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| PCC LOGO | Pregnancy and Maternity Policy |

Document Overview

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| **Purpose** | The purpose of this policy is to ensure that employees who are pregnant or on maternity leave understand their rights to pay and leave. This policy applies to all staff with a contract of employment. |
| **Confidentiality** | This document is not confidential. |
| **Document owner** |  |
| **Status note** | Draft/Final |
| **Distribution** | All PCC staff. |
| **Required action** |  |
| **Proposed next step** |  |

Version History

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| **Version** | **Date** | **Status Note** |
| 1 | 05.06.2023 | HR Template |
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1. Introduction
	1. You have certain statutory rights if you are pregnant. These are addressed below.
	2. The rules on pregnancy and maternity are very complex and any query should be raised with Human Resources
2. Antenatal Care
	1. You are entitled to reasonable time off work with pay to attend for ante-natal care at appointments made on the advice of a registered medical practitioner, registered midwife or registered health worker. If requested, you must provide a certificate of pregnancy and an appointment card.
3. Maternity Leave
	1. You are entitled to up to 52 weeks’ maternity leave, which is comprised of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.
	2. Prior to the 15th week before the Expected Week of Childbirth (EWC), or as soon as reasonably practical afterwards, you must tell us:
		1. That you are pregnant (preferably by submitting a MAT B1 form);
		2. The EWC;
		3. The date on which you intend your ordinary maternity leave to start, which cannot be earlier than 11 weeks prior to the EWC; and
		4. If requested, provide medical evidence of the EWC.
	3. The Company will confirm to you in writing the date upon which your 52 week maternity leave period will end.
	4. If you change your mind about when you want your maternity leave to start you must give at least 28 days’ notice.
	5. You are legally prohibited from working during the 2 weeks immediately after the birth; this is known as the “compulsory maternity leave period” and is considered part of the ordinary maternity leave period.
	6. If you give birth before your intended maternity leave start date, your maternity leave will start automatically on the day after the birth of the child.
	7. If you are off sick with a pregnancy related illness in the 4 weeks prior to your EWC, your Maternity leave will start automatically from your first day of sickness.
	8. During the 52 weeks’ maternity leave period all contractual benefits except for your pay will be maintained as if you were not absent.
	9. If you wish to return to work before the end of the 52 week period of maternity leave you must give at least 8 weeks’ notice of your intended date of return.
	10. If you decide to return to work early and this is at the end of the first 26 week period known as “ordinary maternity leave”, you are entitled to return to the job you were in before your absence. If you return to work either during or at the end of the second period of 26 weeks’ known as “additional maternity leave”, and it is not reasonably practicable to allow you to return to your original job we may give you another job which is suitable and appropriate.
	11. Annual leave entitlement will continue to accrue at the rate provided under your contract. If your Maternity leave will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over and must be taken immediately before returning to work unless your manager agrees otherwise. All holiday dates are subject to approval by your manager.
	12. The above information is given for guidance purposes only and with the exception of Enhanced Maternity Pay confers no extra rights to you beyond those provided by statute. In the event that the statutory scheme is amended then the statutory scheme takes precedence over the content of this Handbook.
4. Statutory Maternity Pay
	1. If you stop work and meet all of the following conditions you are entitled to receive SMP. You must therefore:
		1. Have been continuously employed for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth (EWC).
		2. Have average weekly earnings of not less than the figure set by the Government for the payment of National Insurance contributions.
		3. Still be pregnant at the 11th week before the EWC or have given birth by that time.
		4. Give at least 28 days' notice that you intend to stop work.
		5. Provide medical evidence of the EWC (form MATB1).
	2. For the first six weeks SMP is payable at the earnings related rate (equivalent to 90% of earnings) and for the remaining 33 weeks at the statutory rate as set by the Government, (or 90% of average weekly earnings if this is less than the basic statutory rate). Anything offered by an employer in excess of these provisions is considered as Occupational Maternity Pay.
5. Occupational Maternity Pay
	1. Employees of PARISH NAME qualify for Occupational Maternity Pay on the same basis as Statutory Maternity Pay i.e. if they have at least 26 weeks continuous service at the 15th week before the Expected Week of Childbirth.
	2. Any Occupational Maternity Pay will be paid during the first 26 weeks during which the Statutory Maternity Pay due to the individual during this period will be topped up to the level of the employees normal salary.
	3. Following 26 weeks on Occupational Maternity Pay, employees are entitled to receive 13 weeks of Statutory Maternity Pay.
	4. Maternity pay is subject to income tax and National Insurance contributions in the same way as other earnings. Pension and National Insurance contributions are made by employee and ‘employer’ during paid maternity leave. Individuals wishing to make contributions for unpaid portions of leave should contact [JOB TITLE OF PERSON WHO PROCESSES PAYROLL/PENSIONS].
	5. Failure to return to the PCC after receiving Occupational Maternity Pay:
		1. Employees are advised that the PCC reserves the right to reclaim the non-statutory element of maternity pay, if the employee fails to return to duties and/or continue in their role for at least three months following each period of maternity leave. These three months are in addition to any accrued annual leave during the paid time off. Therefore, when returning from leave, if any accrued annual leave is taken, the employee will be required to work a further 3 months to qualify for the occupational maternity pay.
		2. If an employee is unable to return to duty after one period of maternity leave due to another pregnancy, but still intends to return to duty after the subsequent pregnancy, then to continue to benefit from any occupational maternity pay and not repay the previous occupational maternity pay, the employee must agree to return to duty for a longer period of time than three months i.e. three further months for each consecutive maternity leave.
		3. Where an employee is made redundant or their fixed term contract ends while they are on maternity leave, and they therefore cease to be employees of the PCC, there will be no requirement to repay the Occupational Maternity Pay.
6. Keeping in Touch Days (KIT days)
	1. We may make reasonable contact with you from time to time during your Maternity leave although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.
	2. You may ask or be asked to work (including attending training) on up to 10 "keeping-in-touch" days (KIT days) during your maternity leave. KIT days are not compulsory and must be discussed and agreed with your line manager.
	3. You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any maternity pay entitlement. Alternatively, you may agree with your line manager to receive the equivalent paid time off in lieu.
7. Breastfeeding/Expressing on return to work
	1. We are committed to treating all employees with dignity and respect. In preparation for an employee’s return to work, their line manager will discuss the employee’s needs, including any requirements associated with breastfeeding.
	2. As a nursing mother, employees are covered under the Equality Act 2010, and must not suffer any detriment because they are breastfeeding or expressing milk. The PCC is fully committed to ensuring that nursing mothers are fully supported during their employment and protected from ill treatment, or detriment.
	3. We will endeavour, wherever possible, to ensure all reasonable support is offered to all breastfeeding/expressing employees.
	4. Health and Safety:
		1. An element of the Organisation’s health and safety obligations is to carry out risk assessments where is deemed that an employee’s role may pose a risk to their welfare. Risk assessments will always be carried out in respect of employees who have returned from maternity leave and are breastfeeding/expressing milk.
		2. Risks identified must be addressed. The Organisation will seek ways to eliminate the risk fully or alternatively a reduction in the risk where this is acceptable. Reasonable adjustments will be made to the employee’s role in order to eliminate or reduce the risk for the period that the employee continues to breastfeed/express milk.
		3. The risk assessment will focus on all relevant areas including physical, biological and chemical agents and any operational methods adopted by the Organisation.
	5. Provision for time off to breastfeed or express milk:
		1. Employees who are breastfeeding/expressing milk at work should, wherever possible, do this during their contractual rest breaks (e.g., lunchtime). If this is not possible a time should be agreed between the employee and the line manager.
		2. We will endeavour to provide private facilities for breastfeeding/expressing milk. Employee’s will be able to pre-book a vacant meeting space or office. Employees can put a sign on the door to say that the room is engaged.
		3. An employee may make a request for temporary or permanent flexible working in order to take time off for the purposes of breastfeeding her baby. This may be the case if the baby is at a local nursery, or the employee lives locally, and the employee is able to fulfil their contractual hours around the baby’s needs. Employees should discuss this with their line manager in the first instance. For permanent changes to an employee’s hours, the Flexible working policy must be followed.
		4. Any other arrangements regarding time off for the employee to breastfeed must be discussed and agreed in advance with her line manager. The arrangements must be reviewed and a date of the review set if working hours have been reduced as part of the arrangements.
	6. We don’t have any specific provision for storage of expressed milk at the PCC office, however employees will be able to use one of the fridges to store expressed milk. If employees store expressed milk in one of the communal fridges, it must have a clearly visible label, or be stored in a separate box within the fridge.