

Maternity Leave & Pay

Introduction

This section sets out the CIO's policy on maternity. It sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and covers the arrangements for ante-natal care, pregnancy-related illness, maternity leave and pay. The CIO implements the maternity rights set out in legislation. The CIO also offers enhanced benefits to employees who have served three years or more.

Please note that this policy also relates to adoption leave and pay. The CIO offers the same level of leave and pay for both maternity and adoption.

The CIO recognises that, from time to time, employees may have a question or concern relating to their maternity rights. In this respect, it is our policy to encourage open discussion between you and your Line Manager to ensure that questions and problems can be aired and resolved as quickly as possible. It is our policy within the CIO that employees are supported throughout their pregnancy, taking into account the needs of the individual and the Company.

The maternity regulations are complex and so if you become pregnant you should clarify the relevant procedures with your Line Manager to ensure that they are followed correctly.

The following definitions are used in this policy:

- EWC: Expected Week of Childbirth – the week, starting on a Sunday, in which your doctor or midwife expects you to give birth.
- Qualifying Week: the 15th week before your EWC
- MAT B1: a certificate issued by a doctor or midwife showing the expected date of your baby's birth.

Maternity Rights

You have the following key maternity rights:

- Time off for ante-natal care.
- Maternity pay – linked to your level of earnings.
- Maternity leave.
- Protection against unfair treatment or dismissal.

For families who have children with disabilities or additional needs

Notification Of Pregnancy And Maternity Leave

On becoming pregnant, you should notify your Line Manager as soon as you feel able to do so. This is important because there are health and safety considerations for the Company.

By the end of the Qualifying Week, or as soon as reasonably practicable afterwards, you are required to provide the following information in writing to the Company:

- That you are pregnant.
- Your EWC.
- The date on which you intend to start your maternity leave.

You must also provide your Line Manager with a MAT B1 form. The form must have your doctor's name and address on it, or if issued by a midwife, her name and registration number.

You are permitted to bring forward your maternity leave start date, provided you advise the CIO in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your maternity leave start date, provided you advise the CIO in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The CIO will formally respond in writing to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

Time Off For Ante-Natal Care

Once you have advised the CIO that you are pregnant, you are entitled to take reasonable paid time off work to attend ante-natal appointments as advised by your doctor, registered midwife or registered health visitor. Ante-natal care may include relaxation and parent craft classes that your doctor, midwife or health visitor has advised you to attend, in addition to medical examinations.

In order to be entitled to take time off for ante-natal care, you are required to produce a medical certificate from one of the above, stating that you are pregnant. Except in the case of the first appointment, you should also produce evidence of the appointment, such as an appointment card.

You should endeavour to give your Line Manager as much notice as possible of ante-natal appointments and wherever possible try to arrange them as near to the start or end of the working day as you are able.

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Health And Safety

The CIO has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment which may include assessing the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind which could involve a risk of harm or danger to their health and safety or that of their baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, the CIO will provide you with information as to any risks identified in any risk assessment. If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal job duties, the CIO will take such steps as are reasonably necessary to avoid those risks, such as altering your working conditions. In some cases, this may mean offering you suitable alternative work (if available) on terms and conditions which are not substantially less favourable.

If it is not possible for the CIO to alter your working conditions to remove the risks to your health and there is no suitable alternative work available to offer you on a temporary basis, the CIO may suspend you from work on maternity grounds until such time as there are no longer any risks to your health. This may be for the remainder of your pregnancy until the commencement of your maternity leave. If you are suspended in these circumstances, your employment will continue during the period of the suspension and it does not affect your statutory or contractual employment and maternity rights. You will be entitled to receive your normal salary and contractual benefits during the period of your suspension, unless you have unreasonably refused an offer of suitable alternative employment.

Sickness Absence

If you are absent from work during your pregnancy due to sickness, you will receive sick pay in the same manner as any other sickness absence provided that you have not yet begun your ordinary maternity leave. Until your maternity leave commences, you are still required to comply with the sickness absence reporting procedure set out in the section on Sickness Absence.

If, however, you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your EWC but before the date you have notified, or before you have notified a date, on which you intend to commence your maternity leave, your maternity leave will usually start automatically on the day after the first day of your absence. If you are absent from work wholly or partly because of pregnancy during the four weeks before your EWC, you must notify the CIO in writing of this as soon as reasonably practicable.

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Updated 24/10/2016

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Maternity Leave

All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave (OML) and up to 26 weeks' additional maternity leave (AML), making a total of 52 weeks. This is regardless of the number of hours you work or your length of service. AML begins on the day after OML ends.

OML can start at any time after the beginning of the 11th week before your EWC (unless your child is born prematurely before that date). Maternity leave will start on whichever date is the earlier of:

- Your chosen start date.
- The day after you give birth.
- The day after any day on which you are absent for a pregnancy-related reason in the four weeks before your EWC.

If you give birth before your maternity leave was due to start, you must notify the CIO 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 of compulsory maternity leave immediately after the birth of their child (four weeks for factory workers).

Ordinary Maternity Leave (OML)

During the period of OML, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind will continue, contractual annual leave entitlement will continue to accrue and any pension contributions will continue to be made. Your pension contributions will be based on the amount of actual pay you are receiving whilst the CIO's contributions will be based on the salary you would have received had you not gone on maternity leave (i.e. it will continue to make any employer contributions that it usually makes). You may wish to increase your own contributions to make good any shortfall whilst you are in receipt of less than your usual salary.

Salary will be replaced by statutory maternity pay (SMP) if you are eligible to receive it.

On resuming work after maternity leave, you will be entitled to benefit from any general pay increases that may have been awarded in your absence.

You are encouraged to take any outstanding annual leave due to you before the commencement of OML. You are reminded that, as a general rule, holiday should normally be taken in the year that it is earned and therefore if the holiday year is due to end during maternity leave, you should try to take the full year's entitlement before starting your maternity leave: see the section on Holidays for further information.

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Additional Maternity Leave (AML)

During the period of AML, your contract of employment again continues in force and, as is the case during the period of OML, you are entitled to receive all your contractual benefits, except for salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Salary will be replaced by SMP for the first 13 weeks of AML if you are eligible to receive it. The remaining 13 weeks of AML are unpaid.

During the period of paid AML (i.e. when you are still receiving SMP), your pension contributions will be based on the amount of actual pay you are receiving whilst the CIO's contributions will be based on the salary you would have received had you not gone on maternity leave. You may wish to increase your own contributions to make good any shortfall whilst you are in receipt of less than your usual salary. However, unless the pension scheme rules or your contract of employment provide otherwise, the CIO will not make contributions during any period of unpaid AML. Subject to the pension scheme rules, you may make member contributions during this time.

Statutory Maternity Pay (SMP)

SMP is payable for up to 39 weeks during maternity leave. You are entitled to SMP if:

- You have been continuously employed by the CIO for at least 26 weeks at the end of the QW and you are still employed during that week.
- Your average weekly earnings in the eight weeks up to and including the QW are not less than the lower earnings limit for National Insurance contributions.
- You are still pregnant 11 weeks before the start of your EWC (or have already given birth).
- You provide a MAT B1 form stating your EWC.
- You give the CIO proper notification of your 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 your average weekly earnings calculated over the period of eight weeks up to and including the QW. For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included.

The standard rate of SMP is paid for the remaining 33 weeks (or less if you decide to return to work sooner). This is paid at a rate set by the Government for the relevant tax year, or 90% of your average weekly earnings calculated over the period of eight weeks up to and including the QW if this is lower than the Government's set weekly rate.

If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether OML or AML), the higher or standard rate of SMP will be re-calculated to take account of your pay rise, regardless of whether SMP has already been paid. This means your SMP will be re-calculated and increased retrospectively, or that you may qualify for SMP if you did not previously. You will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

SMP is treated as earnings and is therefore subject to PAYE and National Insurance deductions.

SMP is paid into your bank account in the same way as salary is normally paid.

Payment of SMP cannot start prior to the 11th week before your EWC. SMP can start from any day of the week in accordance with the date you start your maternity leave.

SMP is payable whether or not you intend to return to work after your maternity leave.

It is important for maternity pay purposes that you notify your Line Manager if, during the maternity pay period, you are taken into legal custody or start to work for another employer.

Maternity Allowance

If you have been working for the CIO for less than 26 weeks at the QW, you are not eligible to receive SMP. You may, however, be able to apply to the Department for Work and Pensions for maternity allowance if you meet their qualifying conditions.

Contact During Maternity Leave

Shortly before your maternity leave starts, the CIO will discuss the arrangements for you to keep in touch during your leave, should you wish to do so. The CIO reserves the right in any event to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Keeping In Touch Days

Except during the first two weeks from childbirth, you may agree to work for the CIO for up to a maximum of ten days during either your OML or AML without that work bringing the period of your maternity leave to an end and without loss of a week's SMP. These are known as 'keeping in touch' days. Any work carried out on a day constitutes a day's work for these purposes.

The CIO has no right to require you to carry out any work, and you have no right to undertake any work, during your maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping in touch days, is entirely a matter for agreement between the CIO and you. Any keeping in touch days worked do not extend the period of your maternity leave. Once the keeping in touch days have been used up, you will lose a week's SMP for any week in which you agree to work for the Company.

For families who have children with disabilities or additional needs

Returning To Work

You will have been formally advised in writing by the CIO of the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave. You are expected to return on this date, unless you notify the CIO otherwise. If you are unable to attend work at the end of your maternity leave due to sickness or injury, the CIO's normal arrangements for sickness absence will apply (see the section on **Sickness Absence**). In any other case, late return without prior authorisation will be treated as unauthorised absence.

Whilst you are under no obligation to do so, it would assist the CIO if you could confirm as soon as convenient during your maternity leave that you will be returning to work as expected.

If you wish to return to work earlier than your expected return date, you must give the Company, preferably in writing, at least eight weeks' notice of your proposed date of early return. If you fail to do so, the CIO may postpone your return to such a date as will give the CIO eight weeks' notice, provided that this is not later than your expected return date.

If you decide not to return to work at all after maternity leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after your maternity leave has ended, the CIO may require you to return to work for the remainder of your notice period.

Retention of leave allowance for child sickness

Employees may opt to retain up to 2 weeks of their leave that has accrued during their maternity or parental leave for a period of 2 years from the date of their return to work. This leave may be used to take time off for child sickness or where child care arrangements break down. If the leave is not used at the end of the 2 year period, the employee can:

- be paid up to 1 week of this leave (payment will be at the rate that the employee was earning whilst on maternity or parental leave)
- use up to one week of the leave for personal leave allowance. This leave must be used within 2 months of the end of the 2 year period.

The employee must notify the CIO of how they wish to allocate any remaining leave within 2 weeks of the end of the 2 year period.

Shared Parental Leave

Where your EWC is on or after 5 April 2015 and you give notice to end your maternity leave early and to formally opt in to the shared parental leave scheme instead, you may then be eligible to share the balance of your leave (and pay) with your spouse, civil partner or cohabiting partner, or the father of your child (if they are also eligible) as shared parental leave (and statutory shared parental pay, if applicable). Shared parental leave is available for up to 52 weeks, reduced by the number of weeks of maternity leave you have taken (the compulsory maternity leave period must still be taken). It is up to you and your spouse or partner to agree between yourselves the amount of shared parental leave each of you will take, assuming you are both eligible, as long as the total time taken does not exceed the maximum permitted between you.

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Updated 24/10/2016

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Shared parental leave can also be taken consecutively or concurrently but it must start no earlier than the date on which your baby is born and it must end no later than 12 months after the date of childbirth. You can also apply to take discontinuous blocks of shared parental leave. If you wish to consider shared parental leave, further details can be obtained from your Line Manager.

Shared parental leave replaces the right to additional paternity leave.

Your Rights On And After Return To Work

On resuming work after OML, you are entitled to return to the same job as you occupied before commencing maternity leave on the same terms and conditions of employment as if you had not been absent.

On resuming work after AML, again you are entitled to return to the same job as you occupied before commencing maternity leave on the same terms and conditions as if you had not been absent. If, however, it is not reasonably practicable for the CIO to allow you to return to the same job, the CIO may offer you suitable alternative work, on terms and conditions that are no less favourable than would have applied if you had not been absent.

If you worked full-time prior to your maternity leave, you have no automatic right to return to work on a part-time basis or to make other changes to your working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the CIO's business. If you would like this option to be considered, you should write to your Line Manager as far in advance of your return as possible (preferably at least three months in advance) in order that the relevant procedure can be put into operation and so that there is adequate time for full consideration of your request. The procedure for making a flexible working application is set out in the section on **Flexible Working**.

Time Off To Accompany Ante-Natal Appointments

From 1 October 2014, your spouse, civil partner or partner who lives with you in an enduring family relationship (but is not your relative), or the father of your expected baby, is entitled to take unpaid time off work in order that they may accompany you to an ante-natal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse. This is limited to a maximum of two appointments, with the maximum time off during working hours for each appointment being no more than 6.5 hours.

Your spouse's or partner's employer can request them to sign a declaration in this regard which states that they have a qualifying relationship with you or your expected baby, they are taking the time off to accompany you to an ante-natal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse and the date and time of the appointment. However, no evidence of your pregnancy or your ante-natal appointment needs to be provided to their employer. If you are a surrogate mother, this right also applies to the intended parent if they are the potential applicant for a parental order.

Further details should be obtained from your spouse's or partner's employer.

Enhanced parental benefits

Where an employee has three years or more of continuous service 4 weeks before the EWC, the CIO will pay an enhanced benefit of 4.5% of salary for the duration of the maternity or parental leave period claimed by that employee.

Date approved and adopted	October 2016
Last revision date	
Next due revision date	October 2017
Initial of last staff alteration	NB

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