



3. Maternity Leave and Maternity Pay

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Pregnant employees and employees who have recently given birth have a variety of rights under current legislation. This area of law is very complex, and the following sections provide only a general guide for employees.

This policy applies to employees. It does not apply to agency workers or self-employed contractors.

This policy does not form part of an employee's contract of employment and the Company may amend it at any time.

3.1 Time Off for Antenatal Care

All pregnant employees, regardless of length of service, are entitled to take time off with full pay during working hours to receive antenatal care. This includes relaxation and parent craft classes if attended on medical advice.

The Company may require an employee who wishes to take time off for these purposes to provide medical certification of her pregnancy and an appointment card, except in connection with the first appointment.

3.2 Maternity Leave

Every employee who is pregnant has the right to a total of 52 weeks' Maternity Leave from day one of employment with the Company. This is made up as follows:

- 26 weeks' Ordinary Maternity Leave; followed by
- 26 weeks' Additional Maternity Leave.

It should also be noted that women are legally obliged to take a minimum of two weeks' maternity leave after giving birth. This is called Compulsory Maternity Leave.

3.3 Ordinary Maternity Leave

During Ordinary Maternity Leave, the employee is entitled to receive all her normal contractual benefits, but excluding pay, while she is absent from work.

An employee is entitled to return to her original job at the end of the Ordinary Maternity Leave period.

3.4 Additional Maternity Leave

Additional Maternity Leave follows immediately after the end of Ordinary Maternity Leave. There can be no gap between the two.

During Additional Maternity Leave, the employee is entitled to receive all her normal contractual benefits, but excluding pay, while she is absent from work.

The employee is entitled to return to her original job at the end of Additional Maternity Leave. However, if this is not reasonably practicable, she should be offered a similar job on no less favorable terms and conditions.

3.5 Notification Procedures for Maternity Leave

To be permitted to take Maternity Leave the employee must comply with the rules and procedures set out below:

1. No later than the end of the 15th week before the week the child is due, the employee must give the Company notice of:
 - The fact that she is pregnant;

- Her expected week of childbirth, which must be confirmed with the medical certificate MATB1; and
- The date on which she intends to start her Maternity Leave. This must be in writing if requested by the Company.

Within 28 calendar days of the employee giving notice, the Company will respond in writing to the employee, confirming the date when the Maternity Leave will end. This will normally be 52 weeks from the start of Maternity Leave.

1. The earliest the employee may start her Maternity Leave is 11 weeks before the expected week of childbirth. However, Maternity Leave will start automatically if the employee gives birth before this date.
2. The employee may change her mind about when she wants to start her leave, providing she gives the Company at least 28 calendar days' notice of the change. The period of 28 days must be before the earlier of the original planned start date or the new planned start date.
3. An employee's Maternity Leave will automatically start if she is absent from work for a pregnancy related illness during the four weeks before the expected week of childbirth.

3.6 Notification of Return to Work

1. The employee does not need to give notice of her return to work if she simply returns at the end of her Maternity Leave period.
2. If the employee wishes to return to work before her full entitlement to Maternity Leave has ended, she must give the Company a minimum of eight weeks' notice of the date of her earlier return.
3. If the employee fails to give the required eight weeks' notice of an earlier return to work, the Company may postpone the employee's return until the end of the eight weeks' notice she should have given, or until the end of her Maternity Leave period, whichever is earlier.
4. The employee may change her mind about the date of her return, but she must always give the Company at least eight weeks' notice of any changes.

5. An employee does not lose the right to return to work if she does not follow the correct notification requirements. However, the Company may take appropriate disciplinary action if she fails to return to work at the end of her Maternity Leave period without prior written agreement from the Company.
6. If the employee is unable to return to work because of ill health at the end of her Maternity Leave, the employer's normal sickness rules, procedures and payments will apply.
7. If an employee decides that she does not want to return to work she should give notice of resignation in accordance with her contract of employment.

3.7 Contact with Employee

The Company may make reasonable contact with the employee during Maternity Leave.

3.8 Statutory Maternity Pay

All employees who have been continuously employed for at least 26 weeks ending with the 15th week before the expected week of childbirth (the "Qualifying Week"), and who satisfy the following conditions, are entitled to receive Statutory Maternity Pay (SMP) from their employer. The employee must:

1. Still be pregnant at the 11th week before her expected week of childbirth or have had the baby by that time;
2. Have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight week period up to and including the Qualifying Week;
3. Give the Company notice that she intends to be absent from work because of her pregnancy at least 15 weeks before the expected week of childbirth; and
4. Provide the Company with medical certification of her expected week of childbirth, normally using form MAT B1.

Statutory Maternity Pay is payable for up to 39 weeks. The first six weeks are payable at the higher rate which is 90% of the employee's normal earnings.

Normal earnings are calculated based on the eight week period before the Qualifying Week. However, any pay rises made by the Company up to the end of the employee's Maternity Leave must be taken into account and SMP adjusted accordingly.

The remaining 33 weeks are payable at a standard rate which changes from time to time ("SMP Lower Rate"). Where the employee's earnings are below the SMP Lower Rate, the employee should be paid at 90% of her average earnings of the previous eight weeks up to and including the Qualifying Week.

Employees who do not qualify for Statutory Maternity Pay may be able to claim Maternity Allowance from their local Social Security or Job Centre Plus office.

3.9 Woodhurst Company Maternity Pay (CMP)

All employees who have been continuously employed for at least 26 weeks ending with the 15th week before the expected week of childbirth (the "Qualifying Week"), who satisfy the conditions as detailed in Section 3.8 Statutory Maternity Pay and subject to the rules as outlined at Section 3.10 Successive Pregnancies, are entitled to receive Woodhurst Company Maternity Pay.

Company Maternity Pay

- 26 weeks @ 100% of basic salary inclusive of any applicable SMP payments
- 13 weeks @ SMP Lower Rate
- 13 weeks unpaid

CMP will be calculated based on the employee's basic salary on the date that Maternity Leave commences.

In the event that the employee is awarded a salary increase as part of the annual salary review process during the maternity leave period, any CMP due to be paid following the date of the increase will be recalculated to reflect the increased basic salary.

Please note that eligible employees will only receive CMP during weeks when they are on Maternity Leave. Payment of CMP will stop immediately when an

employee's Maternity Leave ends, even if the employee has not used her full entitlement.

Woodhurst reserves the right to reclaim any enhanced company maternity pay provided to the employee if the employee does not return to work following their maternity leave, or if the employee voluntarily resigns within six months of returning to work. The decision to reclaim such payments will be at the sole discretion of the Company and will take into consideration individual circumstances.

3.10 Successive Pregnancies

Subject to the employee fulfilling the eligibility criteria outlined above, the employee is entitled to receive Company Maternity Pay for a maximum of 52 weeks during their employment with the Company.

In the event that the employee exhausts their entitlement to CMP under the above rules, Statutory Maternity Pay will apply and any additional Company Maternity Pay will be paid at the Company's total discretion.

3.11 Pension Contributions

Where the employee has the benefit of contractual pension contributions made by the employer, these must continue to be paid at the full rate up to the end of the period when SMP is payable.

Where the employee is required to make pension contributions, these will be based on the pay she receives during Maternity Leave.

3.12 Keeping In Touch Days

During Maternity Leave, employees may, by mutual agreement with the Company, work up to **10 Keeping in Touch (KIT) days** without losing their entitlement to Statutory Maternity Pay (SMP) or Company Maternity Pay (CMP). KIT days are intended to help employees stay connected with the workplace, attend training, or catch up on significant developments without formally returning to work.

3.12.1 KIT Days Provisions

- **Voluntary Participation:** Neither the Company nor the employee is obliged to agree to KIT days. Both parties must mutually consent to each KIT day being worked. There is no penalty for declining to work KIT days.
- **Pay for KIT Days:** Employees will be paid at their **normal rate of pay** for any hours worked during KIT days. This pay will include any SMP due for that week, which means the employee will receive both their SMP and any additional pay required to bring their total earnings up to their normal rate.
- **Impact on Company Maternity Pay (CMP):** KIT days will be paid at the employee's **normal rate of pay**, and any payments made during KIT days will count towards CMP if applicable. The KIT day pay will not result in a reduction of the employee's CMP entitlement for the remainder of the maternity leave period.

3.12.2 Using KIT Days

- KIT days can be used for training, meetings, or re-familiarizing the employee with the workplace.
- KIT days do not bring maternity leave to an end; they are designed to facilitate a smooth transition back to work.
- Employees may choose to take up to 10 KIT days at any point during Ordinary or Additional Maternity Leave without it affecting their right to SMP or CMP.

3.12.3 Returning to Work and KIT Days

- KIT days are optional and should not be used to pressure the employee into returning to work earlier than they are ready.
- Participation in KIT days will not alter the date the employee has agreed for their full return to work. The employee must still follow the normal notification procedures if they wish to return before the end of their maternity leave period.

KIT days offer a flexible option for employees to stay engaged with their work, easing their return after maternity leave, while ensuring that their maternity entitlements are protected.

3.13 Protection from Redundancy During Maternity Leave

Pregnant employees and those on maternity leave will have enhanced protection from redundancy. The Company will ensure that:

- Employees who are pregnant, on maternity leave, or have recently returned from maternity leave will be offered suitable alternative employment (if available) in preference to other employees at risk of redundancy. This protection begins from the moment the employee notifies the Company of her pregnancy and continues for **18 months after the birth of the child**.
- If a redundancy situation arises during this protected period, and a suitable alternative vacancy exists within the Company, the employee will be entitled to be offered the role without the need for a competitive interview process.
- Suitable alternative employment will be on terms and conditions that are not substantially less favourable than the employee's existing role. If no suitable alternative employment is available, the employee will be consulted in line with the Company's redundancy procedure.

This protection aims to provide additional job security for employees during and after maternity leave, in accordance with the **Protection from Redundancy (Pregnancy and Family Leave) Act 2023**.