogacy situation, the intended parent

Anyone planning to attend an antenatal appointment should give their line manager as much notice as possible of appointments. Also, they should, wherever possible, try to arrange appointments as near to the start or end of the working day.

## **7. Health and safety**

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The organisation has a duty to take care of the health and safety of all employees. We are also required to assess risks to employees:

- who are pregnant
- have recently given birth
- are breastfeeding

Employees will be kept informed of the findings of a risk assessment.

If a risk assessment identifies possible harm to a pregnant employee or their baby, we will take all reasonable steps to avoid those risks. This may involve changing the employee's working conditions or offering suitable alternative work (if available) on comparable terms and conditions to their role. If it's not possible to remove risks this way, we may suspend an employee from work on maternity grounds until such time there is no longer a risk.

If an employee is suspended:

- this does not affect their statutory or contractual rights.
- they will be paid their normal salary and contractual benefits during the period of suspension.

This is the case so long as the employee does not unreasonably refuse suitable alternative work.

## **8. Sickness absence**

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If an employee is absent from work because of a pregnancy-related condition, they will receive normal contractual sick pay under the company sickness absence policy.

If the employee is absent from work wholly or partly due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth, maternity leave will start automatically.

If an employee:

- falls ill, or
- is already absent from work with a pregnancy-related condition on or after the beginning of fourth week before the baby is due maternity leave is triggered automatically.

## **9. Maternity leave**

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All pregnant employees are entitled to take up to 26 weeks' Ordinary Maternity Leave and up to 26 weeks' Additional Maternity Leave – a total of 52 weeks. This is the case regardless of the number of hours they work or their length of service.

Additional Maternity Leave begins on the day after Ordinary Maternity Leave ends.

Ordinary Maternity leave can start at any time after the beginning of the eleventh week before the employee's expected week of childbirth. Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date
- the day after the employee gives birth
- the day after any day on which the employee is absent for a pregnancy-related reason in the 4 weeks before the expected week of childbirth

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

Employees are required by law to take a minimum of 2 weeks of maternity leave immediately after the birth of the child. This increases to 4 weeks in the case of factory workers.

During Ordinary Maternity Leave, the employee's contract of employment continues to apply, and they are entitled to receive all contractual benefits.

Employees are encouraged to take any outstanding annual leave due to them before maternity leave.

## **10. Pay and pension during maternity leave**

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Statutory Maternity Pay is payable for up to 39 weeks during maternity leave. An employee is entitled to Statutory Maternity pay if:

- they have been continuously employed by the organisation for at least 26 weeks at the end of the qualifying week
- their average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least 8 weeks before that date is not less than £120
- they are still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth)
- they provide a MAT B1 form stating her expected week of childbirth
- they give the organisation proper notification of her pregnancy in accordance as set out above

Eligible employees are entitled to:

- for the first 6 weeks, 90% of their average weekly earnings before tax
- for the remaining 33 weeks, £156.66 (£172.48 from April 2023) or 90% of their average weekly earnings whichever is lower.

Shift allowances, overtime payments, bonuses and commission are all included in the calculation for average weekly earnings.

Statutory Maternity Pay is treated as earnings. Therefore, it is subject to PAYE and National Insurance deductions.

During Ordinary Maternity Leave, employee pension contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on maternity leave.

Pension contributions will continue to be made during the period when the employee is receiving Statutory Maternity Pay, but not during any period of unpaid Additional Maternity Leave.

Employees who are not entitled to Statutory Maternity Pay may be entitled to receive Maternity Allowance from the Government. We will provide employees with an SMP1 form for them to pursue a claim for Maternity Allowance.

## **11. Pay Rises**

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If an employee's pay is raised between the 8-week period leading up the qualifying week (the fifteenth week before the baby is due) and the end of maternity leave, this new wage will be used to calculate the average weekly earnings for the purposes of any maternity payments.

## **12. Keeping in touch days**

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Shortly before an employee's maternity leave starts, Expanse Learning will discuss how the company will keep in touch during maternity leave.

The organisation reserves the right to maintain reasonable contact with the employee from time to time during maternity leave. For example, this may be to discuss:

- the employee's plans for return to work

- training or special arrangements needed to ease the return to work
- relevant developments at work during the absence

Employees can work for the company for up to 10 days during maternity leave. Working these 10 days will not bring maternity leave to an end or affect maternity pay. However, employees in the first two weeks from the date of birth can't work. This period is known as compulsory maternity leave. For these purposes, work can include training, attending conferences, appraisals, or team meetings. Keeping in touch days are paid as per the employee terms and conditions of employment

Employees are under no obligation to agree to attend work and we are under no obligation to offer you work. Keeping in touch days are entirely at the employee's decision. Employees will not be subject to any form of detriment if you do not wish to do them.

### **13. Returning to work**

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Employees will be formally advised in writing of the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave. The employee is expected to return on this date unless they give at least 8 weeks' notice of an early return to work. If this much notice is not given, we may delay return until 8 weeks have passed or until the date previously agreed.

An employee is entitled to return from maternity leave to their same job and same terms and conditions as if they had not been absent. However, if this is not possible (for example, if a redundancy situation arises), the organisation may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have applied if they had not been absent.

An employee who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with business needs. If an employee would like to request flexible working, they should write to their line manager setting out their proposals as soon as possible in advance of their return date. This is so there is enough time to consider the request. The procedure for dealing with such requests is set out in the organisation's policy on flexible working.

On the first day an employee returns to work, or as soon as is reasonably practicable, we will hold a return-to-work meeting.

If an employee is too ill to return on the agreed date, this becomes a sickness absence and will be dealt with under the company absence procedure.

An employee who decides not to return to work after maternity leave must give the notice of termination required by their contract of employment.

### **14. Shared parental leave**

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If an employee does not use their full maternity leave entitlement, some leave may be transferred to their partner/the father. Full details of this should be found in the company shared parental leave policy.

### **15. Monitoring & Review**



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This Policy will be reviewed every 2 years

**Impact of non-compliance**

<b>Staff:</b>	Not applicable
<b>Student:</b>	Not applicable
<b>Legislation/organisational:</b>	Reputational damage, litigation, statutory and non-regulated compliance.
<b>Compliance lead:</b>	Shared Services
<b>Policy Reference:</b>	ELGR-POL-HRIM-0022
<b>Version:</b>	1
<b>Agreed policy location:</b>	Expanse Learning Intranet and Company Webpage
<b>Review Schedule:</b>	24 months
<b>Does the policy require Governor approval?</b>	No

**Approval**

<b>Prepared by</b> Scott Roberts 21/03/2023  Head of Shared Services	<b>Approved by</b> Karl Wane 21/03/2023  Director of Post 16 Education	<b>Counter Signatory</b> Richard King 21/03/2023  Director of Schools, Pre 16 Education
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**Version Control**

Version	Date	Revision	Review Date
1	21/03/2023	First Issue	March-2025
2			
3			
4			
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