

VOLUNTARY ACTION - LEEDS

MATERNITY RIGHTS

1. Maternity Leave (all staff)

1.1 Any woman, whatever her length of employment with Voluntary Action - Leeds or the number of hours she works, will be entitled to take up to one year's (52 weeks) Maternity Leave. Maternity Leave is a single continuous period and is made up of:

- 26 weeks Ordinary Maternity Leave (during which the contract of employment continues and the employee receives all contractual benefits except for salary)
- 26 weeks Additional Maternity Leave (during which the contract of employment continues and the employee receives some contractual benefits except for salary)

1.2 The employee must take a minimum of 2 weeks leave immediately following the birth but they can decide how much of the remaining 50 weeks they wish to take if any.

1.3 The employee may start her maternity leave at any time usually from 11 weeks before the expected week of childbirth (EWC) right up to the birth itself, but by the end of the 15th week before the EWC, she must provide written notice of the following:

- the fact that she is pregnant
- her expected week of childbirth
- the date she intends to start her leave; she may change this later if necessary by providing 28 days notice

Within 28 days of receiving the notice described above, VA-L will provide written confirmation of the woman's expected return date if she takes her full leave entitlement.

1.4 If the woman is absent from work due to illness relating wholly or partly to her pregnancy in the four weeks prior to the EWC, her maternity leave starts automatically on the day after the first day of absence following the beginning of the fourth week before the EWC. In these circumstances, she must notify VA-L about what has happened as soon as is reasonably practical.

- 1.5 If childbirth occurs before the date the employee has notified (or before she has notified a date) the maternity leave period starts automatically on the day after the date of the birth (this happens even if the birth takes place before the start of the 11th week before the birth was originally expected); in this case, she should provide the date the birth was originally expected and the actual birth date if it has already taken place.
- 1.6 Any woman is entitled to paid leave for ante-natal appointments and childcare clinics.
- 1.7 A woman returning to work at the end of her full maternity leave (normally the date confirmed to her before she went on leave) does not need to give notice of her intended return; however, if she wishes to return early she should give 8 weeks notice of her intended return date. This notice applies to both ordinary and additional maternity leave. The 8 weeks notice period also applies if a woman wishes to return to work *later* than previously notified.
- 1.8 Women whose babies are stillborn or who miscarry after the 24th week of pregnancy still qualify for ordinary maternity leave.
- 1.9 If a woman resigns or is dismissed before the date she has notified, or before she has notified a date, she loses her right to maternity leave but will still be entitled to SMP if she is employed after the 15th week before the expected week of childbirth.

2. **Maternity Pay: SMP** (*staff with between 26 weeks and 2 years continuous employment*)

- 2.1 A woman with 26 weeks continuous employment at Voluntary Action - Leeds (irrespective of the hours worked) ending with the “qualifying week” (i.e. the 15th week before the EWC) who has stopped work wholly or partly because of pregnancy or confinement will qualify for SMP providing the following conditions are met:

- her normal weekly earnings for the period of 8 weeks ending with the qualifying week are not less than the lower earnings

limit in force at the end of the qualifying week (this figure can be confirmed by the Payroll section at VA-L)

- she is pregnant and has reached (or has been confined before reaching) the start of the 11th week before the EWC
- she has stopped work (also see clause 1.9 above)
- she has notified VA-L that she will be absent from work because of pregnancy or childbirth as required in section 1 of this Policy
- she provides evidence of her EWC no later than the end of the 3rd week of the maternity pay period (unless there is good reason for extending this, in which case the deadline can be extended to the 13th week of the period).

2.2 The only exclusions to this right are: a woman whose employment contract has terminated before the beginning of the qualifying week, an employee who is in legal custody during the first week of her maternity pay period, or an employee who is taken into legal custody during the maternity pay period.

2.3 SMP is payable for a period of up to 39 weeks. The first week for which it is payable is the 11th week before the EWC unless the baby is born early or the woman is absent from work as defined in clause 1.4 above. The start of payments may be postponed if a woman continues to work past the 11th week. It is possible for a woman to finish work after the beginning of the 15th week before the EWC and be entitled to SMP, but payment does not begin until the 11th week. SMP is payable only for the weeks when no work is done for VA-L.

2.4 There are two rates of SMP: the higher rate is payable for the first 6 weeks of the maternity pay period, the lower rate for the remaining 33 weeks. The higher rate is a weekly rate of nine tenths of normal weekly earnings during the eight weeks up to and including the last pay day before the end of the qualifying week. The current lower rate may be confirmed by the Payroll section.

3. **Maternity Pay (Contractual)** (*staff with over 2 years continuous employment*)

3.1 A woman with at least two years continuous employment with VA-L continuing into the 15th week before the start of the EWC,

regardless of hours, will be entitled to 26 weeks maternity pay calculated as her normal basic weekly wage less the lower SMP rate each week or the amount due for that week at nine tenths of her normal basic weekly wage, whichever is greater. She will then receive 13 weeks SMP, and the remaining 13 weeks are unpaid.

- 3.2 A woman who qualifies for contractual maternity pay over and above SMP will be expected to return to work for at least 13 weeks after her maternity leave; if she does not work for at least 13 weeks within a period of 26 weeks commencing on completion of her maternity leave, VA-L reserves the right to reclaim maternity pay provided over and above her SMP entitlement.

4. **Entitlements during and after Maternity Leave**

- 4.1 During the 26 weeks of Ordinary Maternity Leave the employee continues to be employed in every way (continuity of employment, accrual of annual leave, seniority, pension rights, pay increments) except for normal salary.
- 4.2 During the 26 weeks of Additional Maternity Leave the employment relationship continues in most ways (continuity of employment, accrual of annual leave, seniority, pay increments) but the employee's pension rights alter: when the period of paid maternity leave ends (whether SMP or contractual) after 39 weeks, VA-L discontinues its employer's contributions for the final 13 weeks (unpaid) leave.
- 4.3 After the 26 weeks of Ordinary Maternity Leave the employee is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent unless a redundancy situation has arisen, in which case she is entitled to be offered a suitable alternative vacancy (where one is available).
- 4.4 After the 26 weeks of Additional Maternity Leave the employee is entitled to return to the same job on the same terms and conditions unless there is a good reason why it is not reasonably practical for her to return to her old job, in which case she should be offered a similar job on conditions no less favourable than those she previously enjoyed. If such a change is to be implemented, VA-L will consult with the employee at the end of her maternity leave if it

is possible to do so. If a redundancy situation has arisen, she is entitled to be offered a suitable alternative vacancy (where one is available).

- 4.5 If a woman is unable to return to work at the end of the additional leave period because of illness, the normal rules on sickness will apply.
- 4.6 Staff on maternity leave should note that VA-L may need to have some contact with them but this will be kept within reason; they are also encouraged to maintain reasonable contact with VA-L. Such contact may take the form of telephone/email/letters/ visits as appropriate. Ideally, VA-L and the employee will establish an informal arrangement about contact before the leave begins.
- 4.7 Staff on maternity leave are entitled (by agreement with VA-L) to do up to 10 days work for VA-L should they wish to. These are known as “Keeping in Touch” (KIT) days and are separate from the kind of contact described at clause 4.6 above. Any work done on any day during the maternity leave or maternity pay period will count as a whole KIT day, up to the 10 days maximum; for example, if an employee comes in to do 1 hours training and does no other work that day she will have used one of her KIT days. The type of activity carried out on a KIT day is to be agreed in advance between the employee and her line manager but would generally be something related to her normal activities, a training event of some kind, or a team meeting. KIT days can only take place by mutual agreement, and they may happen at any time during the leave period with the exception of the two weeks following the birth. The rate of pay for KIT days (over and above any SMP being received) must be agreed in advance between the employee and the line manager on a case-by-case basis.

5. **Fixed Term & Temporary Contracts**

- 5.1 A woman employed on a fixed term or temporary contract is entitled to ordinary and additional maternity leave provided that she meets the conditions outlined above. However, if the period of maternity leave to which she is entitled would extend beyond the expiry date of the contract, the leave will end on that date.

- 5.2 A woman employed on a fixed term or temporary contract is entitled to SMP if she qualifies as outlined above; this will be paid even if the contract ends before the end of the SMP period.
- 5.3 A woman employed on a fixed term or temporary contract who meets the conditions for contractual maternity pay as outlined above will be paid at the enhanced rates provided that her contract extends for at least 13 weeks after the maternity leave period; if, however, she is unable to return to work for a period of at least 13 weeks after maternity leave because her fixed term or temporary contract has come to an end, VA-L reserves the right not to pay any maternity pay above SMP rates.

6. **General**

- 4.8 All statutory provisions relating to maternity shall apply, and nothing in this document should be construed as removing any statutory right.
- 4.9 It is recognised that individual situations can vary, and staff are encouraged to discuss their personal situations with their line manager.

This Policy was formally adopted by the Trustee Board of Voluntary Action – Leeds on 20th June 2000; this update April 2007.