



5.6 Maternity Policy

Policy statement

This policy sets out the Maternity provisions and rights for pregnant employees, and applies to all staff, regardless of grade, position, hours worked per week or whether their contract is permanent or fixed-term.

All pregnant employees are entitled to reasonable time off to attend ante-natal appointments and to a period of Maternity Leave. The Maternity Leave and benefits available will depend on the length of service of the individual.

Pregnant employees are encouraged to meet with the Manager or Liz Bradbury and Jonathan Wright from the board of trustees, in confidence, at an early stage, to discuss their individual circumstances and options.

Maternity Leave

All pregnant employees, regardless of length of service or hours worked, are entitled to take up to 52 weeks' maternity leave, of which 26 weeks is Ordinary Maternity Leave and 26 weeks is Additional Maternity Leave. Additional Maternity Leave follows Ordinary Maternity Leave and there can be no gap between the two.

All pregnant employees must take a minimum of 2 weeks' maternity leave immediately following the birth. This is compulsory maternity leave.

Maternity Leave may commence any time from the 11th week before the expected week of childbirth (EWC), provided that the pregnant employee notifies Brambles by the 15th week before the EWC, of:-

- The fact that she is pregnant;
- The date of the EWC;
- The intended start date of Maternity Leave;

and a Form MAT B1 (a certificate from a GP or Midwife confirming the EWC) is submitted.

Brambles will write to the pregnant employee, within 28 days, informing her of the date by which she is expected to return to work if she opts to take the full Maternity Leave entitlement, or to confirm other arrangements, as agreed.

The start date of Maternity Leave can be changed, by providing Brambles with 28 days' written notice. If it is not reasonably practicable to give this much notice, for example if the baby is born early, and leave must therefore start early, then as much notice as is reasonably practical should be given.

Maternity Leave cannot start any earlier than 11 weeks before the EWC, unless the baby is born early, in which case, Maternity Leave starts automatically. A pregnancy related illness during or after the 4th week before the EWC also automatically triggers the start of Maternity Leave.

Maternity Pay

To qualify for Statutory Maternity Pay (SMP) an employee must :-

- Be pregnant and have reached the start of the 11th week before the EWC or have had their baby by then;
- Have been continuously employed for at least 26 weeks by the end of the Qualifying Week (which is the 15th week before the EWC);
- Have had normal weekly earnings at a rate not less than the lower earnings limit for National Insurance contributions for a period of 8 weeks immediately preceding the Qualifying Week;
- Have stopped actually working for Brambles;
- Give 28 days' advance notice of their absence and submit Form MATB1.

The SMP period lasts for a maximum of 39 weeks. There is no distinction between part-time and full-time employees for SMP purposes.

If an employee is entitled to SMP, they will receive 9/10ths of their usual salary for the first 6 weeks and the current weekly SMP rate, from time to time in force, for the remaining period, (usually 33 weeks) subject to the usual deductions.

If they earn less than the weekly SMP rate, they will receive SMP at 9/10ths of their salary for the whole 39 week period.

If she is entitled to Maternity Leave, the pregnant employee will be able to receive SMP for the 39 weeks that she is away from work, unless she returns to work earlier, in which case her entitlement to SMP will stop on her return.

If a pregnant employee does not qualify for SMP, she may be entitled to Maternity Allowance which is payable by the Department for Work and Pensions. In such an event, the Head of Human Resources and Operations will complete and issue her with the relevant form to take to your nearest Jobcentre Plus office.

Return to Work

If an employee wishes to return to work before the end of the full 52 weeks' Maternity Leave, Brambles must be provided with at least 8 weeks' notice of the intention to return to work early. If the individual decides that she would like to change the date of her return to work, irrespective of the length of Maternity Leave she intends to take, she can do so providing she gives Brambles at least 8 weeks' written notice.

If the employee does not wish to return to work following a period of Maternity Leave, she should provide Brambles with sufficient notice, and at least the amount of notice required by the contract of employment.

Employees returning after Maternity Leave are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

Maternity returnees are entitled to any salary increases or enhanced benefits that have been introduced in their absence, upon their return.

Employees who wish to request Flexible Working arrangements upon their return should consult the manager and the board of trustees.

Keeping in Touch Days

The purpose of Keeping in Touch (KiT) days is to keep employees on Maternity Leave up to date with developments within Brambles. As such, the Manager or Acting Manager will inform those on Maternity Leave of promotion opportunities or information relevant to their job.

In addition, employees may also undertake up to 10 days' work (KiT days) during the period of their Maternity leave, by mutual agreement with the Brambles. KiT days may be for the purpose of attending training or meetings, or may be to assist with the transition back to work.

Where an employee is either in receipt of SMP or on "no pay", salary will be paid at the normal daily rate for each KiT day worked.

Any hours worked during 1 day will constitute 1 full day's work. Any days worked will not have the effect of extending the period of Maternity Leave.

Keeping in Touch days may not take place within two weeks after the baby is born.

Keeping in Touch days are not compulsory, and employees will not suffer any consequence if they decline the offer of a Keeping in Touch day. Similarly, employees do not have a right to Keeping in Touch days, and Brambles is under no obligation to agree to a request to work a Keeping in Touch day. There is no obligation on either the employee or the School to use all 10 days.

Antenatal Appointments

Entitlement to leave (and pay) for antenatal appointments is as follows:

- Pregnant employees are entitled to reasonable paid time off for antenatal care. For a first baby, women can expect to have up to 10 antenatal appointments and will need to show documentation confirming appointments to their employer after their first appointment. If an employee has previously had a baby then they may have about seven antenatal appointments.
- Fathers, partners and civil partners of pregnant women are entitled to unpaid time off to attend two antenatal appointments.
- Surrogate parents could also be entitled to attend two unpaid antenatal appointments if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child.
- Employees who are adopting a child are entitled to take paid time off too. The main adopter is allowed to take paid time off for up to five adoption appointments and their partner is entitled to take unpaid time off for up to two appointments.
- Time off for each appointment is capped at six and a half hours. If longer is required, this will need to be taken as annual leave. Anyone requesting time off will need to sign an Antenatal Appointment Declaration form, available from Emma Longstaff

An employee or agency worker (after 12 weeks in the same role) has a qualifying relationship with a pregnant woman or her expected child if he or she:

- is the husband or civil partner of the pregnant woman
- lives with the pregnant woman in an enduring family relationship, although is not her parent, grandparent, sister, brother, aunt or uncle
- is the father of the expected child
- is an intended parent in a surrogacy situation who meets certain conditions (for example, is a potential applicant for a Parental Order in respect of the expected child)

Time off for the pregnant employee is not restricted to medical appointments and could include other antenatal care made on the advice of a registered medical practitioner, such as relaxation classes and parenting classes. You must show the setting an appointment card which shows that the appointment has been made.

Health and Safety

Employers are required to protect the health and safety at work of all employees, including new and expectant mothers, by carrying out a risk assessment. On notification of an employee's pregnancy, the manager or a member of the trust will carry out the risk assessment.

Stillbirths or Miscarriage

If an employee suffers a miscarriage earlier than the 25th week of their pregnancy, they will not qualify for any Maternity Leave or SMP. They may, however, take a period of sickness absence from work which will be treated in keeping with the Sickness Absence Policy.

If miscarriage or stillbirth occurs after the 25th week of pregnancy, the employee will be eligible for Maternity Leave in the usual way.

If an employee gives birth prematurely to a living child, before the 25th week of pregnancy (even in cases where the baby later dies), they will be entitled to Maternity Leave in the usual way.

Further Guidance

<https://www.gov.uk/maternity-pay-leave>

This policy was adopted by	Thorns Community Trust
On	<hr/> 20 th April 2020 (date)
Date to be reviewed	<hr/> Updated August 2021 (date)
Signed on behalf of the provider	
Name of signatory	<hr/> Jonathan Wright
Role of signatory (e.g. chair, director or owner)	<hr/> Chair
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