

Maternity Policy – UK Coach

Purpose

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 Company recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is the Company's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant she should clarify the relevant procedures with her Line Manager or HR to ensure that they are followed correctly.

Legal Framework

This policy is directly aligned to employee terms and conditions of employment and in particular aligned to the requirements of UK employment legislation, specifically the following:

Work and Families Act 2006

Employment Rights Act 1996

Employment Relations Act 1999

Employment Act 2002

Sex Discrimination Act 1975

Sex Discrimination Act 1975 (Amendment) Regulations 2008

Maternity and Parental Leave etc Regulations 1999

Maternity and Parental Leave (Amendment) Regulations 2001

Maternity and Parental Leave (Amendment) Regulations 2002

Statutory Maternity Pay (General) (Amendment) Regulations 2005

Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006

Statutory Maternity Pay, Social Security (Maternity Allowance) and Social Security (Overlapping Benefits) (Amendment) Regulations 2006

Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2008

Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regs 2009

Statutory Shared Parental Pay (General) Regulations 2014

Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014

Statutory Maternity Pay and Statutory Adoption Pay (Curtailed) Regulations 2014

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 her 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 her maternity leave was due to start, she must notify the Company in writing of the date of the birth as soon as reasonably practicable. If, however, the employee gives birth prematurely, her ordinary maternity leave begins on the day following the one on which childbirth occurred.

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).

Ordinary Maternity Leave and Additional Maternity Leave

During the period of maternity leave, the employee's contract of employment continues in force and she is entitled to receive all her 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 company 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 provided that the employee is receiving statutory maternity pay (SMP) or Company Maternity pay. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had she not gone on maternity leave.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of maternity leave. However, employees are reminded that normal holiday arrangements will apply during maternity leave in accordance with their contract of employment.

Salary will be replaced by statutory or Company maternity pay if the employee is eligible to receive it. The details of this are set out below.

Pension contributions will continue to be made during the period when the employee is receiving SMP or Company maternity pay (if applicable) but not during any period of unpaid additional maternity leave.

Shared Parental Leave

Eligible employees will be entitled to shared parental leave. The right to shared parental leave enables mothers and their partners to choose how they share time off work after the child has been born. Shared parental leave is also available to adoptive parents.

Parents who wish to take shared parental leave must comply with the relevant notice requirements. The mother's maternity leave must be brought to an end and the employee must, at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee, provide a written notice showing that he/she is entitled to shared parental leave and giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting. In addition, at least eight weeks before each period of shared parental leave, the employee must provide a written notice setting out the start and end dates of each period of shared parental leave that he/she is requesting. Similar notice requirements apply to adoptive parents who wish to take shared parental leave.

For more details, please refer to the Parental Leave Policy.

Statutory Maternity Pay (SMP)

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

- She has been continuously employed by the Company for at least 26 weeks at the end of the 15th week before her baby is due and she is still employed during that week;
- She is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- She provides a MAT B1 form stating her expected week of childbirth by the 15th week before her baby is due; and
- She gives the Company proper notification of her pregnancy in accordance with the rules set out above.
- Her average weekly earnings in the eight weeks up to and including the qualifying week are not less than the lower earnings limit for national insurance contributions;

For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over the period of eight weeks up to and including the qualifying week. For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included.

The standard rate of SMP is paid for the remaining 33 weeks (or less if the employee returns to work sooner). This is paid 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 of eight weeks up to and including the qualifying week 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 her 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 she may qualify for SMP if she 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.

Payment of SMP cannot start prior to the 11th week before the employee's expected week of childbirth (unless the employee has given birth). Statutory maternity pay can start from any day of the week in accordance with the date the employee starts her maternity leave.

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

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

Company Maternity Pay

In addition to SMP, employees who have completed 1 year's service by the beginning of the 11th week before the EWC, are also entitled to Company maternity pay.

From the date an employee commences her Maternity leave she will receive 2 weeks 'full' salary followed by four weeks equivalent to 90% of the employee's average weekly earnings (the higher rate SMP)

calculated over the period of eight weeks up to and including the qualifying week. For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included. At week 7, the lower rate SMP is then made up to one half of the employee's current basic salary. This is paid for the following 12 weeks only of the Maternity Leave period.

From week 19 until the end of the Maternity Leave period, an employee will be paid in accordance with the Statutory guidelines detailed above - Statutory Maternity Pay. Weeks 19 to 39 are paid at the lower rate of SMP.

If the employee subsequently elects not to return to work, the Company maternity pay must be repaid. The employee will sign a declaration to this effect when applying for maternity leave and that declaration will authorise deduction from wages of the employee any sums that become due to the Company under the clawback. Failure to sign the declaration may result in Company Maternity Pay being withheld. Employees must return to work for at least 13 weeks following maternity leave to avoid paying back any Company maternity pay.

Both Company and statutory maternity pay are treated as earnings and are therefore subject to PAYE and national insurance deductions.

Contact during Maternity Leave

Shortly before an employee's maternity leave starts, the Company will discuss the arrangements for her to keep in touch during her leave, should she wish to do so. The Company reserves the right in any event to maintain reasonable contact with the employee from time to time during her 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 her return to work or simply to update her on developments at work during her absence.

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 Company (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 her maternity leave to an end and without loss of a week's Statutory / Company Maternity pay. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes.

The Company has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the Company and the employee. 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 she agrees to work for the Company.

Returning To Work

The employee will have been formally advised in writing by the Company of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies the Company otherwise. If she is unable to attend work at the end of her maternity leave due to sickness or injury, the Company'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 Company if she confirms as soon as convenient during her period of maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, she must give the Company at least eight weeks' notice of her date of early return, preferably in writing. If she fails to do so, the Company may postpone her return to work until the full notice has been served or the end of her maternity leave (if earlier).

Policy on Holiday Entitlement during Maternity Leave

Employees will continue to accrue both statutory and any additional contractual holiday entitlement during both the 26-week ordinary maternity leave period and the 26-week additional maternity leave period.

An employee who has indicated an intention to take maternity leave will be advised before she starts her ordinary maternity leave whether she has any outstanding holiday entitlement. The Employer may:

- Require the employee to take any such outstanding holiday before commencing maternity leave; or
- Agree in conjunction with the relevant department manager that the employee should carry the leave over and take it on return to work after maternity leave; or
- (For holiday entitlement in excess of the statutory minimum) pay the employee for any outstanding holiday leave as if the employee were leaving.

These options will be discussed with the employee prior to the start of maternity leave.

Key Terms and Definitions

Expected week of childbirth - means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

Qualifying week - means the 15th week before the expected week of childbirth.

Notification of pregnancy

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

By the end of the qualifying week, the employee is required to inform the Company in writing of:

- The fact that she is pregnant;
- The expected week of childbirth; and
- The date on which she wants her maternity leave and Statutory Maternity Pay to start

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 her maternity leave start date, provided that she advises the Company 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 her maternity leave start date, provided that she

advises the Company in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The Company will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

Time Off For Antenatal Care

Once an employee has advised the Company that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by her 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 her doctor, registered midwife or registered health visitor, stating that she is 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, the employee must also show that the appointment is on the advice of her Doctor, registered midwife or registered health visitor.

The employee should endeavour to give her 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.

Health and Safety

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

Sickness Absence

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or Company sick pay in the same manner as she would during any other sickness absence provided that she has 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 her expected week of childbirth, her 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, she must notify the Company in writing of this as soon as reasonably practicable.