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**Introduction**

Habbibi are committed to supporting employees to understand the choices available to them when planning for the birth of a child, as families now have many options open to them with regards to managing time off during the first year following their child’s birth.

This policy should be read in conjunction with the Paternity Leave Policy to ensure that employees are fully aware of the options available to them and their family.

This policy applies to full and part-time employees. It does not apply to workers, 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**

*Expected Week of Childbirth (EWOC)* is the week, starting on a Sunday, in which a doctor or midwife expects the pregnant individual to give birth.

*Qualifying Week (QW)* is the fifteenth week before the Expected Week of Childbirth.

*Ordinary Maternity Leave (OML)* is the first 26-week period of maternity leave entitlement

*Additional Maternity Leave (AML)* is the remaining 26-week period of maternity leave following the OML.

*Shared Parental Leave (SPL)* is an alternative or supplementary option to maternity leave, which allows a mother to reduce their maternity leave entitlement and share the remainder of their time off with their partner (if eligible)

Where this policy refers to *partner* this is regardless of gender and includes same-sex partners.

**Notification**

The pregnant employee must inform their line manager as soon as possible that they are pregnant. This is important as there may be health and safety considerations. Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, a pregnant employee must tell us:

* that they are pregnant
* the Expected Week of Childbirth; and
* the date on which they would like to start their maternity leave (“Intended Start Date”)

A certificate from a doctor or midwife, usually a MAT B1 form, confirming their EWOC needs to be provided at this time.

**Time off for ante-natal care**

Pregnant employees are entitled to take reasonable paid time off during working hours for ante-natal care. They should try and give the organisation as much notice as possible of the appointment. This may include any relaxation or parenting classes that their doctor, midwife or health visitor has advised them to attend.

We may ask for a certificate from a doctor, midwife or health advisor stating that the individual is pregnant, or an appointment card, unless it is their first appointment:

**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.

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

If the pregnant employee is absent for a pregnancy-related reason during the four weeks before their Expected Week of Childbirth, then their 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. Thus, we are also required to carry out a risk assessment to assess the workplace risks to individuals who are pregnant, have given birth within the last six months or are still breastfeeding.

We will complete risk assessments with them and provide information as to any risks identified, and any preventive and protective measures that have been or will be taken. If we consider that, as a new or expectant mother, they would be exposed to health hazards in carrying out their 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 their working conditions or hours of work
* offering them suitable alternative work on terms and conditions that are the same or not substantially less favourable
* suspending them from duties, which will be on full pay unless they have unreasonably refused suitable alternative work

**Entitlement to maternity leave**

All employees are entitled to up to 52 weeks' maternity leave which is divided into:

* Ordinary maternity leave (OML) of 26 weeks
* Additional maternity leave (AML) of a further 26 weeks immediately following OML

**Starting maternity leave**

The earliest date that maternity leave can start is 11 weeks before the Expected Week of Childbirth (unless the child is born prematurely before that date).

Pregnant individuals must notify us of their Intended Start Date in writing. We will then write to them within 28 days to inform them of the date we will expect a return to work if they take their full entitlement to maternity leave (“Expected Return Date”).

They can postpone their Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.

The Intended Start Date can be brought forward by informing us at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

Maternity leave shall start on the earlier date of the following:

* the Intended Start Date (if notified to us in accordance with this policy); or
* the day after any day on which the pregnant individual is absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or
* the day after they give birth

If there is absence for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth, the pregnant individual must let us know as soon as possible in writing. Maternity leave will be triggered unless we agree to delay it.

If baby comes early and the maternity leave was not yet due to start, we must be informed of the date of birth in writing as soon as possible.

The law prohibits new mothers from working during the two weeks following childbirth. Shortly before maternity leave starts, we will discuss arrangements for covering work and the opportunities for new mothers to remain in contact throughout their leave, should they wish to do so. Unless requested otherwise, new mothers will remain on circulation lists for internal news, job vacancies, training and work-related social events.

**Statutory maternity pay**

Statutory maternity pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if the individual returns to work (except where they are simply keeping in touch). Pregnant Individuals are entitled to SMP if:

* They are employed in the ‘qualifying week’ - the 15th week before the expected week of childbirth
* They have been continuously employed by us for at least 26 weeks up to any day in the qualifying week
* The average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) of the person is not less than the lower earnings limit set by the Government
* We are provided with a doctor's or midwife's certificate (MAT B1 form) stating the Expected Week of Childbirth; and
* are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth SMP is calculated as follows:

SMP is usually calculated as follows:

* the first 6 weeks: 90% of their average weekly earnings (AWE) before tax
* the remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the Government for the relevant tax year or 90% of their AWE (whichever is lower)

Tax and National Insurance need to be deducted.

**Terms and conditions during OML and AML**

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

* any benefits in kind (if applicable) shall continue
* annual leave entitlement under contract shall continue to accrue

**Annual Leave**

During OML and AML, annual leave will accrue at the rate provided under the individual’s contract. Annual leave cannot usually be carried over from one holiday year to the next. However, if the holiday year is due to end during maternity leave, any remaining annual leave will be carried over to the new year for the individual to use in that year.

The organisation’s holiday year is defined in the contract of employment.

**Redundancies during maternity leave**

In the event that a post is affected by redundancy during maternity leave, we shall write to inform the individual of any proposals and shall invite them to a meeting before any final decision is reached as to their continued employment. Individuals on maternity leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

**Keeping in Touch (KIT Days)**

We may make reasonable contact with individuals from time to time during their maternity leave.

Individuals may work (which can include attending training) for up to ten days during maternity leave without bringing their maternity leave or SMP to an end. The arrangements, including pay, would be set by agreement with their Line Manager. They are not obliged to undertake any such work during maternity leave. In must be noted, new mothers must not work in the two weeks following birth.

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

* updates on any changes that have occurred during their absence
* any training needs they might have
* any changes to working arrangements (for example if they have made a request to work part-time)

**Expected Return Date**

Once we have been notified in writing of the Intended Start Date, we will write to the individual confirming the start of their maternity leave, their rights for Ordinary Maternity Leave and Additional Maternity Leave, their pay, and their Expected Return Date. We shall also advise them of their obligations should they wish to return to work on a different date previously agreed. If their start date has been changed (either because they gave us notice to change it, or because maternity leave started early due to illness or premature childbirth) we shall write to them within 28 days of the start of maternity leave with a revised Expected Return Date. We will expect them back at work on their Expected Return Date unless they tell us otherwise. It will help us if, during their maternity leave, they are able to confirm that they will be returning to work as expected.

**Returning early**

If an individual on maternity leave wishes to return to work earlier than the Expected Return Date, they must give us eight weeks' prior notice in writing. If not enough notice is given, we may postpone their return date until eight weeks after the notice given, or to the Expected Return Date if sooner.

**Returning late**

If an individual on maternity leave wishes to return later than the Expected Return Date, they should either:

* request unpaid parental leave, giving us as much notice as possible but not less than 21 days; or
* request paid annual leave in accordance with their contract, which will be at our discretion

If they 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 an individual on maternity leave does not intend to return to work, or is unsure, it will be helpful if they discuss this with us as early as possible. If they decide not to return, they should give notice of resignation in accordance with their contract. The amount of maternity leave left to run when they give notice must be at least equal to their contractual notice period, otherwise we may require them to return to work for the remainder of the notice period. Once they have given notice that they will not be returning to work, they cannot change their mind without our agreement. This does not affect their right to receive SMP.

**Rights upon a return to work**

Individuals on maternity leave are normally entitled to return to work in the same position as they held before commencing leave. Their terms of employment shall be the same as they would have been had they not been absent. However, if they have taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for us to allow them to return into the same position; we may give them 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 Individuals do have a statutory right to request flexible working and we will try to accommodate their 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.

**Transferring maternity leave**

Individuals may be able to transfer up to 26 weeks of their maternity leave to their spouse/partner, who is entitled to take additional paternity leave, provided they return to work upon the commencement of their partner's/spouse's additional paternity leave.