

# HR11 - Maternity Policy

<b>Policy Reference:</b>		HR11	
<b>Effective date:</b>	May 2024	<b>Review date:</b>	May 2029
<b>Approved by P&amp;PRG:</b>	April 2024	<b>Approved by BoM:</b>	May 2024
<b>Owner:</b>	Michael Catlin	<b>Job Title:</b>	Head of People & OD
<b>To be issued to:</b>			
<input type="checkbox"/> Board of Management <input type="checkbox"/> All Staff <input type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input type="checkbox"/> Housing <input type="checkbox"/> Asset <input type="checkbox"/> ICT		<input type="checkbox"/> OD <input type="checkbox"/> Compliance <input type="checkbox"/> All Care & Support <input type="checkbox"/> C&S Managers (RM, OM, CSM) <input type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input checked="" type="checkbox"/> Other: <u>Only when relevant</u>	
<b>Method of Delivery:</b>			
<input type="checkbox"/> Learn Pro <input type="checkbox"/> Board Portal <input type="checkbox"/> Line Manager to Share (e.g. Agencies)		<input type="checkbox"/> Policy Owner to Notify (e.g. Contractors) <input checked="" type="checkbox"/> Other: <u>Only when relevant</u>	
<b>Stakeholder Consultation Completed</b>			
<input type="checkbox"/> Board of Management <input type="checkbox"/> All Staff <input type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input type="checkbox"/> Housing <input type="checkbox"/> Asset <input type="checkbox"/> ICT		<input checked="" type="checkbox"/> OD <input type="checkbox"/> Compliance <input type="checkbox"/> All Care & Support <input type="checkbox"/> C&S Managers (RM, OM, CSM) <input type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input checked="" type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input type="checkbox"/> Other:	

## Version Control

Date	Owner	Version	Reason for Change
Mar 2024	Michael Catlin	1	Cyclical Review

## Summary of Changes

Section	Change
1.0	Updated to reflect current values.
5.0	Updated to add new UK legislation introduced in 2023.
7.5	Added in a clearer definition of for SMP eligibility criteria.
7.6	Added in a clearer definition of for OMP eligibility criteria.
7.10	Added new section with new legislation around redundancy protection.

## Contents

1.0 Ark's Values.....	4
2.0 Purpose .....	4
3.0 Policy Statement .....	4
4.0 Scope.....	4
5.0 Legal/Regulatory Framework.....	5
6.0 Responsibilities .....	5
6.1 Board of Management.....	5
6.2 Executive Team .....	5
6.3 Leadership Team.....	5
6.4 Managers .....	5
6.5 All Staff.....	5
7.0 Maternity Leave .....	5
7.1 Before the Birth.....	6
7.2 Maternity Leave .....	6
7.3 Notification .....	6
7.4 Maternity Pay.....	7
7.5 Statutory Maternity Pay.....	7
7.6 Occupational Maternity Pay (OMP).....	7
7.7 Keeping in Touch Days .....	7
7.8 Terms and Conditions .....	8
7.9 Return to Work .....	8
7.10 Redundancy Protection.....	8
7.11 Maternity Leave Flow Chart.....	9
8.0 Learning & Development Requirements .....	9
9.0 Related Policies & Procedures .....	9
10.0 Equality Impact Assessment (EIA).....	10
11.0 Data Protection Impact Assessment (DPIA).....	10
12.0 Monitoring and Review.....	10
12.1 Monitoring .....	10
12.2 Review.....	10
Appendix 1 .....	11

## 1.0 Ark's Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

### Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

### Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

### Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

### Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

### Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

## 2.0 Purpose

Ark is committed to helping its staff to balance their family and work commitments. This policy explains the leave and pay available to you during your maternity leave. It will support you in planning for maternity leave and returning to work after leave.

## 3.0 Policy Statement

This policy informs Ark employees who are expectant mothers of their rights and responsibilities.

## 4.0 Scope

This policy applies to all Ark employees who are pregnant.

## 5.0 Legal/Regulatory Framework

The relevant legislation relating to maternity leave and pay is:

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2002
- Work and Families Act 2006
- Children and Families Act 2014
- The Protection from Redundancy (Pregnancy and Family Leave) Act 2023

## 6.0 Responsibilities

### 6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy.

### 6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required.

### 6.3 Leadership Team

Ark's Leadership Team is responsible for review of the policy, and for ensuring that relevant measures are put in place to implement its requirements.

### 6.4 Managers

Ark Managers are responsible for the effective implementation of this policy when supporting employees who are pregnant.

### 6.5 All Staff

Ark employees who are pregnant or planning to become pregnant are required to familiarise themselves with this policy and supporting procedure to ensure they understand what their entitlement to maternity leave & pay is and to ensure they comply with the requirements.

## 7.0 Maternity Leave

Maternity leave is the period of leave a mother can take off following the birth of their child.

## 7.1 Before the Birth

Once you have notified your manager of your pregnancy, they will carry out a risk assessment with you and take steps to manage any risks. They will review this with you as your pregnancy progresses.

Before the birth you may be required to attend antenatal appointments on the advice of your midwife or doctor. These appointments should be made for outside of work time or at the very start or very end of a shift. If this is not possible you may take reasonable paid time off during work time to attend. You must give your manager as much notice as possible of the time and date of the appointment and, if requested, you must provide documentation confirming that you are pregnant and confirming the appointment, such as an appointment card.

## 7.2 Maternity Leave

You can choose how much maternity leave you wish to take. All employees can choose to take between a minimum of 2 weeks and a maximum of 52 weeks. The first 26 weeks are known as ordinary maternity leave and the following 26 weeks are known as additional maternity leave.

The earliest date that you can start maternity leave is the 11th week before the week your baby is due. The date your baby is due is called the expected week of confinement (EWC).

If your baby is born early or you are absent from work due to pregnancy related illness at any point in the 4 weeks before your EWC then your maternity leave will automatically start, regardless of the date you had originally intended.

## 7.3 Notification

If you are pregnant, you must inform your line manager in writing that you are pregnant and that you intend to take maternity leave by 15 weeks before your EWC or, if this is not possible for example if the baby is born early, as soon as reasonably practicable. You can use Appendix 1 to notify your line manager.

You must inform Ark in writing of your intention to take maternity leave, even when the baby has been born early, in order to ensure you receive any maternity pay you may be eligible for.

Once you have notified your line manager of the dates you wish to take maternity leave you can change your mind as long as you give 28 days' notice of the new start date. You can do this by submitting a new copy of appendix 1.

## 7.4 Maternity Pay

You may be eligible to receive either or both Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP) provided you meet the eligibility criteria and have given the correct notification.

## 7.5 Statutory Maternity Pay

You will be eligible for SMP if, at the start of the 15<sup>th</sup> week before your baby is due, you have worked for Ark continuously for 26 weeks and met the minimum earnings requirement.

SMP is paid for 39 weeks and this is made up of the following:

- **Weeks 1 to 6 of maternity leave:** You will receive 90% of your average weekly earnings
- **Weeks 7 to 39 of maternity leave:** You will receive a flat, weekly, rate that is set by the Government on 1 April each year.

If you do not qualify for SMP due to length of service or if your earnings do not meet the requirements, we will send you an SMP1 form and you can use this to claim maternity allowance from the Jobcentre Plus.

## 7.6 Occupational Maternity Pay (OMP)

You will be eligible for OMP if, at the start of the 15<sup>th</sup> week before your baby is due, you have worked for Ark continuously for 18 months and are returning to work for at least 12 weeks after maternity leave. OMP is paid in addition to SMP.

OMP is paid for 12 weeks and is paid as follows:

- **Weeks 7 to 18 of maternity leave:** You will receive 50% of your average weekly earnings.

Alternatively, you can choose to receive OMP in a single lump sum payment when you return to work.

If you do not return to work at least 12 weeks after maternity leave you will be required to reimburse Ark for all OMP received.

## 7.7 Keeping in Touch Days

During maternity leave you may attend work for a maximum of 10 days without this affecting your maternity leave or pay. These are known as keeping in touch (KIT) days and can be used for a variety of purposes such as team meetings, training days or meeting with your manager to discuss your return to work.

KIT days must be mutually agreed, and your maternity pay will be topped up to your normal daily rate.

Your line manager may also make reasonable contact throughout your leave to talk about return to work plans or to update you on work developments.

## 7.8 Terms and Conditions

During maternity your pay will be replaced by maternity pay if eligible. This may impact on your pension contributions, please see payroll for further information on this.

Although your annual leave will accrue as normal you cannot take annual leave during a period of maternity leave. You can request to take annual leave immediately before or after maternity leave and this should be requested and authorised by your line manager as normal.

All other terms and conditions of employment remain.

## 7.9 Return to Work

If you take a period of leave lasting 26 weeks or less (ordinary maternity leave) you will return to the same job.

Where you take 27 weeks or more (additional maternity leave) you will be entitled to return to the same job or, where that is not reasonably practicable, a job of the same status and the same terms and conditions.

If you wish to return to work earlier than originally intended, then you can do so provided you give your line managers 8 weeks' notice of the new return date.

If you decide that you do not wish to return work after maternity leave you can do so by giving the appropriate notice as set out in your contract of employment. Please note that if you decide not to return you will be required to repay any OMP that you have received.

If you wish to breastfeed or express milk on your return to work, please inform your line manager prior to your return to work to ensure we can fulfil our obligation.

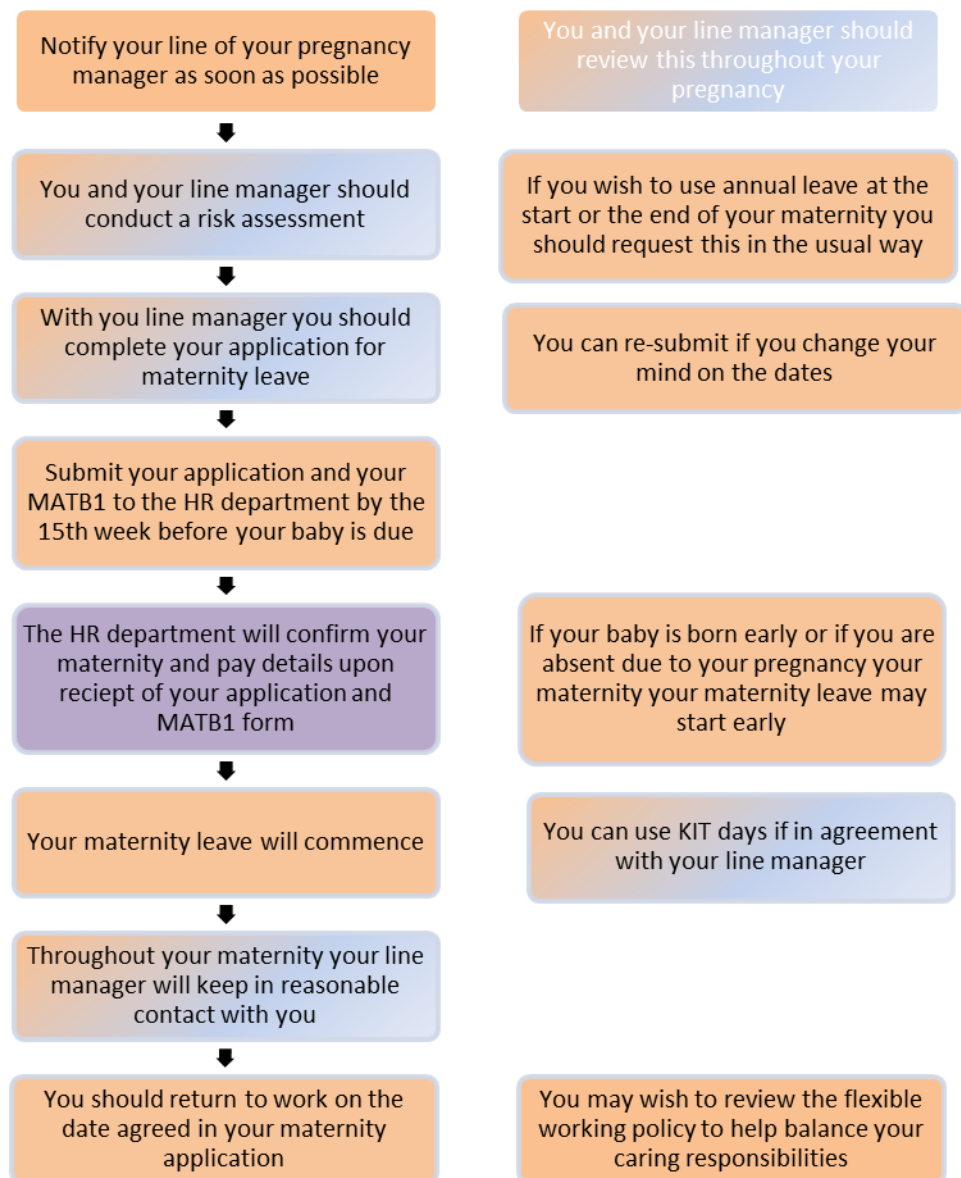
There are options to help parents balance work and caring for their child and you may wish to look at flexible working on or before your return to work.

## 7.10 Redundancy Protection

Pregnant employees who take maternity leave have the right to be prioritised for redeployment offers in a redundancy situation, for 18 months after the child's date of birth.



## 7.11 Maternity Leave Flow Chart



## 8.0 Learning & Development Requirements

No learning & development requirements have been identified in relation to this policy.

## 9.0 Related Policies & Procedures

This policy should be read in conjunction with:

- HR 25 Flexible Working Policy
- HR 25a Flexible Working Procedure

## 10.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

## 11.0 Data Protection Impact Assessment (DPIA)

No potential data protection issues have been identified in relation to the development of this policy, and consequently an DPIA has not been completed.

## 12.0 Monitoring and Review

### 12.1 Monitoring

Ark's Executive and Leadership Team will monitor implementation of this policy on an ongoing basis.

### 12.2 Review

This policy will be reviewed within 5 years from the date of approval by our Board of Management, in accordance with Ark's policy review framework.

## Appendix 1

### Application for Maternity Leave and Pay

I wish to inform you that I am pregnant and of my intention to take maternity leave.

Employee Name:

Employee Number:

My expected date of childbirth is:	
My first day of maternity leave will be:  <i>Your maternity leave will start the day after your last day of work. Annual leave is considered a working day for maternity purposes. The earliest date you can start your leave is the beginning of the 11<sup>th</sup> week before your expected week of childbirth.</i>	
My last day of maternity leave will be:  <i>You can change this date provided you give 8 weeks' notice in writing</i>	
I intend to return to work after my maternity leave:  <i>If you are in receipt of OMP and do not return to work for a period of at least 12 weeks you will need to repay this</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
I have attached my MATB1 form:	<input type="checkbox"/> Yes <input type="checkbox"/> No
I wish to receive OMP if I am eligible to receive this:	<input type="checkbox"/> Yes <input type="checkbox"/> No
I wish to receive OMP:	<input type="checkbox"/> During Maternity Leave <b>OR</b> <input type="checkbox"/> As a lump sum when I return to work
<p>I have met with the employee and noted the above.</p> <p>I confirm that the annual leave entitlement is _____ days / hours <i>(delete as appropriate)</i>.</p> <p>I confirm that the annual leave taken to date is _____ days / hours <i>(delete as appropriate)</i>.</p> <p>Balance due to employee is _____ days / hours <i>(delete as appropriate)</i>.</p> <p>It is the employee's intention to take _____ days / hours <i>(delete as appropriate)</i> before the start of her maternity leave.</p> <p>It is the employee's intention to take _____ days / hours <i>(delete as appropriate)</i> at the end of her ordinary maternity leave.</p> <p>Remember, if employee is taking 52 weeks maternity leave, this will have an impact on her holiday entitlement. Please contact the HR Team for guidance.</p>	

I confirm the amount of accrued flexi time is \_\_\_\_\_ days / hours *(delete as appropriate)*.

It is the employee's intention to take \_\_\_\_\_ days / hours *(delete as appropriate)* before the start/end of her maternity leave.

***As annual leave cannot be carried forward into the next leave year remember to request all your annual leave prior to going on maternity leave or immediately upon your return.***

Employee Signature:

Date:

Line Manager Signature:

Date:

*If you wish to change your dates of maternity leave you can do so by submitting another copy of this form 28 days before the new start date. Please tick here to confirm if you have previously submitted a copy of this form:  Yes  No*

*You must return this completed form with your MATB1 form to the HR department by the **15<sup>th</sup> week before your EWC**. If the baby is born earlier than 15 weeks before your EWC you must send these documents in as soon as possible after the birth.*

*Payments can only be made when all the required documentation is received by HR in the time periods specified in the policy.*