



MATERNITY LEAVE AND PAY

Issue Date: 05.04.2019

PURPOSE

Employees who are pregnant have certain statutory rights. The purpose of this policy is to outline pay and conditions for pregnancy and childbirth for ELATT employees ensuring help and support are provided during pregnancy and encouraging and supporting a return to work.

MATERNITY LEAVE

All employees regardless of their length of service will be entitled to take up to 52 weeks maternity leave. This will consist of 26 weeks Ordinary Maternity Leave followed immediately by 26 weeks Additional Maternity Leave.

For employees who have babies after 3rd April 2011 they may opt to return to work and transfer the remainder of their maternity leave to their husband/partner/spouse (see section below).

ELATT MATERNITY PAY

During the period of Ordinary Maternity Leave ELATT will pay Maternity Pay at rates in excess of the statutory rates provided that the employee has a minimum of one year's service as at the end of the fifteenth week before the Due Date.

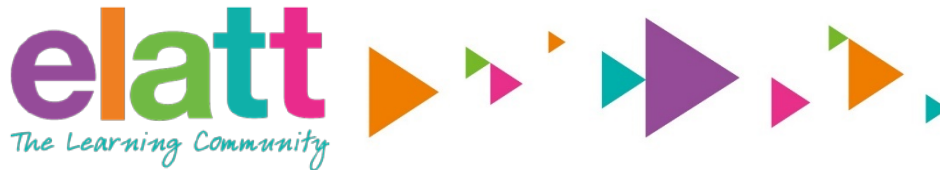
During the period of Ordinary Maternity Leave employees will be paid at their normal rate of pay for the first thirteen weeks followed by half their normal rate of pay for the ensuing thirteen weeks. This will be inclusive of any Statutory Maternity Pay provision as outlined below should the employee qualify for this.

During the following thirteen weeks the employee will receive Statutory Maternity Pay as outlined below should she qualify for this.

STATUTORY MATERNITY PAY (SMP)

Provided the employee has 26 weeks' service as at the end of the 15th week before the Due Date and has earnings at or above the lower earnings limit she will receive Statutory Maternity Pay of 90% of normal earnings for six weeks, plus a maximum of 33 weeks at 90% of normal earnings or the statutory rate set by the Government per week, whichever is the lesser.

This policy is non-contractual and may change from time to time.



STATUTORY MATERNITY ALLOWANCE

If the employee does not meet all the qualifying conditions, (insufficient service or have not earned above the lower earnings limit), ELATT does not have to pay SMP. Instead ELATT should return the MATB1 to the employee after taking a photocopy for the records. This will not affect payment of ELATT's enhanced maternity pay.

ELATT should complete an SMP1 form and give it to the employee as she may be able to claim Maternity Allowance following the 26 weeks of ELATT's enhanced maternity pay.

ADDITIONAL PATERNITY LEAVE REGULATIONS 2010

New regulations came into force on 6th April 2010 in relation to additional paternity leave and pay rights. These will become applicable when:

The Expected Week of Confinement is on or after 3 April 2011 (or matching for adoption).

Additional Statutory Paternity Leave (ASPL) will allow the employee's husband/partner/spouse to take up to 26 weeks leave to care for the child. This will be instead of the mother if the couple opts for this choice.

The husband/partner/spouse will only be able to start their ASPL:

- 20 or more weeks after the child's birth or after the child is placed for adoption
- Once their partner has returned to work from statutory maternity or adoption leave

The spouse, civil partner or partner's ASPL will have to have ended by the point at which their partner's additional maternity leave or adoption leave would have ended i.e. the end of the 52nd week after their partner's statutory maternity or adoption leave began.

The spouse, civil partner or partner will only receive Additional Statutory Paternity Leave Pay (ASPLP) during the time their partner would have been receiving statutory maternity or adoption pay.

The eligibility criteria for ASPLP are the same as they are for 'ordinary' statutory paternity leave.

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ELATT: Registered company no: 1812908; Registered Charity 299186
260-264 Kingsland Road, London E8 4DG, www.elatt.org.uk





NOTIFICATION

An employee must notify her employer of her pregnancy, the Due Date (Expected Date of Childbirth) and the date on which she intends to start her Maternity Leave, by the 15th week before the Due Date. This notice must be in writing either by email or letter to her Manager.

Maternity Leave cannot commence earlier than 11 weeks before the Due Date.

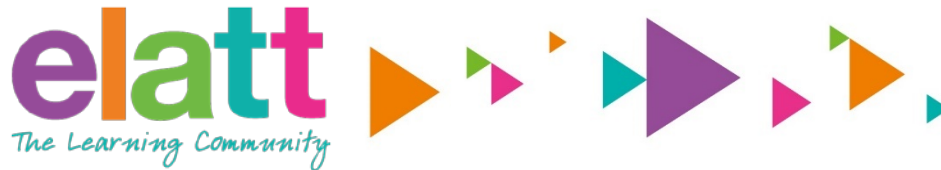
Her Manager will:

- Advise her of the required procedure which is set out in this policy document and of the necessity to ensure that she complies exactly with the requirements to avoid the possibility of her infringing her rights and entitlements.
- Request she obtains an acceptably dated MATB1 form from her medical adviser (the MATB1 states the Due Date) but should not be dated more than 20 weeks before it.
- Assess the working arrangements required of the employee and any risks to which she may be exposed by conducting a risk assessment. If there are any such risks, alternative work should be considered. If this is not available the employee should be suspended on full pay pending finding alternative work.

ELATT will, within 28 days of notification, respond in writing to the employee, specifying the date of return to work from Maternity Leave, and informing her if she is entitled to ELATT maternity pay and Statutory maternity pay.

Change to Start of Maternity Leave

The start of Ordinary Maternity Leave may be changed provided the employee gives 28 days' notice before the date originally notified or the new date whichever is the earlier.



RETURNING TO WORK

Notification of Return

The date the employee has agreed to return from Maternity Leave can be changed provided that the employee gives eight weeks' notice before the date originally notified or the new date, whichever is the earlier.

An employee who intends to return to work at the end of twenty weeks to allow her husband/partner/spouse to take additional paternity leave and pay should also give ELATT not less than 8 weeks' notice in writing of the date on which she intends to return.

Job on Return to Work

After the period of Ordinary Maternity Leave, the employee is entitled to return to the job in which she was employed when her leave started.

After the period of Additional Maternity Leave, the employee is entitled to return either to the job she was in before her absence or, if impracticable, to another job which is both suitable and appropriate for her in the circumstances.

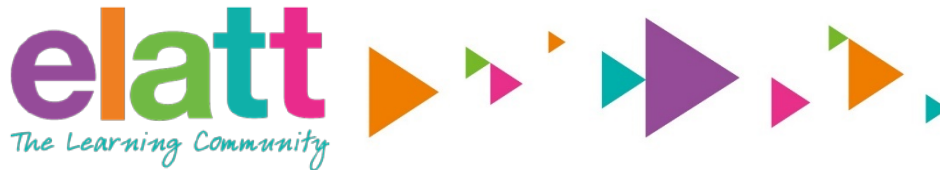
However:

- No employee can return less than two weeks after the date of childbirth.
- Employees must give eight weeks' notice if they wish to return to work before the end of their Maternity Leave.

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EMPLOYEE RIGHTS DURING AND AFTER MATERNITY LEAVE

Benefits

All employees (regardless of service) will be entitled to all non-monetary contractual benefits during the period of Ordinary Maternity Leave and Additional Maternity Leave.

Continuous Service

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 at any time on or before the expiry of her maternity leave entitlement, or the end of any other approved leave/absence.

Annual Salary Review

If an annual salary review falls during a period of maternity absence, an employee will be notified of her reviewed salary at the same time as all other employees and will receive her reviewed salary upon her return to work. Similarly any backdated salary increases will be taken into account when calculating Statutory Maternity Pay.

Paid Holiday Entitlement

Annual leave continues to accrue throughout Maternity Leave and you will be entitled to take your leave.

Should you wish to use any of your annual leave entitlement whilst you are on Maternity Leave, you must follow ELATT's holiday procedure in the usual way.

Pension Scheme Benefits

Whilst on maternity leave an employee will remain in the pension scheme.

On return to work, an employee will be given full continuous service for pension purposes.

SICK LEAVE

Should the employee be suffering from a pregnancy related illness, within four weeks of the Due Date, this notice period will be waived and the Maternity Leave will commence immediately. If the sickness is not pregnancy related, then she will start her Maternity Leave on the date she intended and normal sick leave/pay provisions apply. The employee must provide the appropriate certificates.

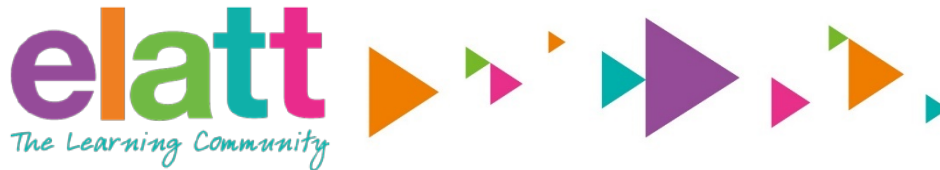
ANTENATAL CARE

Employees who are pregnant are entitled to take time off to attend antenatal appointments/care classes regardless of length of service or hours of work.

The time off is paid at the normal rate of pay and includes time taken to get to the appointment.

Permission should be sought from the Line Manager to take time off and should wherever practicable be at the beginning or the end of the working day. If requested by the employer,

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the employee must provide an appointment card for the antenatal care from a registered medical practitioner, midwife or health visitor.

MAINTAINING REASONABLE CONTACT AND KEEP IN TOUCH DAYS

ELATT may make reasonable contact with the employee, and vice-versa, while she is on Maternity Leave. This is beneficial to both sides and allows for updates, for example, information about promotion opportunities or job vacancies that arise during the employees' Maternity Leave.

During her Maternity Leave the employee may carry out up to 10 days' work, (Keep in Touch days), as long as both she and the employer have agreed for this to happen, and agree on what work is to be done. For example, this may include training days. She is entitled to receive payment for these days at her basic daily rate (which includes any maternity pay) for the hours worked and this will not affect her maternity payments.

Any work done on any day during the maternity pay or leave period will count as a whole "Keeping in Touch day" up to the 10 day maximum. In other words, if an employee comes in for a one hour training session and does no other work that day, she will have used one of her Keeping in Touch days.

PRE-TERM BIRTH

If the baby is born before the maternity pay period has started but after the qualifying week the employee must, if reasonably practicable, inform ELATT of the birth within 3 weeks. She will then receive the maternity pay due but the pay period will now start on the day following the day that the baby is born.

If the baby is born before or during the qualifying week, then within 3 weeks of the birth, the employee must give written evidence that she was away from work due to the baby's birth (the baby's birth certificate will do). She must also still provide the employer with medical evidence of the date the baby was due to be born. Evidence of both the expected date and the actual date of birth can be provided together on part B of the maternity certificate (MATB1) issued by the doctor or midwife. The employee must do this within 3 weeks of the baby's birth. ELATT may agree to extend this time limit to 13 weeks (but no longer) if we feel you had good reason for the delay.

STILL BIRTH/DEATH OF A NEWBORN CHILD OR MISCARRIAGE

In the unfortunate event of loss of a baby before the end of the 24th week of pregnancy you will not be entitled to maternity allowance, absence from work will be managed in line with our Sickness Absence Policy. If you are not entitled to sickness then you may be entitled to Incapacity Benefit from your Jobcentre Plus office.

If the baby is lost after the 24th week of pregnancy, maternity entitlements will still apply and maternity leave will begin with immediate effect.

If the child is stillborn or dies after birth within the period of maternity leave, the employee should be allowed to return to work after a compulsory minimum of 2 weeks from delivery if she wishes, and is fit to do so.

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