



MATERNITY POLICY

Version: October 2021

1. THE POLICY

- 1.1 This is the Diocese Maternity Policy, which has been updated to comply with (or exceed) the legislative requirements contained within the Employment Act 2002 and the Work & Families Act 2006, and related legislation.
- 1.2 If you have any concerns or queries concerning your maternity benefits, please contact your Manager or the HR Department at Bishop's House, Hove.
- 1.3 Throughout this policy, some standard acronyms are used. These are set out below:
 - **OML** – Ordinary Maternity Leave
 - **AML** – Additional Maternity Leave
 - **SMP** – Statutory Maternity Pay is the pay you may receive whilst on maternity leave. Whilst the SMP rate is set by the Government, SMP is paid, via payroll, into your bank account by the Diocese. Not all employees qualify for SMP – see [section 5](#) for further details
 - **DMP** – Diocese Maternity Pay, is an enhanced maternity pay for employees who qualify due to their length of service with the Diocese and who are returning to work after their maternity leave.
 - **EWC** – Expected Week of Childbirth. The EWC commences on a Sunday and includes the date your GP or midwife advises that your baby is due to be born. Eligibility for OML/AML and some other maternity related benefits is calculated by reference to the EWC
 - **Mat B1** – this is the certificate provided by your GP or midwife, confirming that you are pregnant and when your baby is due. You must provide the certificate to allow SMP payments to be made.

2. TIME OFF FOR ANTENATAL CARE

- 2.1 You are entitled to take reasonable paid time off during working hours to receive antenatal care. You need to provide a doctor's certificate confirming that you are pregnant and an appointment card in respect of your second and subsequent appointments (or other evidence when requested).

- 2.2 Please give your line manager as much notice as possible of your appointments and, wherever possible, try to arrange them near to the start or the end of your working day. If you work part time you should try and arrange appointments outside normal working hours.

3. MATERNITY LEAVE – A SUMMARY OF ENTITLEMENTS

- 3.1 All pregnant employees are entitled to take up to 52 weeks' maternity leave. There are two levels of maternity leave:
- **Ordinary Maternity Leave:** All employees are entitled to 26 weeks' OML regardless of your length of service. If you qualify for SMP, it will be paid during your OML.
 - **Additional Maternity Leave:** all employees will be entitled to 26' weeks AML regardless of length of service. If you qualify for SMP it will be paid for up to 13 weeks of your AML.
- 3.2 Additional Maternity Leave will automatically commence on the day after the last day of Ordinary Maternity Leave.
- 3.3 The earliest date you may plan to start your maternity leave is 11 weeks before the EWC.
- 3.4 Subject to you providing the required notice, (and taking a minimum of two weeks' maternity leave after the birth of your baby), you may elect to return to work prior to the end of your maternity leave if you wish.

4. NOTIFICATION REQUIREMENTS BEFORE GOING ON MATERNITY LEAVE

- 4.1 Once your pregnancy is confirmed, you should notify your manager and HR via Bishop's House, that you are pregnant as soon as possible. You should also discuss the date on which you intend to commence your maternity leave with your manager. In any event, you must notify the Diocese by the end of the 15th week before your EWC, at the latest, in writing including confirmation that you are pregnant, your EWC, and the date on which you intend to commence your maternity leave.
- 4.2 You can choose to commence your maternity leave at any date, from the 11th week prior to your EWC onwards.
- 4.3 We will reply to your notification, in writing, within 28 days. In this reply:
- We will acknowledge your notification and intentions
 - We will advise you of the date your maternity leave ends (this will be the date on which the 'additional' leave expires Remember, if you want, you can return to work earlier than the date your OML and AML ends, provided you give sufficient notice. See [section 13](#) for more information.
 - You will also be asked to present your MAT B1 to the HR Department as soon as it is available to you. This is normally about the 26th week of your pregnancy.
- 4.4 If you wish to amend the start date of your maternity leave you can do so, provided you meet the notification requirements, as set out below:
- 4.5 Any amendment must be made, in writing, as soon as you can, and must be at least 28 days prior to whichever is the earlier of the following two options:

- The date you originally notified as the start of your maternity leave
- The date on which you now wish to start your maternity leave

4.6 The diocesan HR Department will be able to help with any queries you may have about your maternity entitlement.

5. MATERNITY PAY

5.1 Maternity pay eligibility varies according to the amount you are normally paid and your length of service. You should work out how long you have worked at the Diocese and find the appropriate option from the three listed below.

- **Option 1 - Less than 26 weeks' continuous service at the 15th week before the Expected Week of Childbirth (EWC)**
 - You will not be entitled to Statutory Maternity Pay.
 - You may be eligible for Maternity Allowance through the Department of Work and Pensions, for which you will need to complete a SMP1 form.

- **Option 2 - 26 weeks' or more continuous service at the 15th week before your Expected Week of Childbirth**

If you have been employed for at least 26 weeks by the end of the 15th week before your EWC, and you earn at least £120 per week on average, you will be entitled to be paid at the following rates (or at such rates that are in from time to time in force):

- 6 weeks at 9/10ths of your weekly salary followed by
- 33 weeks at £151.97^{Error! Bookmark not defined.} per week or 90% of your weekly salary if this is less than £151.97^{Error! Bookmark not defined.} per week.

- **Option 3 - 2 years continuous service at the 15th week before your Expected Week of Childbirth and returning to work**

You will be entitled to the Diocese enhanced maternity pay package (DMP). Currently this is calculated as follows:

- 13 weeks of full basic salary (reflecting the normal gross pay prior to maternity leave commencing)
- 23 weeks at £151.97^{Error! Bookmark not defined.} per week or 90% of your weekly salary if this is less than £151.97^{Error! Bookmark not defined.} per week.
- the remaining 13 weeks will be unpaid

5.2 If you have been employed for more than 2 years but you do not intend returning to work after your maternity leave, Option 2 above applies.

5.3 Please Note: If you are eligible and opt for the Diocese's enhanced maternity package (Option 2 above) this is subject to you returning to work after your Maternity Leave for a period of 6 months.

- 5.4 If you do not return to work or leave before you have been back at work for 6 months after the end of your maternity leave, then you will be required to repay the enhanced element of any Maternity Pay received. This will be deducted from your final pay.
- 5.5 You are entitled to a maximum of 52 weeks' leave; however you are free to choose a shorter period to suit your own circumstances.
- 5.6 You should note that SMP is subject to tax and National Insurance (NI) in the same way as your normal pay.
- 5.7 SMP rules allow payment of SMP to commence on Sundays only (other than in specified cases such as premature birth or pregnancy related absences). We shall commence your SMP payments on the first Sunday after your maternity leave starts unless you specify an alternative date.
- 5.8 If you are not entitled to SMP you may be entitled to claim statutory maternity allowance. If you don't know how to claim this allowance, please contact the HR Department.
- 5.9 Any backdated pay increase or pay increase during your maternity leave that is relevant to the calculation of your average weekly pay (as specified within the SMP guidelines) will be taken into account when calculating the amount of SMP due to you.
- 5.10 With the exception of pay, all other terms and conditions remain in place during OML.
- 5.11 During a period of AML some of your terms and conditions may change. The main changes are explained in sections 6 – 9 below.

6. HOLIDAY ENTITLEMENT

- 6.1 You will accrue holiday entitlement in the normal way for completed calendar months before the start of your maternity leave.
- 6.2 You will also accrue holiday entitlement at the normal rate whilst on OML.
- 6.3 There will not be any additional entitlement to lieu time for any bank holidays that occur during your OML.
- 6.4 During any period of AML, you will accrue holidays at the minimum level specified within the Working Time Regulations 1998. (That is 28* days' annual holiday, inclusive of statutory/bank holidays, in a 12-month period, pro rata for the period of AML taken during the relevant holiday year.)
- 6.5 Any holiday entitlement, which will accrue to you in the holiday year when your maternity leave starts, may be taken before your maternity leave.
- 6.6 You should note that you cannot receive SMP payments and annual holiday pay for the same period, nor can you break into and then restart maternity leave to use annual holidays. In addition, you should note that the date that you are due to return to work is fixed by reference to the date you start your maternity leave.
- 6.7 It is important to note that if you choose to take a period of annual holiday, at the end of your maternity leave, you may also choose to give up the same duration of maternity leave.

* pro rata for part time employees.

(Depending on the date of your return to work in relation to the end of the holiday year, you may prefer to use your holiday entitlement after your maternity leave).

- 6.8 Annual holiday entitlement must be taken in the relevant holiday year. Any unused entitlement cannot be carried forward, (unless for exceptional reasons and authorised in advance).
- 6.9 If you do not return to work from maternity leave, unused accrued holiday (from the current holiday year only) will be paid in your final pay. Similarly, if you have taken more holiday than the amount accrued at the date you leave, we will make a deduction from your final salary to correct this.

7. PENSION

- 7.1 If you are a member of the Pension Scheme, payments into your pension will continue during the paid part of your maternity leave. The pension contributions will be calculated based on the pay you are receiving during your leave, at the usual rate at which you receive pension contributions.

8. OTHER BENEFITS

- 8.1 Bonuses – if, in your role, you are eligible for any of the (non-contractual) bonus schemes as may operate from time to time, you should note that payments due in a year when you have been on maternity leave will be reduced pro rata to reflect only the period you were working.
- 8.2 If you are on maternity leave when a salary review takes place, your SMP will be recalculated to take any increase into consideration.

9. START OF MATERNITY LEAVE

- 9.1 Your maternity leave will start on the date that you have notified us. Paid maternity leave cannot start earlier than the 11th week before the EWC. The latest date maternity leave (and SMP, where eligible) can start is the day following the birth of your baby.
- 9.2 If you are absent from work, wholly or partly, because of pregnancy or childbirth, after the start of the fourth week before the EWC, the Diocese may need you to start your maternity leave on the first day of any such period of absence. In that case, your sick pay will cease and SMP will automatically start to be paid. If you are ill for a non-pregnancy related reason, you may remain on sick leave until the baby is born, or, if you have already notified us of your maternity leave start date, that is the date you will receive your maternity pay.
- 9.3 If your baby is born earlier than the 11th week before the EWC, or before the date you have chosen to start SMP, then your maternity leave and SMP will start on the day after the baby is born.
- 9.4 Your place of work will be assessed for health and safety risks to you or your unborn child. Where, on medical grounds, it is not safe for you to continue in your normal job, you will either be offered suitable alternative work, if available, or suspended on medical grounds on full pay. These situations are covered by health and safety regulations and if you have any concerns please contact the HR department.

10. KEEPING IN TOUCH DAYS

- 10.1 By agreement with your Manager, you may work up to 10 days during your maternity leave period for which you will be paid (other than in the first two weeks after the birth of your child).

- 10.2 You are not obliged to work keeping in touch days and the Diocese is not obliged to offer you work during your period of maternity leave.
- 10.3 Where SMP is applicable you will continue to receive these payments. Where 'Keeping in Touch days' have been worked, your SMP will be topped up so that you receive full payment at your hourly rate for the hours that you have worked.

11. RETURNING TO WORK AT THE END OF YOUR MATERNITY LEAVE

- 11.1 You will be expected to return to work on the date specified in our letter to you, in response to your notification of the date you intend to start your maternity leave (see [section 4.2](#))
- 11.2 Please note that, unlike any previous periods of maternity leave you may have had, the Diocese will not write to you during your leave to ask when you intend to return. This is because, in accordance with the legislation, it is assumed that you will return to work at the end of your entitlement to AML, unless you have formally advised us to the contrary.
- 11.3 If you wish to do so, you may amend this date, to enable you to return to work earlier. To do so, you must provide at least 8 weeks' written notice.
- 11.4 If you do not provide 8 weeks' notice, the Diocese may postpone your return date to whichever of the two options below is sooner:
- o 8 weeks after the date on which you advised us you wished to return to work early, or
 - o the date on which you were due back to work after the expiry of your maternity leave.

You should note the Diocese is prohibited from allowing you to return to work until two weeks after your baby is born.

12. POSTPONING THE DATE OF RETURN

- 12.1 If you are unable to return due to ill health at the end of your maternity leave, you must immediately forward a doctor's certificate covering your absence to the HR department. Absence in such a case will be monitored and managed in accordance with the Diocese Sickness Absence Policy.
- 12.2 Should you wish to do so, you can choose to take a period of up to four weeks (unpaid) parental leave, per child, prior to returning to work. You should notify the Diocese, in writing, of this request, specifying the dates you wish to take as leave. This request should be made at the earliest possible time (ideally with your original notification of the start date of your maternity leave), and with a minimum of 8 weeks' notice prior to its start.
- 12.3 Please note that in all other cases, should you fail to return on your notified date of return, this will be treated as unauthorised absence, and you may be subject to disciplinary proceedings, which can result in dismissal.

13. LEAVING EMPLOYMENT AFTER MATERNITY

- 13.1 In the event you decide you do not wish to return to work after your maternity leave, you are required to provide your contractual notice to this effect. (As much notice as possible is always appreciated)

14. FIXED-TERM CONTRACTS

- 14.1 If you have been employed on a fixed-term contract, which is due to expire during your maternity leave, we will contact you at an appropriate date to determine whether to renew the contract, or whether there are any suitable alternative vacancies (see also section 16.3). In the event a decision is taken to end your employment, your dismissal will be as a result of the non-renewal of your fixed term contract.
- 14.2 Your maternity leave will cease, and your contract and benefits will automatically come to an end, but the Diocese will continue to pay your SMP, if you are eligible.

15. REQUESTS TO RETURN ON PART-TIME OR JOB SHARE

- 15.1 It may be possible to return to work from maternity leave to either a part-time position or a full-time position that is shared with someone else (job-share). Parish/Diocesan needs, and the nature of your job will determine whether this is possible. You should speak to your manager as soon as you decide to explore these possibilities. Advice is available from the HR department. As much notice as possible will assist the Diocese in deciding whether the Diocese is able to grant your request.
- 15.2 Should the Diocese agree to you returning on either a job share or part-time basis, the terms will be set out in writing.
- 15.3 To assist those who may wish to find an alternative job role within the Diocese after maternity leave, we will forward internal vacancy information if requested. Please contact the HR department in writing, specifying the date you would like to start receiving vacancy details and the areas of the Diocese and types of roles you have an interest in.

(Note: whilst we will only supply information to those requesting it, internal applications for any vacancies will be welcomed from any employee whilst on maternity leave and will be considered in accordance with normal recruitment guidelines).

16. LINKED PERIOD OF MATERNITY LEAVE AND/OR OTHER STATUTORY ABSENCES AND THE EFFECT ON CONTRACTUAL RIGHTS TO RETURN TO WORK

- 16.1 The extended periods of maternity leave give rise to the possibility that a woman may take a second (and subsequent) period(s) of maternity leave commencing at the end of the first (without returning to work in between).
- 16.2 If you find you are expecting another baby and wish to take a further period of maternity leave without resuming work in the interim, please contact the HR department for advice. There are some important differences in your maternity rights in such circumstances, which we will be happy to explain.

17. FURTHER INFORMATION

- 17.1 You may find further relevant information in the following Diocesan policies, covering:
- Adoption Leave
 - Paternity Leave

Please ask the COO, Sarah Kilmartin, for any further advice or information

Approval

This policy was approved by the Diocesan Board of Trustees on:
The next review is due by:

20 Oct 2021
31 Oct 2022