



## **MATERNITY POLICY**

Policy Number 16  
Revised May 2020

*This Document is for the use of Scotmid Employees and their advisors only.*

*No unauthorised use or reproduction of this document is permitted.*

*Once downloaded this document becomes uncontrolled – please check you have the most up-to-date authorised version.*

The Society is committed to helping working parents balance work and family life, whilst managing the operational needs of the business. The maternity policy incorporates statutory requirements on maternity rights and in some areas offers more generous provisions with a view to supporting employees who take maternity leave.

Legislation has provided certain rights for employees who are expecting a baby.

These important rights (subject to certain restrictions) are as follows:

- The right to time off for ante-natal care
- The right to maternity leave
- The right to return to work after maternity leave
- The right to maternity pay

## **Maternity Procedures**

### **Ante-Natal Care**

We encourage all employees to regularly attend their ante-natal care throughout their pregnancy. Paid time off is allowed for ante-natal care regardless of length of service with the Society. Prior to ante-natal appointments as much notice as possible must be given, so that the absence can be covered. Your Manager can ask to see your appointment card for any appointments after your initial appointment.

### **Risk Assessment**

To ensure your safety at work a risk assessment will be carried out with you at your place of work. Please raise this with your Manager in the first instance if this has not taken place.

### **Length of Maternity Leave**

Pregnant employees are entitled to take up to 1 year's (52 weeks) maternity leave. This consists of 26 weeks Ordinary Maternity Leave (OML) followed directly by 26 weeks Additional Maternity Leave (AML).

Maternity Leave can start at a date nominated by the employee either on or before the Expected Week of Childbirth (EWC) but cannot be earlier than **11 weeks** before the (EWC).

Maternity Leave will automatically be triggered if the employee is off sick with a pregnancy related illness during the **4 weeks** prior to start of expected week of confinement.

AML leave follows OML and there must be no gap between the two.

## **The First Steps**

An expectant employee must notify their Manager and the People and Performance Department of their pregnancy.

The employee's Manager will carry out a risk assessment to assess whether any changes are required to the expectant mothers working conditions.

Once the employee has notified People and Performance, a Maternity Pack will be sent out, which contains a copy of these notes and also form **ML1**.

The employee is required to provide the Society with written notification of her intentions by completing and returning the **ML1** Form as soon as possible. This is followed with the employee's **Maternity Certificate (MATB1)**, which the employee's Doctor or Midwife will issue 20 weeks before the EWC.

The information we require on **Form ML1** is:

- That the employee will be absent because of her pregnancy. This notification should be made at the latest **15 weeks** before the baby is due. We would appreciate the information earlier if possible, as this helps us ensure we can provide adequate cover during the absence.
- Informing us of the maternity Leave intended start date. Remember that this cannot be earlier than the **11<sup>th</sup> week** before the EWC. Employees can change their mind about the date they wish to start the leave, but must give us at least 28 days notice of the change date.
- Inform us of the date the baby is expected (EWC) given to you by your Doctor or Midwife and submit written evidence in the form of **Maternity Certificate MATB1**.
- Should the baby be born before the EWC, the Society should be informed as soon as is practical and a copy of the baby's birth certificate and the employee's **Maternity Certificate MATB1** must be submitted.
- Within 28 days of the **ML1** Form being received, we will write to the employee informing them of the actual dates of their full maternity leave entitlement.

## **Ordinary and Additional Maternity Leave**

The contract of employment continues throughout the 52 weeks of maternity leave, unless either the employer or employee expressly ends it or it expires.

An employee wishing to return to work before the end of their maternity leave entitlement **must** provide us with a **minimum of 8 weeks'** notice in writing of the date upon which she intends to return. Any subsequent changes also require 8 weeks' notice.

## **Statutory Maternity Pay (SMP)**

Employees may be entitled to Statutory Maternity Pay from the Society. This is subject to the following conditions:

- Have been employed by the Society for at least 26 weeks, continuing into the 15<sup>th</sup> week before your EWC.
- Have average weekly earnings of no less than the lower earnings limit for at least 8 weeks up to the qualifying week, which is 15 weeks prior to your Expected Week of Childbirth.
- Must still be pregnant at the 11<sup>th</sup> week before your expected week of confinement or have been confined at that time.
- Must have started your period of OML.

Statutory Maternity Pay is payable for a maximum of 39 weeks. This is known as the **Maternity Pay Period**. Statutory Maternity Pay cannot start earlier than the 11<sup>th</sup> week before your EWC.

The Maternity Pay Period is flexible and depends upon when you give notice to the Society and when you stop work. The payment of the 39 weeks Statutory Maternity Pay is divided into an initial period of 6 weeks followed by a second period of 33 weeks.

- The Society will pay 100% of your average weekly earnings (before tax) for the first 6 weeks.
- Thereafter you will either receive 90% of your average weekly earnings or the current statutory maternity pay rate set by the government, whichever is lower, for the next 33 weeks.

If an employee on maternity leave decides she does not want to return to work at the end of her maternity leave, she is still required to give notice of resignation as outlined in her contract. An employee does not have to repay any maternity pay received if she decides not to return to work.

## **Maternity Allowance (MA)**

If an employee is not entitled to receive Statutory Maternity Pay from the Society because she does not meet the conditions outlined above, she may be entitled to receive Maternity Allowance from her local Social Security Office/Job Centre Plus.

If this is the case, the Wages Department will return the Maternity Certificate (MATB1) to the employee along with an SMP1 Form which gives full details on how to claim Maternity Allowance.

This is a broad outline of the scheme. If you require more details please call the People and Performance Department on 0131 335 4445. If you have a query on Statutory Maternity Pay or Maternity Allowance, please contact the Wages Department on 0131 335 4435.

## **Contact during Maternity Leave**

During the maternity leave period a Manager may make reasonable contact with an employee and an employee may make reasonable contact with their Manager to discuss a range of issues e.g. communicating important information to the other, plans for returning and developments in the workplace. The contact between the employee and the Manager can be made in a way that best suits them both. It may be helpful for the Manager and employee to discuss arrangements for staying in touch before maternity leave begins, to ensure both are happy with the level and type of contact.

## **Work during the Maternity Leave Period 'Keeping in Touch Days'**

Employees on maternity leave may, by agreement with their Manager, do up to ten days' work known as 'Keeping in Touch Days'. The type of work undertaken would be agreed between the Manager and employee, and would normally be work covered in the employee's job description. The 'Keeping in Touch days' may also be used for training days or team meetings.

Keeping in touch days can be organised at any time during maternity leave with the exception of the first 2 weeks following the birth of the child.

There is no requirement for an employee to carry out 'keeping in touch days', and no requirement for the Manager to give work where it is not available. However if an employee expresses an interest in keeping in touch days, the Manager is encouraged to look at how this request can be accommodated.

The employee will receive any maternity pay they are entitled to plus payment for the hours worked on their keeping in touch day, at their normal rate of pay.

Undertaking work whilst on maternity leave will not extend the maternity leave period.

## **Benefits maintained during maternity leave**

### **Holidays**

Employees continue to accrue Society holidays over the full 52 weeks maternity leave. We encourage employees to take Society holidays prior to and/or following their maternity leave, subject to discussion and agreement with the employees Manager.

### **Bonus**

Employees who are on maternity leave or have been on maternity leave during the financial year prior to a bonus being awarded will be considered for bonus subject to meeting the standard criteria. If the member of staff meets the bonus criteria they will receive a payment on a prorated basis to reflect the proportion of time the employee was working, after the 5<sup>th</sup> October 2008 the two weeks compulsory maternity leave (and four weeks if maternity leave had to start early due to sickness) will be included with working time.

### **Company Cars**

If an employee has a company car they can continue to use this during their ordinary and additional Maternity leave. In the case of pool car's which are purely for business use these are retained by the Society.

### **Mobile Phone**

Employees who have a company mobile phone can continue to use this during ordinary and additional maternity leave. Employees should pay for personal calls in the same way as during working time.

### **Medical Cover/health insurance/ Life Insurance**

Medical cover, health insurance and life insurance that employees may hold with the Society will be maintained throughout the paid portion of Maternity leave – up to 39 weeks.

### **Pensions**

If an employee is a member of the pension scheme their contributions will be based on the maternity pay they receive over the 39 weeks paid maternity leave, not their normal pensionable pay. The Society will top up the employees contributions during the paid part of their maternity leave to their normal pension contribution. Employees cannot contribute towards their pension during the unpaid part of their maternity leave. Employees should contact the Pensions Manager to discuss their details further – on 0131 335 4434.

### **Continuous Service**

An employee will maintain continuous service throughout their ordinary and additional maternity leave. This means it counts towards continuous service for redundancy calculations and other length of service benefits / calculations.

### **Shared Parental Leave**

You may be entitled to Shared Parental Leave if you and your partner meet the qualifying criteria as set out in our policy. Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year after birth or adoption. For more information on this type of leave please see the Shared Parental Leave policy.

### **Returning to Work Following Maternity Leave**

An employee should make contact with their Manager before their return to work, to discuss arrangements for their return. The Manager and employee should discuss any changes in the place of work and handover arrangements. It is important to have this discussion as early as practicably possible. If an employee wishes to change their working pattern or reduce hours on their return a flexible working request can be submitted to their Manager. The Society will give serious consideration to all requests. Details are available in the Flexible Working Policy which can be obtained from the People and Performance Department 0131 335 4445.

An employee who returns to work after Ordinary Maternity Leave is entitled to return to the same job on the same terms and conditions as if she had not been absent, unless a redundancy situation has arisen.

An employee who returns to work after Additional Maternity Leave is also entitled to return to the same job on the same terms and conditions as if she had not been absent, unless a redundancy situation has arisen. However, if there is a reason other than redundancy which means that it is not reasonably practicable for the employee to return to the same job, she is entitled to be offered suitable alternative work, with terms and conditions which are not less favourable than her original job.

### **Loss of Baby**

In the unfortunate event that an employee loses the baby the following guidelines apply;

### **Miscarriages and Stillbirths**

In the unfortunate situation where an employee suffers a miscarriage, or the child is stillborn, the following will apply.

If the event occurs within the first 24 weeks of pregnancy the employee has no special rights to leave or pay under the maternity legislation. Any absence on medical grounds as a result, would be treated in the same way as pregnancy-related sickness.

In the event of a stillbirth after 24 weeks, the employee's maternity leave will start the day after the birth (if it had not already started). The employee can return to work at any time before the end of their Maternity Leave on giving eight weeks' notice, or less if agreed with her line manager. The employee is prohibited from returning to work for at least two weeks after the birth in line with compulsory maternity leave.

The employee may also be entitled to Parental Bereavement Leave, please refer to the 'Special Type of Leave' Policy for further information.

### **Death of baby during or after the day of birth**

If the baby is born alive at any point in the pregnancy but then later dies, the employee is still entitled to maternity leave and pay. The employee would need to provide a birth/death certificate from the hospital. The employee will also be entitled to Parental Bereavement Leave, please refer to the 'Special Type of Leave' Policy for more information.