MATERNITY

POLICY & PROCEDURE

Policy Control/Monitoring

Approved by: **(Position in Organisation)** **Date (dd/mm/yyyy):**	Director of Corporate Services 15/10/2026
Accountability: **(Position in Organisation)**	Head of HR, Wellbeing and Inclusion
Revision Cycle:	Biennial
Brief details of amendments made	Clearer guidance added around payment for KIT days Updated gender related language to include those who identify as non-binary New Policy Template Equality Impact Assessment Completed

Equality Impact Assessment

The Foundation's commitment is to create a positive culture of respect for all staff and service users and to identify, remove or minimise risks of unlawful discrimination and disadvantage in its policies, functions and activities. As part of its development this document has been assessed in line with The Foundation's Equality Impact Assessment procedure.

Version Control Tracker

Version Number	Date
V 1	June 2013
V 2	Unknown
V 3	Unknown

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V 4	June 2017
V 5	November 2019
V 6	January 2022
V 7	April 2024
V 8	June 2024
V9	October 2026

1. Introduction

2. Purpose

3. Scope

4. Definitions

5. Principles

6. Monitoring and Compliance

7. Associated Policies and References

1. Introduction

This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay.

The Foundation recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is the Foundation's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

All employees are entitled to take up to one year's (52 weeks') maternity leave, regardless of length of service with the Foundation. Although it is up to employees to decide how much of the 52 weeks' maternity leave they wish to take, the law requires that a minimum of two weeks' leave from date of childbirth must be taken.

Maternity leave and pay are separate entitlements. Entitlement to maternity pay will depend on length of service and on whether or not the employee returns to work following maternity leave.

As the maternity provisions are complex, if an employee becomes pregnant they should clarify the relevant procedures with the HR Department to ensure that they are followed correctly.

2. Purpose

The purpose of the policy is to provide clear guidance around pregnancy and maternity leave and sets out the statutory and contractual rights of the employee.

3. Scope

This policy will apply to all employees employed by the Foundation under a contract of employment.

This policy is entirely non-contractual and does not form part of an employee's contract of employment.

4. Definitions

- **Additional Maternity Leave (AML)**

Additional Maternity Leave is the period of leave after Ordinary Maternity Leave (OML) and runs from weeks 27 to 52.

- **Compulsory Maternity Leave**

Legislation prohibits a person from returning to work during the two-week period (four weeks if you work in a factory) immediately after giving birth to the child

- **Expected Week of Childbirth (EWC)**

The Expected Week of Childbirth (EWC) is the week, starting on a Sunday, in which the baby is due to be born as certified by the pregnant employee's doctor or midwife on the Maternity Certificate (MATB1).

- **MATB1 Certificate**

The MATB1 is the maternity benefit certificate given to a pregnant person by the doctor or midwife. It states the Expected Week of Childbirth (EWC).

- **Maternity Leave**

Maternity leave is the period of time away from work due to Maternity.

- **Ordinary Maternity Leave (OML)**

Ordinary Maternity Leave is first 26 weeks of the period of maternity leave.

- **Parental Leave**

Parental leave is the period of time away from work taken in accordance with the Parental Leave Regulations for the purposes of caring for the child. Please refer to the Foundation's Parental Leave Policy and the Shared Parental Leave Policy for further information

- **Qualifying Week (QW)**

The Qualifying Week (QW) is the 15th week before the Expected Week of Childbirth (EWC) for SMP purposes.

- **Statutory Maternity Pay**

Statutory Maternity Pay (SMP) is payable to eligible employees. SMP, less tax and National Insurance Contributions, if applicable, will be paid in line with the normal payroll arrangements.

5. Principles

5.1 Notification of Pregnancy

On becoming pregnant, an employee should notify their line manager as soon as possible. This is important as there are health and safety considerations for the Foundation.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform the Foundation in writing of:

- the fact that they are pregnant;
- the expected week of childbirth; and
- the date on which they intend to start maternity leave.

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The employee is permitted to bring forward their maternity leave start date, provided that they advise the Foundation in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone the maternity leave start date, provided that they advise the Foundation in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The Foundation will formally respond in writing to the employee's notification of their leave plans within 28 days, confirming the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave.

5.2 Time off for Antenatal Care

Once an employee has advised the Foundation that they are pregnant, they will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by a doctor, registered midwife or registered health visitor.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that they are pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised them to attend, in addition to medical examinations.

The employee should endeavour to give their line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible. Any requests for time off to attend medical appointments should be made via the HR system.

5.3 Health and Safety

The Foundation has a 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 people who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to their health and safety or the health and safety of their baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace.

If applicable, the Foundation will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out their normal job duties, the Foundation will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the Foundation to alter the employee's working conditions to remove the risks to health and there is no suitable alternative work available to offer on a temporary basis, the Foundation may suspend the employee from work on maternity grounds until such time as there are no longer any risks to health. This may be for the remainder of the pregnancy until the commencement of maternity leave. If an employee is suspended in these circumstances, employment will continue during the period of the suspension, and it does not in any way affect statutory or contractual employment and maternity rights. The employee will be entitled to normal salary and contractual benefits during the period of suspension, unless they have unreasonably refused an offer of suitable alternative employment.

5.4 Sickness absence

If an employee is absent from work during pregnancy owing to sickness, they will receive normal statutory or contractual sick pay in the same manner as they would during any other sickness absence provided that they have not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before expected week of childbirth, maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, they must notify the Foundation in writing of this as soon as reasonably practicable.

5.5 Maternity leave

All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless the child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before maternity leave was due to start, they must notify the Foundation in writing of the date of the birth as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child (four weeks in the case of factory workers).

5.6 Ordinary maternity leave

During the period of ordinary maternity leave, the employee's contract of employment continues in force and they are entitled to receive all contractual benefits, except for salary. In particular, any benefits in kind (such as life assurance, private medical insurance, permanent health insurance, private use of a Foundation car, laptop, mobile phone and gym membership) will continue; contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on maternity leave.

Salary will be replaced by SMP if the employee is eligible to receive it.

5.7 Additional maternity leave

During the period of additional maternity leave, the employee's contract of employment continues in force and they are entitled to receive all contractual benefits, except for salary. Any benefits in kind (such as life assurance, private medical insurance, permanent health insurance, private use of a Foundation car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during the period when the employee is receiving SMP but not during any period of unpaid additional maternity leave.

5.8 Statutory and occupational maternity pay

The employee’s right to maternity pay is dependent upon the individual’s length of service and their average weekly earnings being not less than the Lower Earnings Limit.

If, at 15 weeks before the estimated week of childbirth, an employee has been employed by the Percy Hedley Foundation for more than 26 weeks:	If, at 15 weeks before the estimated week of childbirth, an employee has not been employed by the Percy Hedley Foundation for more than 26 weeks:
• 4 weeks full pay (including Statutory Maternity Pay). • 2 weeks @ 90% pay (including Statutory Maternity Pay. • 12 weeks @ 50% pay (plus Statutory Maternity Pay).* • 21 weeks Statutory Maternity Pay.	• 39 weeks Maternity Allowance (if eligible). An individual will need to apply for this directly via Job Centre Plus at the DWP.
An employee is also entitled to a further 13 weeks as unpaid leave – making a total of 52 weeks. * Should an employee's entitlement to half-pay and SMP total more than normal full-pay, then they shall receive full-pay inclusive of SMP.	

Statutory and occupational maternity pay is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP and occupational maternity pay if:

- They have been continuously employed by the Foundation for at least 26 weeks at the end of the qualifying week and they are still employed during that week;
- Average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;
- They are still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- They provide a MAT B1 form stating the expected week of childbirth; and
- They give the Foundation proper notification of their pregnancy in accordance with the rules set out above.

For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included.

The standard rate of SMP is at a rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings calculated over the period between the last normal pay day

before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date if this is lower than the Government's set weekly rate.

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of the maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate of SMP will be recalculated to take account of the employee's pay rise, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively, or that they may qualify for SMP if they did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Payment of SMP cannot start prior to the 11th week before the employee's expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts their maternity leave.

Statutory maternity pay is payable whether or not the employee intends to return to work after their maternity leave.

In order to qualify for maternity leave and maternity pay, and to safeguard the right to return to work, the employee must return to work within the specified period for at least 13 weeks in order to retain the additional occupational maternity payments (employees are entitled to retain SMP even when they do not return to work).

Employees who are not entitled to SMP may be entitled to receive maternity allowance payable by the Government.

5.9 Early births or stillbirth

The definition of childbirth is the birth of a child either living or dead after 24 weeks of pregnancy.

An employee can still get Statutory Maternity Leave and SMP if their baby:

- is born early
- is stillborn after the start of your 24th week of pregnancy
- dies after being born

5.10 Rights during maternity leave

During ordinary maternity leave and additional maternity leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by maternity pay if the employee is eligible for it.

This means that, while sums payable by way of wages or salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Employees are encouraged to take any outstanding holiday due to them before the commencement or at the end of the maternity leave period. If the period of maternity leave crosses two holiday years, the Foundation, will allow, by prior approval annual leave to be carried over to the next holiday year.

On return to work the employee will be given full continuous service for the purposes of redundancy calculation and all other service related benefits. This is provided the employee returns to work on or before the expiry of the maternity leave entitlement or the end of any other approved leave of absence.

Employees have protection from redundancy and will be given priority access to suitable alternative roles in a redundancy situation. This protection covers the entire pregnancy, from the date the employee informs the Foundation of their pregnancy. The protected period for pregnancy will end either when statutory maternity leave ends or if the employee is not entitled to statutory maternity leave, two weeks after the end of pregnancy. The additional protected period will end 18 months after the expected week of childbirth or 18 months after the date of their child's birth if they informed the Foundation of that date.

Employees are not entitled to sick leave or unpaid leave whilst receiving statutory maternity pay. If the employee is ill and unable to return to work at the end of the leave period the normal arrangements for leave due to sickness will come into force.

5.11 Contact during maternity leave

Shortly before an employee's maternity leave starts, the Foundation will discuss the arrangements for the employee to keep in touch during their leave, should they wish to do so. (Managers may wish to use the Maternity Leave Checklist to record any discussions).

The Foundation reserves the right in any event to maintain reasonable contact with the employee from time to time during maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease the return to work or simply to update the employee on developments at work during their absence.

Employees will be informed of any relevant promotion opportunities or job vacancies that arise during their maternity leave.

5.12 Keeping-in-touch days

Except during the first two weeks after childbirth (four weeks in the case of factory workers), an employee can agree to work for the Foundation (or to attend training) for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of their maternity leave to an end and without loss of a week's SMP or occupational maternity pay. These are known as "keeping-in-touch" (KIT) days.

Any work carried out during a KIT Day shall constitute a day's work. For pay purposes this will be paid as 1 full day at the normal daily rate of pay and will count as 1 full day of the 10 KIT days.

The Foundation has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during maternity leave. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which they agree to work for the Foundation. It will also bring maternity leave to an end.

5.13 Returning to work

The employee will have been formally advised in writing by the Foundation of the date on which they are expected to return to work if they take the full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless they notify the Foundation otherwise. If they are unable to attend work at the end of maternity leave due to sickness or injury, the Foundation's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist the Foundation if they confirm as soon as convenient during maternity leave that they will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, they must give the Foundation at least eight weeks' notice of the date of early return, preferably in writing. If they fail to do so, the Foundation may postpone their return to such a date as will give the Foundation eight weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after maternity leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after maternity leave has ended, the Foundation may require the employee to return to work for the remainder of the notice period.

An employee has an obligation to return to their original job for at least 13 weeks (including periods of school/college closures where applicable) as a qualifying condition to occupational maternity pay. This requirement may be reduced at the discretion of the Foundation.

In the event of the employee not being available, or being unable, to return to their job for the required period the Foundation has the discretion to claw-back an employee’s maternity pay insofar as it exceeds the amount payable as Statutory Maternity Pay. An employee may, however, keep the first six weeks’ payments and will not have to refund any payments of Statutory Maternity Pay.

5.14 Shared Parental Leave and Pay

Shared Parental Leave will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. It is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

Qualifying mothers and adopters continue to be entitled to Maternity and Adoption rights but they may also be able to choose to end this early and exchange it for Shared Parental Leave and Pay. They and their named partner will then need to decide how they want to share this new entitlement.

Two weeks of paid Paternity Leave continues to be available to qualifying fathers and the partner of a mother or adopter. However, Shared Parental Leave has replaced the Additional Paternity Leave entitlement.

Further information can be found within the Foundation's Shared Parental Leave Policy.

5.15 Rights on and after return to work

On resuming work after ordinary maternity leave, the employee is entitled to return to the same job as occupied before commencing maternity leave on the same terms and conditions of employment as if they had not been absent.

On resuming work after additional maternity leave, again they are entitled to return to the same job as occupied before commencing maternity leave on the same terms and conditions of employment as if they had not been absent. However, if it is not reasonably practicable for the Foundation to allow the employee to return to the same job, the Foundation may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have applied if they had not been absent. An employee who worked full-time prior to maternity leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Foundation's business. If an employee would like this option to be considered, they should write to their line manager setting out their proposals as soon as possible in advance of their return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in the Foundation's Flexible Working Procedure.

6. Monitoring and Compliance

Overall responsibility for the operation of this policy and procedure lies with the Head of HR, Wellbeing and Inclusion. The effectiveness of the policy and procedure will be formally reviewed and monitored at least on a bi-annual basis to ensure that it continues to meet the requirements of The Foundation and that it reflects HR good practice and statutory legislation as appropriate.

7. Associated Policies and References

Adoption Policy
Equal Opportunities Policy
Flexible Working Policy
Parental Leave Policy
Paternity Leave Policy
Shared Parental Leave Policy