

Maternity Policy

This policy is for ILF Scotland staff only

Policy Statement

This policy outlines the following:

- details about the employees' statutory rights and contractual rights
- outline the eligibility procedure employees must use to request maternity leave
- confirm maternity leave and pay arrangements

This policy does not apply to agency workers or the self-employed.

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

Definitions

The definitions in this paragraph apply in this policy.

Expected week of childbirth (EWC) is the week, starting on a Sunday, in which the doctor or midwife expects the individual to give birth.

ILF Scotland, Denholm House, Almondvale Business Park, Almondvale Way, Livingston, EH54 6GA

Tel: 0300 200 2022

Email: enquiries@ilf.scot

Web: www.ilf.scot

ILF Scotland is a company limited by guarantee, registered in Scotland, Company Number: SC500075.

Registered office: Denholm House, Almond vale Business Park, Almondvale Way, Livingston, EH54 6GA

Keeping in touch (KIT) days help employees on maternity leave keep up to date with any changes at work or maintain their professional registration where appropriate. They also support employees in returning to the workplace after maternity leave.

Maternity Allowance (MA) is a payment the UK Government may make to employees who do not receive statutory maternity pay.

A **miscarriage** is when an employee has a miscarriage before the start of the 25th week of pregnancy.

Neonatal means newborn or the first 28 days of life.

Company Maternity Pay (CMP) is an enhanced payment to eligible employees while on maternity leave.

Pre-term birth is when an employee's baby is born before the 37th week of pregnancy.

Qualifying week is the 15th week before the expected week of childbirth (EWC) and determines statutory maternity pay entitlements.

Statutory Maternity Pay (SMP) is a payment to eligible employees when on maternity leave.

A **stillbirth** is when an employee's baby is stillborn after the end of the 24th week of pregnancy.

A **surrogate** is when an employee carries and gives birth to a baby for another person or couple.

Roles and Responsibilities

Senior Leadership should:

- take overall responsibility for the effective operation of this policy
- ensuring compliance with the relevant statutory framework
- ensuring its maintenance and review to the Chief Operating Officer (COO)

The manager should:

- make sure that employees have completed an individual pregnant workers and new mothers risk assessment
- provide a prompt response to a notification of maternity leave
- plan for effective team working, including KIT days
- make sure the employee receives regular communication in departmental, organisational, and career opportunities
- action return to work considerations, such as reinstating the employee on payroll and breastfeeding

The employee should:

- notify their manager no later than the 15th week before their EWC with the required evidence
- talk to their manager about their intentions for maternity leave, return to work, and KIT days as applicable
- maintain their professional registration.

Employees should also take responsibility for their health and safety at work in support of their maternity risk assessment.

Procedure

Notification

You must inform your line manager as soon as possible that you are pregnant. This is important as there may be health and safety considerations.

Before the end of the Qualifying Week you should:

- submit the Maternity Leave Form, or as soon as reasonably practical afterwards
- submit your Maternity Certificate (MATB1)

As soon as you notified your line manager that you are pregnant, an individual pregnant workers and new mothers risk assessment should be completed.

It may be completed before you submit your Maternity leave form.

You will receive confirmation of your maternity leave and maternity pay arrangements in writing within 28 days of receipt of the documents being received.

The written confirmation will include:

- paid and unpaid leave entitlements or statutory entitlements and any do not qualify for
- expected return date, based on 52 weeks of paid and unpaid leave entitlement
- early return date, if requested

Antenatal Care

You have the right to paid time off for antenatal care. Antenatal care may include relaxation and parentcraft classes the employee's doctor, midwife, or health visitor has advised them to attend, in addition to medical examinations.

You should give your line manager advance notice of antenatal appointments and ideally, try to arrange appointments outside working hours or at the start or end of the working day. However, it is recognised that this may not always be possible.

Sickness

Periods of pregnancy-related sickness absence shall be paid in accordance with our Sickness Absence Policy in the same manner as any other sickness absence. Any payment of sick pay in excess of this as a result of pregnancy-related sickness shall be entirely at our discretion.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

If you are absent for a pregnancy-related reason during the four weeks before your Expected Week of Childbirth, your maternity leave will usually start automatically.

Health and Safety

We have a general duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to

assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

We will provide you with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If we consider that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work we will take such steps as are necessary (for as long as they are necessary) to avoid those risks. This may involve:

- changing your working conditions or hours of work
- offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable
- suspending you from duties, which will be on full pay, unless you have unreasonably refused suitable alternative work

Entitlement to Maternity Leave

You must take at least 2 weeks of maternity leave immediately after the child's birth. You are entitled to up to 52 weeks' maternity leave, which is divided into:

- ordinary maternity leave of 26 weeks (OML)
- additional maternity leave of a further 26 weeks immediately following OML (AML)

Starting Maternity Leave

The earliest date you can start maternity leave is 11 weeks before the EWC unless your child is born before the 11th week.

The latest maternity leave can start is the day following the birth of the baby. This also applies when a baby is born pre-term.

You can change the start date of their maternity leave. To do so, you should give your line manager at least 28 days' notice of the new date. If this is not achievable, you must inform your line manager of the date change as soon as possible.

Shortly before your maternity leave starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.

Company Maternity Pay (CMP)

We offer an enhanced system of maternity pay, well above the statutory level. Providing that you meet the eligibility criteria set out in previous sections, are eligible for statutory maternity pay (SMP) (see below) and you adhere to the requirements of the policy, the rate of pay will be as follows:

- 26 weeks' full pay; followed by
- 26 weeks' half pay

CMP is inclusive of any SMP entitlement and is subject to normal tax, National Insurance and pension deductions.

Statutory Maternity Pay (SMP)

SMP is a benefit for employees on maternity leave. The UK Government determines the conditions and amount, but the employer pays it as follows:

The first 6 weeks of maternity leave are paid at 90% of the employee's average weekly earnings.

If this is less, the next 33 weeks are paid at a standard SMP rate or 90% of average weekly earnings.

Normal weekly earnings are calculated based on a statutory calculation which considers earnings over the 8 weeks before the end of the qualifying week.

Employer and employee pension contributions will continue to be paid during paid periods of maternity leave.

During any paid CMP, we shall continue to make any employer contributions that we usually make into a defined benefit pension scheme, based on what your earnings would have been if you had not been on maternity leave provided that you continue to make contributions based on the maternity pay you are receiving. If you wish to increase your contributions to make up any shortfall from those based on your normal salary, then please contact the Finance Manager or the Pensions Administrator directly.

During any unpaid AML we shall not make any payments into a money purchase scheme and the time shall not count as pensionable service under the final salary scheme. You do not have to make any

contributions, but you may do so if you wish, or you may make up for missed contributions at a later date.

SMP may start on any day of the week.

SMP Eligibility

To qualify for SMP, an employee must have:

- completed at least 26 weeks of continuous employment with us
- average earnings above the lower earnings limit for National Insurance contributions during the 8 weeks before the end of the qualifying week
- followed the application procedures set out in this policy

All eligible employees will receive SMP regardless of whether they intend to return to work after maternity leave.

SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify. We shall 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 Earnings-Related Rate (if any) will also be increased as necessary.

You are entitled to request income smoothing during your OML and AML. This would involve your total entitlement to maternity pay (including both CMP and SMP) being paid over up to 12 equal instalments, depending on the planned duration of your maternity leave. For example, if you took 11 months of maternity leave, your maternity pay would be spread over 11 instalments. The detail of any smoothing arrangement would be confirmed to you in writing.

Should you take more or less maternity leave than originally requested, your pay on return to work would be adjusted, which may include us making a deduction from your pay, to ensure that any overpayment or underpayment was corrected.

Terms and Conditions during OML and AML

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- benefits in kind shall continue
- annual leave entitlement under your contract shall continue to accrue, and
- pension benefits shall continue.

Annual Leave

During OML and AML, annual leave will accrue at the rate provided under your contract. In addition, you will continue to accrue any bank holidays during your maternity leave.

You should where possible ensure that you have taken the full year's entitlement before starting your maternity leave. If leave is carried forward, ideally it should be taken before you return to work.

Our holiday year runs from 1 April to 31 March.

Keeping In Touch (KIT) Days

Your line manager and you should discuss and agree on voluntary arrangements for keeping in touch before maternity leave starts, including:

- making you aware of developments at work to support your return
- supporting you in maintaining your professional registration (where applicable)
- advising you about developments that may affect your intended date of return

You can return to work for up to 10 days without bringing your maternity leave or pay to an end.

KIT days are optional but help to facilitate a smooth return to work for you returning from maternity leave. You cannot take KIT days within the first 2 weeks following childbirth.

Any KIT days taken will not extend the maternity leave period. KIT days can be consecutive or not. Working for part of any day will count as one KIT day from the 10-day allowance. Your line manager must carry out a risk assessment if you are breastfeeding. We will provide suitable breastfeeding facilities.

KIT days are paid as if you were at work and include any OML and SMP. The combination of OML and SMP cannot exceed your normal average weekly pay. If a KIT day is worked during a half- pay period, your OML

will be topped up to a full day's pay and paid to you in the next available payroll.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

- updating you on any changes that have occurred during your absence
- any training needs you might have, and
- any changes to working arrangements (for example if you have made a request to work part-time under our Flexible Working Policy)

Pregnancy Loss

If you experience a miscarriage before the end of the 24th week of pregnancy you will be entitled to up to two weeks paid Pregnancy Loss Leave for miscarriage, molar pregnancy, ectopic pregnancy, IVF loss after embryo transfer and termination for medical reasons regardless of your length of service. If further time off is required, you should follow the Sickness Absence Policy.

Employees may access support through occupational health, employee assistance services, or other wellbeing support available through the organisation.

The organisation will also extend the same paid leave entitlement to the employee's partner where they are employed by ILF Scotland.

Where a baby is stillborn after the end of the 24th week of pregnancy, you will be entitled to statutory and occupational maternity leave and pay in accordance with this policy.

You and your partner may also be entitled to Parental Bereavement Leave and Pay, and any enhanced occupational bereavement provisions provided by ILF Scotland.

In Vitro Fertilisation (IVF)

Employees undergoing fertility treatment, including IVF, will be entitled to up to 10 days' paid Fertility Treatment Leave per treatment cycle. This entitlement is separate from sickness absence and annual leave and is intended to support attendance at appointments, medical procedures and recovery following treatment.

Neonatal Care Leave

You may be eligible for neonatal care leave which is a statutory entitlement for parents whose babies receive neonatal care in the first 28 days after birth.

For further information please see the Neonatal Care Leave Policy.

Multiple Births

Only one period of maternity pay, and leave is available where there are multiple births.

Surrogacy

If you are a surrogate, you are entitled to maternity leave and pay as outlined in this policy. You should notify your line manager of your pregnancy, and follow the procedures outlined in this policy

Expected Return Date

Once you have notified us in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. If your start date has been changed (either because you gave us notice to change it, or because maternity leave started early due to illness or premature childbirth) we shall write to you within 28 days of the start of maternity leave with a revised Expected Return Date.

We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your maternity leave, you are able to confirm that you will be returning to work as expected.

Returning Early

If you wish to return to work earlier than the Expected Return Date, you must give us eight weeks' prior written notice.

If insufficient is given, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

If you are continuing to breastfeed following your return to work, an appropriate risk assessment will be undertaken and reasonable facilities provided.

Returning Late

If you wish to return later than the Expected Return Date (following any Phased Return request), you should either:

- request unpaid parental leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days, or

- any request to use accrued annual leave will be considered in accordance with the Annual Leave policy and operational requirements

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

In any other case, late return will be treated as unauthorised absence.

Deciding Not to Return

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. You should give notice in accordance with your Contract of Employment. The amount of maternity leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SMP. However, should you decide not to return to work, you will not be required to re-pay any amount in excess of SMP which has been paid to you.

Your Rights When You Return

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

However, if you have taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

Returning to Work Part-Time

We will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working, and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible.

The procedure for dealing with such requests is set out in our Flexible Working Policy.

Phased Return

You will be entitled to request a phased return following your Expected Return Date, which may be phased over up to six weeks, as agreed with your line manager. You will be entitled to full pay during this phased return. An example phased return is outlined below, but a different arrangement may be agreed with you.

Week 1 – 0.2 of your working hours
Week 2 – 0.3 of your working hours
Week 3 – 0.5 of your working hours
Week 4 – 0.7 of your working hours
Week 5 – 0.8 of your working hours
Week 6 – return to your normal hours

There is no obligation to take a phased return. If you wish to request one, you must do so in writing at least eight weeks before your Expected Return Date, to allow us time to plan accordingly. In your request, you should state whether you have a preference for a particular duration and/or pattern of phased return, such as the pattern outlined above.

In certain circumstances it may not be possible to grant your specific request, but in those circumstances, we will agree an alternative with you.

Redundancies During Maternity Leave

You are protected from redundancy when you notify us of your pregnancy and maternity leave with priority for suitable alternative roles.

This includes:

- from notification of pregnancy
- until 18 months after the child's actual birth
- or 18 months after the EWC if the birth date is not provided
- during maternity leave including OML and AML
- during adoption leave and shared parental leave
- during miscarriage if it occurs within the first 24 weeks protection ends two weeks after the pregnancy ends
- for stillbirths after 24 weeks for 18 months from the birth

We must

- ensure redundancies are genuine and not pregnancy or maternity leave related
- offer suitable alternative roles to you whilst on maternity leave before considering other staff
- conduct a fair and objective redundancy process including consultation and communications with you

Records

We will process your data in relation to this policy for legitimate business purposes. We will also retain records of any correspondence, reports, meetings and associated documentation in relation to this policy. Such records will be retained in accordance with our Data Retention Schedule.

Any information related to your health will be treated with utmost confidence, in accordance with our obligations under applicable data protection legislation and our Data Protection policy. We may have to share your data with third parties, such as medical professionals, where necessary.

Related Policies

The following policies are related to the Maternity Policy:

- Parental Leave Policy
- Shared Maternity and Shared Adoption Policy
- Adoption
- Kinship Policy
- Sickness Absence Policy
- Flexible Work Policy
- Bereavement Leave Policy
- Bereavement Parental Leave Policy
- Career Break Policy
- Time Off For Dependents Leave Policy
- Neo Natal Leave Policy

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