



Maternity Policy

Appendix 6 Staff Handbook

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Policy objective

To provide employees with their correct entitlement to maternity leave and pay, and to fulfil our obligations under the relevant legislation

Who is covered by this policy?

This policy applies to all employees. Some aspects of the policy will apply to paid workers on zero hours contracts.

What is the policy?

It is the policy of The Breastfeeding Network (BfN) to ensure that when an employee is pregnant, she receives the correct entitlement to maternity leave and pay. It is also our policy to be sensitive to any additional needs a pregnant employee may have. The BfN will ensure that a pregnant employee is working in an environment that will not have an adverse effect on her health or that of her unborn baby. Any woman expecting a baby has rights to the following:

- Reasonable paid time off for antenatal care
- Protection from dismissal
- Protection from exposure to risk
- Maternity pay (or maternity allowance)
- Maternity leave
- Return to work after childbirth

Shared Parental Leave

Shared Parental Leave (SPL) is a statutory right available to employees who have a new baby or a newly adopted child on or after 5th April 2015. It gives them the option of sharing up to 50 weeks of leave and 39 weeks of pay if they meet the necessary eligibility criteria. The parents 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.

Eligibility Criteria

To be eligible for shared parental leave, you (or your partner) must be entitled to maternity/adoption leave, or statutory maternity/adoption pay (or maternity allowance from the Government) and you must share the main responsibility for caring for the child with your partner. In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows:

Step 1 - Continuity test: if you are seeking to take shared parental leave, one parent / adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week

in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and they should still be employed in the first week that shared parental leave is to be taken.

The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks.

Step 2 - Individual eligibility for pay: To qualify for shared parental pay the parent/main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth/adoption.

If you and your partner meet the eligibility criteria:

- You can effectively “convert” a period of maternity/adoption leave and pay into shared parental leave and pay that can be taken by either parent.
- Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
- Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks of as little as a week with our agreement.
- When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.
- Shared parental leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date.

Procedure for Requesting Shared Parental Leave and Pay

Here is how you and your partner should go about opting in to shared parental leave:

1. The mother/main adopter must bring their period of maternity/adoption leave to an end by letting their employer know at least 8 weeks before the date she intends to curtail the leave. *NB maternity leave cannot be brought to an end before the end of the two week (four if you work in a factory) compulsory maternity leave period.* The balance of maternity leave at that point becomes available for the partner to share as shared parental leave. While this notice of curtailment of maternity/adoption leave can be given before or after the birth/placement, if it is given afterwards, the notice is binding. However, if notice is given before, there is a six week window after the child's

birth/adoption, during which a mother/primary adopter who has previously stated she intends to share her leave can change her mind and decide to remain on leave.

2. Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when. As you are one of our employees, please complete the form at [Appendix 1](#).
3. If requested within 14 days of letting us know about your intention to take shared parental leave, you should provide us with a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.
4. The information about how and when you and your partner are intending to take shared parental leave is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete the form at [Appendix 2](#). We will need at least 8 weeks' notice of each period of leave, and you can submit a total of three requests. That is you can take up to three periods of shared parental leave.
5. If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.
6. If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we may need to discuss with you whether our business can support such a work pattern. If it cannot we will try to agree an alternative arrangement with you, or we may need to refuse the request.
7. We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business. You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and we are under no obligation to offer you any work. These 20 days are in addition to the 10 days available during maternity or adoption leave.
8. While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

Statutory Maternity Leave

All women, regardless of number of hours worked or length of service, will be entitled to a period of 52 weeks Statutory Maternity Leave (SML) consisting of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).

You may not return to work during the two weeks immediately following the birth of your child. You are free to choose when you would like your maternity leave to start. However, the earliest you can choose to start your maternity leave is during the 11th week before the expected week of your child's birth.

In certain circumstances your maternity leave may start automatically earlier than the date you choose as the start date for your maternity leave. This applies where you are absent from work wholly or partly because of pregnancy at any time during the four weeks before the expected week of childbirth or if you give birth early.

Managers should note that entitlement to Statutory Maternity Pay (SMP) is not based on the same criteria as maternity leave (see below).

Statutory Maternity Pay

If you have at least 26 weeks service by the end of the 15th week before your child is expected to be born, you may be entitled to Statutory Maternity Pay (SMP), provided your average weekly earnings are at or above the Lower Earnings Limit for National Insurance. SMP is payable for 39 weeks. For the first six weeks, SMP will be paid at 90% of your average weekly earnings.

For the remaining 33 weeks, SMP will be paid at the standard rate which is prescribed by regulations and is adjusted from time to time. The BfN will inform you of the applicable rate. If your average weekly earnings fall below the standard rate, SMP will be paid at 90% of your average weekly earnings throughout. SMP will be paid subject to deductions for tax and National Insurance contributions in the normal way.

If you do not qualify for SMP, you may qualify for Maternity Allowance (MA). It is paid to women who have been employed or registered self employed in at least 26 weeks out of the 66 week period running into the week before their baby is due. Your local Jobcentre Plus can advise you about whether you qualify and how to apply.

Procedure

In order to be eligible for maternity leave and SMP, you are required to notify your line manager in writing or during the 15th week before the expected week of your child's birth. You must inform your line manager of the following:

- That you are pregnant
- The week in which your child is due
- The date you intend to start your maternity leave
- The date from which you will be claiming SMP

You should enclose a MAT B1 certificate with your written notification signed by your doctor or midwife to confirm the expected week of childbirth. The MAT B1 is the medical evidence certificate given to you by the midwife or doctor after you have been pregnant for 21 weeks. Within 28 days of receiving your notice, the BfN will notify you in writing of the date when your maternity leave will end.

You may change the date you start your maternity leave provided you give at least 28 days' notice in writing of either the new start date or the original start date (whichever is earliest).

Prior to your departure on maternity leave, your line manager will meet with you to discuss your rights and entitlements during maternity leave, the possibility of flexible working on your return to work and the level of contact you would like with the BfN during your maternity leave. You should feel free to raise at this meeting any queries or concerns you have. Your line manager may also offer you up to 10 days work ('keeping in touch' days) during your maternity leave. It is up to you if you wish to work these days. The rate of pay for the work will be agreed in advance with you. Your right to maternity leave and SMP will not be affected.

Enhanced Maternity Pay

Employees with one years completed service at the commencement of their maternity leave are eligible for one month of their maternity leave to be paid at full pay. This can be taken at any time during the maternity leave. If it is used during a period of paid maternity leave, the maternity pay will be increased to full pay. It can be used in conjunction with KIT days, holidays and/ or flexible working to ensure the employee is fully supported during their return to work.

In order to qualify for the enhanced package staff must return to work following maternity leave for at least a 6 month period in order to retain the additional occupational benefits. Staff are entitled to retain Statutory Maternity Pay even when they do not return to work or return for a period less than 6 months. However for the enhanced pay element if staff do not return to work or return for less than 6

months and have been paid the enhanced payment then this will be reclaimed. If in doubt as to your intentions, a request can be made to payroll to withhold the enhanced payment to be paid as a lump sum on your return to work.

Time off for antenatal care

Employees are entitled to take reasonable paid time off during their normal working hours for antenatal care. This may include parent-craft or relaxation classes if recommended by a medical practitioner. Whenever possible, you should try to arrange your appointments at the start or end of your working day.

You should inform your line manager that you will be absent as far in advance of your appointment as possible. For appointments other than your first appointment, you may be asked to provide an appointment card, or some other confirmation of your appointment. You may also be asked to produce a certificate from a doctor or midwife confirming your pregnancy.

All appointments attended must have been made on the advice of a doctor, midwife or health practitioner.

There will be no deductions from your salary for attendance at authorised antenatal appointments, including any time spent travelling to and waiting for the appointment.

Contractual benefits

During Ordinary and Additional Maternity Leave, you will continue to receive your contractual benefits and your normal terms and conditions will continue to apply, except for those terms relating to wages and salary. You will continue to accrue holidays on your contracted hours. If your maternity leave straddles two holiday years, you may carry holiday accrued in one year into the following year. Your maternity leave will count towards your period of continuous service.

You must still give notice in accordance with your contract if you want to leave. In addition, you will continue to be bound by your obligations of confidentiality.

Health and safety

If pregnant employees, or employees who have recently become mothers or who are breastfeeding are employed in positions which have been identified as posing a risk to their health and safety or that of their baby they will be notified immediately and arrangements will be made to eliminate the risks. You should notify your line manager in writing if you are pregnant, have recently given birth and/or are breastfeeding.

If you have concerns about your own health and safety at any time you should consult with your line manager immediately.

Returning to work

You do not have to notify the BfN separately of your return date. It will be assumed that you will come back to work on the date the BfN has notified you is the end of your maternity leave period. However, if you wish to return to work before the end of your full maternity leave entitlement, you should give your line manager at least 8 weeks' notice in writing of your intended return date.

If you return to work immediately after a period of Ordinary Maternity Leave you will return to work in the same job you left before you started your maternity leave. If you return to work from a period of Additional Maternity Leave, you will return to the same job you were employed to do. If this is not reasonably practicable, you will be offered a similar job on equally favourable terms and conditions.

If you decide not to return to work after maternity leave, you should confirm this in writing and give the notice required by your contract of employment.

KIT (Keeping In Touch) Days

Although previously an employee would lose a week's Statutory Maternity (or Adoption) Pay if they undertook any work (for any duration during a week), the introduction of KIT allowed an employee to come to work as a way of 'keeping in touch' with workplace developments and without losing any SMP/SAP entitlement.

The employee can agree with their line manager to undertake up to 10 days work under, their contract of employment, during their maternity or adoption leave without it affecting SMP or SAP (although they cannot undertake work during compulsory maternity leave period, which is 2 weeks after the birth of the baby).

A KIT day's work can be any activity and for any duration (which always counts as one day – you can't have a half KIT day). If the employee is due SMP/SAP for a week where they undertake KIT, then SMP continues to be paid. However, if the employee does more than 10 days' work into her SMP period, then they lose the right to SMP/SAP for that week. KIT days can be used to support a phased return to work whilst still receiving SMP (i.e. working two days per week for five weeks).

Breastfeeding and Returning to Work

Policy for Supporting Breastfeeding Employees

In recognition of the well documented health advantages of breastfeeding for infants and mothers and the ethos of the organisation, BfN provides a supportive environment to enable breastfeeding employees to express their milk during work hours.

BfN subscribes to the following worksite support policy. This policy shall be communicated to all current employees and included in inductions for new employees.

Company Responsibilities Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

- **Milk Expression Breaks** Breastfeeding employees are allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors.
- **A Place to Express Milk:** A private room (not a toilet) shall be available for employees to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee's supervisor. Expressed milk can be stored [in general company refrigerators/in designated refrigerators provided in the lactation room or other location/in employee's personal cooler]. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

Employee Responsibilities

Communication with Supervisors Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the company.

Maintenance of Milk Expression Areas Breastfeeding employees are responsible for keeping milk expression areas clean, using anti-microbial wipes to clean the pump and area around it. Employees are also responsible for keeping the general lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

Milk Storage Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her milk using [company provided refrigerator/personal storage coolers].

Use of Break Times to Express Milk When more than one breastfeeding employee needs to use the designated lactation room, employees can use the sign-in log provided in the room to negotiate milk expression times that are most convenient or best meets their needs.

Additional guidance can be found in the NHS leaflet, [*Breastfeeding and work: Information for employees and employers.*](#)