



## Maternity Leave Policy

<b>Company Name:</b>	SKAT Limited
<b>Date:</b>	09/05/2017

### 1 Introduction

- 1.1 This maternity policy sets out the rights and responsibilities of employees who are pregnant or have recently given birth.
- 1.2 This policy applies to all employees, including agency workers engaged under contracts of employment who are supplied to work for the Company's clients. This policy does not apply to agency workers who are not employed by the Company under contracts of employment. Furthermore this policy does not apply to self-employed consultants or contractors.
- 1.3 This policy is for guidance only and does not form part of your contract of employment. The Company may alter the terms of this policy from time to time and details of any alterations or additions will be notified to you. This policy covers the rights employees are given by law but is intended to be a summary only and not a complete statement of your rights. Please contact your manager if you have any queries about your entitlement.
- 1.4 In this policy references to EWC are to your expected week of childbirth, meaning the week (starting on a Sunday) in which your doctor or midwife expects you to give birth.

### 2 Notifying the Company of the date you intend to start maternity leave

- 2.1 No later than the end of the 15th week before your EWC or, if that is not reasonably practicable, as soon as is reasonably practicable afterwards, you must notify the Company in writing of:
  - 2.1.1 the fact that you are pregnant;
  - 2.1.2 your EWC; and
  - 2.1.3 the date on which you would like your maternity leave to start (your Planned Start Date). You can choose when you would like your maternity leave to start provided that your Planned Start Date is no earlier than the beginning of the 11th week before your EWC.
- 2.2 You must also provide the Company with a certificate from your doctor or midwife confirming your EWC (a MAT B1 form).

### 3 Time off for ante-natal care

- 3.1 Pregnant employees are entitled to take paid time off work for ante-natal care where the ante-natal care is recommended by your doctor, midwife or health visitor. Ante-natal care is not necessarily restricted to medical appointments, and may include relaxation or parenting classes provided that your doctor, midwife or health visitor has advised you to attend such classes.
- 3.2 You should inform the Company as soon as possible of the time and date of any appointment and, except for the first appointment, provide proof of the appointment if asked to do so. You should also provide a certificate



of pregnancy from your doctor/midwife if you have not already done so (see paragraph 2 above). If you are an agency worker you may be required to provide this to the client on whose site you are working at that time. Please try to arrange the times of your appointments at the beginning or end of the working day and in consultation with your manager if possible. Agency workers should seek to arrange appointments when not working on an assignment if possible.

#### **4 Health and safety**

- 4.1 The Company has a general duty to take care of your health and safety. Where required by law to do so, we will carry out a risk assessment of your working environment once you inform us of your pregnancy. We may also carry out a risk assessment if you return to work within 6 months of giving birth or are still breastfeeding, or otherwise on your return to work following maternity leave. If you are an agency worker working on assignment on a client site, this risk assessment may be carried out by or in conjunction with the client who has control of that site.
- 4.2 Following the risk assessment, you will be informed of any risks that we have identified in the risk assessment and any preventive and protective measures that we have taken or intend to take to combat these risks. If the Company considers that you or your baby would be exposed to health hazards in carrying out your normal work, the Company will take all reasonable steps to avoid such risks (for as long as may be necessary). This may include measures such as altering your hours of work; offering you suitable alternative work (on terms and conditions that are the same or not substantially less favourable); or, where there is no other practicable way to avoid the risks, you may be suspended from your duties on full pay unless you have unreasonably refused suitable alternative work.

#### **5 Length of maternity leave**

- 5.1 All pregnant employees are entitled to up to 52 weeks' maternity leave, comprising 26 weeks' ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML), which must be taken immediately following OML.
- 5.2 Pregnant employees must take at least 2 weeks' (4 weeks' for certain factory roles) maternity leave (compulsory maternity leave) starting on the day their baby is born.

#### **6 Starting maternity leave**

- 6.1 Your maternity leave can start at any time from the beginning of the 11th week before your EWC. You must notify the Company of your Planned Start Date as set out in paragraph 2 above.
- 6.2 If you give birth before your Planned Start Date, or are absent for a pregnancy-related reason during the 4 weeks immediately prior to your EWC, you must inform the Company in writing as soon as is reasonably practicable and notify the Company of the date on which you gave birth or the date on which your pregnancy-related absence began.
- 6.3 Your maternity leave will start on the earliest of:
- 6.3.1 your Planned Start Date; or



6.3.2 if you are absent from work for a pregnancy-related reason during the 4 weeks immediately before your EWC, the day after your first day of absence; or

6.3.3 the day after you give birth.

6.4 You may change your Planned Start Date by informing the Company in writing at least 28 days before the original start date or the new date, whichever is the earlier, or, if that is not reasonably practicable, as soon as is reasonably practicable.

## **7 Maternity pay**

7.1 Statutory maternity pay (SMP) is payable for up to 39 weeks of maternity leave. If you decide to return to work prior to the expiry of the 39-week period you will stop receiving SMP on your return to work and you will have no further entitlement to SMP but see Keeping in Touch Days (below).

7.2 You will be entitled to SMP if:

7.2.1 you have been continuously employed for at least 26 weeks before the 15th week before your EWC (your Qualifying Week) and are still employed by the Company during your Qualifying Week;

7.2.2 you give at least 28 days' notice in writing (or, if that is not reasonably practicable, as much notice as is reasonably practicable) of when you intend SMP to start;

7.2.3 you have provided the Company with a doctor's or midwife's certificate (Form MATB1) confirming your EWC (see paragraph 2);

7.2.4 your average weekly earnings during the 8 weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit for Class 1 national insurance contributions (information on the lower earnings limit can be obtained from the websites of HMRC and/or the Department for Business, Innovation and Skills); and

7.2.5 you are still pregnant 11 weeks before the start of the EWC or have already given birth and are absent due to maternity leave.

7.3 The rate of SMP that is payable is calculated as follows:

7.3.1 during the first 6 weeks, SMP is paid at a rate of 90% of your average weekly earnings calculated over the Relevant Period (this is referred to as higher rate SMP);

7.3.2 during the remaining 33 weeks, SMP is paid at a fixed rate, set by the government each tax year, known as lower rate SMP. If the amount of your higher rate SMP is lower than your lower rate SMP because you are a lower earner, you will receive higher rate SMP in this period.

7.4 SMP payments will be made on the normal pay date through payroll. Income tax, national insurance and pension contributions will be deducted as appropriate.

7.5 If the Company awards a pay rise between the beginning of the Relevant Period and the end of your maternity leave, and you would be entitled to benefit from this pay rise if you were not on maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. In such cases, the Company will recalculate your SMP taking into account the impact of the pay rise. This may result in your SMP being increased retrospectively, or it may mean that you will qualify for SMP if you did not qualify previously because your earnings did not meet the lower earnings limit. Where appropriate, the Company will pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the higher rate (if any) will also be increased as necessary. For employed agency workers the applicable pay rate during the Relevant Period will be used to calculate your SMP payment.



- 7.6 If you do not qualify for SMP, you may be entitled to maternity allowance (MA). MA is paid directly by Jobcentre Plus for up to 39 weeks. If you wish to claim MA, for further information go to the GOV.UK website or contact Jobcentre Plus.

## 8 Terms and conditions during maternity leave

- 8.1 During both OML and AML you will continue to receive all of your contractual benefits as set out in your contract of employment (with the exception of any sums payable by way of remuneration (wages or salary)).
- 8.2 In particular:
- 8.2.1 holiday entitlement under your contract will continue to accrue (see paragraph 9 below); and
  - 8.2.2 pension benefits will continue as set out in paragraph 10 below.
- 8.3 During OML and AML you will be expected to continue to comply with the terms of your contract of employment, for example your duties as to confidentiality and the duty of fidelity.

## 9 Annual leave

- 9.1 You will continue to accrue annual leave during OML and AML at the rate specified in your contract of employment.
- 9.2 You should seek to take all of your annual leave entitlement during the holiday year and you will not normally be permitted to carry over annual leave from one holiday year to the next. In the event that you are unable to take all of your statutory holiday entitlement within the relevant leave year because of your maternity leave you may be permitted take this leave in the following leave year.

## 10 Pensions

### 10.1 **(For a defined contribution pension scheme:)**

During OML and any paid AML, the Company will continue to make any employer contributions to the pension scheme that it usually makes, based on what your earnings would have been if you had not been on maternity leave. Any member contributions you make will be calculated by reference to the amount of actual pay you are receiving and you may wish to increase these contributions to make good any shortfall whilst you are in receipt of less than your usual salary.

Unless the pension scheme rules or your employment contract provide otherwise, any period of unpaid maternity leave, which follows a period of paid maternity leave, will not count as



pensionable service and the Company will not make contributions during this time. Subject to the pension scheme rules, you may make member contributions during this time.

**AND/OR**

**If you have both defined contribution and defined benefit schemes in place for different employees you can use both provisions. If you only provide only one or the other type of scheme, delete as applicable. If you are not sure what type of pension scheme you have in place please check with your pensions provider.**

**10.2 A: (For a defined benefit pension scheme :)**

**OML and any paid AML will count towards your pensionable service. Your benefits will accrue as set out in the pension scheme and the Company will continue to make any employer contributions that it usually makes, based on what your earnings would have been if you had not been on maternity leave. If the pension scheme rules require you to make member contributions, these will be calculated by reference to the amount of actual pay you are receiving.**

**Unless the pension scheme rules allow, or the employment contract provides otherwise, any unpaid maternity leave, which follows a period of paid maternity leave, will not count as pensionable service and you will not be able to make contributions during this time. However, if you return to work at the end of your unpaid maternity leave period, pensionable service before and after this period will be treated as continuous**



## **11 Keeping in touch**

- 11.1 Shortly before your maternity leave starts, the Company will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact during your leave. The Company may make reasonable contact with you from time to time during your maternity leave.
- 11.2 You are permitted to work (including attendance at training sessions) for up to 10 days during maternity leave without bringing your maternity leave or SMP entitlement to an end. These are referred to as 'Keeping in Touch' or 'KIT' days. The arrangements for any Keeping in Touch days (including any payment for these days) will be agreed between you and the Company, for employed agency workers these arrangements will be subject to the client's agreement. You are not obliged to work any Keeping in Touch days nor to attend work for any reason during your maternity leave. For health and safety reasons you are not permitted to work at all in the 2 weeks following the birth (compulsory maternity leave).
- 11.3 Shortly before you are due to return to work, the Company may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return to work. This may include updating you on any changes that may have occurred, discussing any necessary training and discussing any changes to working arrangements.

## **12 Confirmation of return to work date**

- 12.1 Once you have notified the Company of your Planned Start Date, the Company will write to you within 28 days to inform you of the date on which you will be expected to return to work if you take your full entitlement to maternity leave (your Expected Return Date).
- 12.2 If you change your Planned Start Date, the Company will write to you within 28 days of the start of your maternity leave with your new Expected Return Date. If your maternity leave starts early because of pregnancy-related absence or early birth, the Company will write to confirm your new Expected Return Date within 28 days of receipt your notification to the Company.
- 12.3 If you wish to return to work earlier than your Expected Return Date, you must give the Company not less than 8 weeks' notice of the date upon you wish to return. If insufficient notice is given, your return date may be postponed until 8 weeks after you give notice
- 12.4 Your maternity leave cannot last longer than 52 weeks. If you wish to return later than your Expected Return Date, you should either request unpaid parental leave, giving no less than 21 days' notice, or request paid annual leave in accordance with your contract of employment. If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and the Company's usual sickness policy will apply. In any other case, late return without good cause will be treated as unauthorised absence.

## **13 Returning to work**

- 13.1 You are not permitted to work during the compulsory maternity leave period.



- 13.2 If you return after OML, you will be entitled to return to work in the same role that you occupied before commencing maternity leave. Your terms and conditions of employment will be the same as they would have been had you not been absent on maternity leave. If you have taken any period of AML, you have the right to return to the same role but if it is not reasonably practicable for the Company to allow you to return to the same role, you may be given another suitable and appropriate job on terms and conditions that are not less favourable. Where an employed agency worker is returning from OML or AML, the Company will attempt to supply you back into the same assignment you were working in before commencing maternity leave; however, this is subject to the assignment still being available.
- 13.3 If you wish to change your working patterns (such as working part-time) or your place of work after any period of maternity leave, you should notify the Company in writing of your wish to do so. Please note that you have no absolute right to insist on working part-time, however the Company will take reasonable steps to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the Company's business or (in the event of employed agency workers) the client's business. It is helpful if requests are made as early as possible and in good time to allow the Company to consider your request in time for the period from which you would like the changes to take effect.
- 13.4 If you wish to add on a period of parental leave of up to 4 weeks after OML, you are treated as if returning after OML. If you add on more than 4 weeks' parental leave after OML, you are treated as returning from AML. If you take parental leave immediately after AML you are treated as returning after AML.
- 13.5 If you are made redundant during maternity leave, you are entitled to be offered a suitable alternative vacancy if there is one.

#### **14 Deciding not to return**

- 14.1 You are encouraged to notify the Company as soon as possible if you have decided not to return to work following maternity leave. If you decide not to return, you should give notice of resignation to the Company in accordance with your contract of employment. When you give notice to the Company you should ensure that you have sufficient maternity leave left to run (i.e. at least equal to your contractual notice period) otherwise you might be required to return to work for the remainder of the notice period.
- 14.2 If you qualify (see paragraph 7), you are entitled to continue to receive SMP regardless of whether or not you intend to return to work.