



Maternity Leave

Purpose:	Becoming a parent is an exciting time. This policy sets out how Headlam will support you during your pregnancy and when you have given birth. It sets out the entitlement to maternity leave, pay and ante-natal care.
Scope:	<p>This policy applies to colleagues at the Headlam group of Companies, who work in UK Distribution, Head Office or PLC in the UK only, who commence maternity leave on or after 1st April 2018.</p> <p>This policy does not form part of any employee's contract of employment.</p>
Group or UK Only:	UK Only
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Introduction

May Headlam take this opportunity to congratulate any employee who is reading this Policy after learning that they are soon to become a parent. This is an exciting time and we are proud to be supporting you through it.

Headlam recognises that maternity laws can be complicated so we have tried to simplify them as much as possible within this Policy. That said, we understand that even after reading this Policy our employees may still have questions, so we encourage them to contact their Line Manager for further discussion.

To ensure this policy is easily understandable, we have described below the meaning of some of the terminology used:

Expected week of childbirth	The week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth
Qualifying week	The 15th week before the expected week of childbirth
Relevant Period	The 8 week period immediately prior to the qualifying week
MAT B1	A certificate provided by the employee's GP or Midwife confirming the pregnancy and the expected week of child-birth

Maternity Leave

All pregnant employees (regardless of length of service) have the legal right to take up to 52 weeks' maternity leave. The first 26 weeks' is called ordinary maternity leave and that next 26 weeks' is called additional maternity leave. The employee then has the legal right to return to work.

All employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave (except during the first two weeks from the day of childbirth or four weeks in the case of factory workers), subject to their following the correct notification procedures as set out below.

Eligibility to receive maternity pay

Employees who have been continuously employed by the business for at least 26 weeks at the end of their qualifying week and are still employed during that week, will qualify for maternity pay providing that:

- They are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth)
- They have provided a MAT B1 form stating their expected week of childbirth
- Their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Employees who are not entitled to maternity pay may be entitled to receive maternity allowance payable directly by the Government. If an employee is not entitled maternity pay, the business will

provide the employee with an SMP1 form to allow her to pursue a claim for maternity allowance from the Government.

Maternity pay

Headlam offers generous maternity pay for those employees who are eligible to receive it (in accordance with the criteria set out above).

Maternity pay is payable for the first 39 weeks of an employee's maternity leave. The first 6 weeks will be paid at the employee's usual full rate of pay, or 90% of their average weekly earnings, whichever is higher. The following 7 weeks will be paid at the employee's usual full rate of pay. The following 26 weeks will be paid at the rate set by the Government for the relevant tax year. The remaining 13 weeks of maternity leave are unpaid.

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

Pay-rises during maternity leave

If an employee becomes eligible for a pay rise whilst on maternity leave (whether that be ordinary or additional maternity leave), the maternity pay calculations will be re-done to take into account the pay-rise. If the employee's maternity pay entitlement is increased as a result of the recalculation, or if as a result of the recalculation the employee now qualifies for maternity pay when she did not previously, the employee will be paid a lump sum to make up any difference between maternity pay already paid and the amount payable as a result of the pay rise.

Bonus Payments

Save for the two-week period of compulsory maternity leave, employees will cease participation in any bonus schemes for the duration of their maternity leave. Bonuses earned prior to the commencement of maternity leave will be paid at the agreed time, regardless of whether or not the employee is on maternity leave when the bonus becomes payable.

When maternity pay starts

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

Timing of maternity leave

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
- 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 business 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).

Notice requirements

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 business.

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

- the fact that she is pregnant
- her expected week of childbirth
- the date on which she intends to start her maternity leave

The employee must also provide a MAT B1 form. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The Line Manager 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.

The employee is required to give at least 28 days' notice of the date that she wants her statutory maternity pay to begin. If it is not possible for the employee to give 28 days' notice, for example if the baby arrives early, she should tell the organisation as soon as reasonably practicable.

Changing the chosen start date for maternity leave

An employee is permitted to bring forward her maternity leave start date, provided that she advises the business 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 organisation in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Time off for antenatal care

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

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.

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

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.

An individual who has a qualifying relationship with the employee, which includes the employee's husband or civil partner and the father of the expected child, is eligible to take unpaid time off to accompany the employee at up to two antenatal appointments.

Health and safety

The business 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 where the work is of a kind that could involve a risk of harm or danger to her health and safety or the health and safety of her baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, the business 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 organisation 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 employee 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 business 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 does 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 contractual 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 organisation in writing of this as soon as reasonably practicable.

Rights during maternity leave

During ordinary maternity leave and additional maternity leave, the 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 salary will cease, other benefits such as holiday entitlement will remain in place.

The business's pension contributions will continue based on the employee's normal pay during ordinary maternity leave and paid additional maternity leave. However, the employers pension contributions will cease during any periods of unpaid additional maternity leave. The employee will remain in any life assurance and/or private medical insurance schemes that they are already in.

Employees are encouraged to take any outstanding holiday due to them before the commencement of maternity leave. Employees are reminded that holiday must be taken in the year that it is earned.

Contact during maternity leave

The business reserves the right to maintain reasonable contact with employees during maternity leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Keeping-in-touch days

Employees can agree to work for the business (or to attend training) for up to 10 days during their maternity leave without that work bringing their maternity leave to an end and without loss of a week's statutory 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.

An employee will receive their normal rate of pay for keeping in touch days and any maternity pay they receive will be off-set against this.

The business has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the organisation.

Returning to work after maternity leave

The employee may return to work at any time during ordinary maternity leave or additional maternity leave, provided that she gives the appropriate notification. Alternatively, the employee may take her full period of maternity leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of maternity leave has elapsed, she must give at least eight weeks' notice in writing to the organisation of the date on which she intends to return.

The employee has the right to resume working in the same job if returning to work from ordinary maternity leave. If the employee returns to work after a period of additional maternity leave, she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the maternity leave period.

Deciding not to return to work after maternity leave

If an employee decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to the business as soon as possible and in accordance with the terms of her contract of employment.

In circumstances where an employee does not return to work following her maternity leave or if she returns for a period of time which is shorter than her contractual notice period, the enhanced maternity pay that she has received during that period of maternity leave over and above her basic statutory maternity pay entitlement will be repayable to the Company. If possible, the total amount repayable will be deducted directly via payroll from any payments owing to the employee.

Returning to work part-time

We will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but employees do have a statutory right to request flexible working and we will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible. There is a flexible working policy which is available for you to view, which has all the entitlements and rules around making a flexible working request.

Transfer of maternity leave

In some cases an employee and their spouse may be eligible to share maternity leave. Information about how to do this can be found in the Shared Parental Leave Policy.

End of Policy