

**Date: 21 March 2017**

**For: Employees**



## **Maternity Leave Policy**

### **Introduction**

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

### **Notification of pregnancy**

On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are health and safety considerations for Ride High.

By the end of the qualifying week (meaning the 15<sup>th</sup> week before the expected week of childbirth), or as soon as reasonably practicable afterwards, the employee is required to inform Ride High in writing of:

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

In this Policy, “expected week of childbirth” means the week, starting on a Sunday, during which the employee’s doctor or midwife expects her to give birth.

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.

The employee is permitted to bring forward her maternity leave start date, provided that she advises her line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she advises her line manager in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Ride High will formally respond in writing to the employee’s notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

### **Entitlements of pregnant employee**

**Time off for Antenatal Care:** Once an employee has advised Ride High that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or health visitor. This may include relaxation classes and parent-craft classes. The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible. Except for the first appointment, the employee may be requested to show her line manager an appointment card or other documents showing that an appointment has been made. As to what is “reasonable” paid time off to attend antenatal appointments, this will vary between employees but generally, an employee expecting her first child can expect to have up to ten appointments whereas for an employee who has previously had a baby, up to seven appointments is more likely.

**Health and Safety:** A risk assessment will be carried out to assess the workplace risks to women who are pregnant, have recently given birth or where breastfeeding is required on their return to work.

**Sickness Absence:** If an employee is absent from work during pregnancy owing to sickness, she will receive normal sick pay in the same manner as she would during any other sickness absence, provided she has not yet commenced ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically. If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, the employee must notify Ride High in writing of this, as soon as reasonably practicable.

## **Maternity leave**

All pregnant employees are entitled to take up to 26 weeks’ **ordinary** maternity leave and up to 26 weeks’ **additional** maternity leave, making a total of 52 weeks. This is 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 11<sup>th</sup> week before the employee’s expected week of childbirth (unless her child is born prematurely before that date, in which case it will start earlier).

Maternity leave will start on which ever date is the earlier of:

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

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

The law obliges all employees to take a minimum of two weeks maternity leave immediately after the birth of the child.

### **Ordinary maternity leave**

During the period of ordinary maternity leave, the employee's contract of employment continues and she is entitled to receive all her contractual benefits, except for salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

The employee will be advised before starting ordinary maternity leave whether she has any outstanding holiday entitlement. Ride High may require the employee to take any outstanding holiday before commencing maternity leave or agree (in conjunction with the line manager) that the employee should carry the leave over and take it on return to work after maternity leave. If the employee decides not to return to work following maternity leave, she will be paid for any holiday entitlement accrued, equally should the employee not return to work and has taken more holiday than she has accrued, she will be required to repay the equivalent of the excess holiday taken.

### **Additional maternity leave**

During the period of additional maternity leave, the employee's contract of employment continues in force and she is entitled to receive all her contractual benefits, except for salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

### **Statutory maternity pay**

Statutory maternity pay (SMP) is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:

- she has been continuously employed by Ride High for at least 26 weeks at the end of the qualifying week and she is still employed during that week;
- her 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 eight weeks before that date are not less than the lower earning limit for national insurance;
- she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- she provides a MAT B1 form stating her expected week of childbirth; and
- she gives proper notification of her pregnancy in accordance with the rules set out above.

For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over a specified period.

The standard rate of SMP is paid for the remaining 33 weeks (or less if the employee returns to work sooner). This is paid at a rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings if this is lower than the Government's set weekly rate.

If an employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether ordinary or additional leave), the higher or standard rate of SMP will be recalculated to take account of the pay rise, regardless of whether SMP has already been paid.

SMP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Employees who are not entitled to SMP may be entitled to receive maternity allowance, payable by the Government.

### **Contact during maternity leave**

Shortly before an employee's maternity leave starts, the line manager will discuss the arrangements for her to keep in touch during her leave, should she wish to do so. Ride High reserves the right in any event to maintain reasonable contact with the employee from time to time during her maternity leave. This may be to discuss any changes within the organisation, the employee's plans for return to work, any special arrangements to be made or training to be given to ease her return to work or simply to update her on developments at work during her absence.

### **Keeping-in-touch days**

Except during the first two weeks after childbirth, an employee can agree to work or to attend training for up to 10 days during either ordinary maternity leave or additional maternity leave, without that work bringing the period of her maternity leave to an end and without a loss of a week's SMP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

Ride High has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. Any work done, including the amount of salary paid for any work done on keeping-in-touch days, will be in line with normal contractual arrangements. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for Ride High.

### **Returning to work**

The employee will have been formally advised in writing of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies Ride High otherwise. If she is unable to attend work at the end of her maternity leave due to sickness or injury, Ride High's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist Ride High if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, she must give Ride High at least eight weeks' notice of her date of early return, preferably in writing. If she fails to do so Ride High may postpone her return to such a date as will give Ride High eight weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, Ride High may require the employee to return to work for the remainder of the notice period.

### **Shared parental leave**

New regulations on sharing of maternity leave and pay between parents came into effect on 1 December 2014. The option to use the Shared Parental Leave rights applies to parents who meet the eligibility criteria, where their child was born on or after 5 April 2015.

### **Rights on and after returning to work**

On resuming work after **ordinary** maternity leave, the employee is entitled to return to the same job as she occupied before commencing maternity leave, on the same terms and conditions of employment as if she had not been absent.

On resuming work after **additional** maternity leave, again she is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for Ride High to allow the employee to return to the same job Ride High may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have applied if she had not been absent.

An employee who worked full-time prior to maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns.

However, all requests for part-time work or other flexible working arrangements will be considered in line with Ride High's operational requirements. If an employee would like this option to be considered, she should write to her line manager setting out her proposals as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request.

Ride High will make every attempt to provide suitable rest and storage facilities for employees who are breastfeeding and a risk assessment will be carried out.

### **Exceptional circumstances**

An employee who experiences a miscarriage in the first 24 weeks of pregnancy is not entitled to maternity leave and pay.

If an employee gives birth to a stillborn child after 24 weeks of pregnancy, her entitlement to maternity leave and pay are unaffected.

In circumstances where a baby dies at, or shortly after birth, maternity leave and pay are unaffected.

### **Miscellaneous**

Pregnant employees have the right not to be dismissed because they are pregnant. However, where an employee's pregnancy means that she is unable to do her job adequately, where it is unlawful for a pregnant woman to do a particular job, or where a health and safety risk to herself or her baby has been identified but cannot be eliminated, Ride High will make every effort to make reasonable adjustments or suitable alternative work. If this is not possible Ride High may have to suspend the employee on full pay. Ride High also reserves the right to require the employee to be examined by a doctor or Occupational Health consultant where it is felt that her health, or that of her baby, may be suffering as a result of her continuing to work.

### **Training and awareness**

A copy of this Policy will be shown to all employees, and each must sign the list attached to the original to indicate they have read and understood it.

### **Approval and Review**

This Maternity Leave Policy was approved at a Board Meeting of the Trustees on 21 March 2017. It will be reviewed each September thereafter, or more frequently if appropriate.

Signed.....

Date.....