

Strata Service Solutions Ltd

Maternity and Paternity leave policy

1 Aims of the policy

1.1 This policy aims to set out the rights of expectant mothers and to help answer some of the questions that may arise in relation to continuing work during pregnancy, during maternity leave and after the birth of the baby. The policy also sets out the rights of partners who will have responsibility for the upbringing of the child.

1.2 This policy is supported by other policies and procedures such as the Absence Management Policy, Adoption Leave Policy, Flexible Working Policy, Unpaid Parental Leave Policy and the Shared Parental Leave policy.

2 Key principles for Maternity Leave

2.1 You are entitled to reasonable time off with pay for ante-natal care. It is requested that wherever possible such appointments are made outside core working time.

2.2 All women are entitled to 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave irrespective of length of service or the number of hours worked each week.

2.3 You cannot work at any time during the 2 week period immediately after the date of birth of your child. **This is a compulsory maternity leave period when working is prohibited.**

2.4 Irrespective of length of service or hours worked, contractual benefits remain except for remuneration (basic salary or wages, SSP-weeks 1-39) and occupational pension benefits (weeks 40-52)

3 What is the company's policy

Time off with pay for ante-natal care

3.1 You are entitled to reasonable time off with pay for ante-natal care. It is requested that wherever possible such appointments are made outside normal working time.

3.2 However, as ante-natal care falls outside of the requirement to arrange medical appointments outside of normal working hours, you will not be asked to make up any lost time because of attendance at ante-natal classes.

3.3 Please advise your Line Manager as soon as possible regarding ante-natal care. You may be requested to produce evidence of your appointments to your Line Manager.

Health and safety

3.4 Once you have advised your Line Manager in writing that you are expecting a baby, your Line Manager in consultation with the Health and Safety Adviser will complete a risk assessment for you. The Pregnant or Nursing mothers risk assessment will either remove or minimise any identified risk. This may involve modifying your work or removing any hazardous activity.

3.5 A further risk assessment may be required if you decide to work after the start of the 4th week before your baby is due. You cannot work at any time during the 2 week period immediately after the date of birth of your child. **This is a compulsory maternity leave period when working is prohibited.**

3.6 A further risk assessment may also be carried out if you return to work soon after giving birth or if you are still breast feeding. Reasonable adjustments will be put in place if the same or different risks are identified.

The right to be offered suitable alternative work

3.7 Where a Line Manager is unable to alter the working conditions or hours of work in order to remove risks identified through the risk assessment of your job, suitable alternative work may be offered on terms and conditions not substantially less favourable than your current terms and conditions. Suitable means work which you are reasonably able to do in the circumstances.

Suspension with pay

3.8 Where suitable alternative work cannot be found during the term of the pregnancy or if the same risks were prevalent in the alternative then the Company will, as a last resort, suspend you on full pay until the commencement of your maternity leave. If you unreasonably refuse suitable alternative work you may still be suspended but you will lose the right to be paid during the suspension period.

Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML)

3.9 All women are entitled to 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave irrespective of length of service or the number of hours worked each week.

Transferring Maternity Leave (shared parental leave)

3.10.1 Shared parental leave is available in relation to babies born on or after 5 April 2015. Shared parental leave enables you as the mother to commit to ending your maternity leave and pay at a future date and to share the untaken balance of leave and pay as shared parental leave with your partner.

3.10.2 Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case the Company is required to accept the request as long as the individual meets the eligibility

and notice requirements), or as a number of discontinuous blocks of leave (in which case this will need to be agreed with the Company).

3.10.3 So that you can take parental leave, an employee must meet various eligibility requirements and comply with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave.

3.10.4 Please refer to our policy on shared parental leave, where you will find full details of the eligibility requirements as well as instructions as to how the maternity leave can be curtailed. The Company's policy on shared parental leave sets out the notice periods with which you must comply and what evidence you must provide. The policy also sets out more details on pay for shared parental leave.

Contractual benefits during paid maternity leave (Weeks 1-39)

3.11 Irrespective of length of service or hours worked, contractual benefits remain except for remuneration (basic salary or wages, SSP).

3.12 Benefits which would qualify and which must continue are:

- Accrual of holiday entitlement.
- Occupational pension benefits
- Use of mobile phone

Contractual benefits during unpaid maternity leave (weeks 40 – 52)

3.13 Whilst you are absent from work on additional unpaid maternity leave, irrespective of length of service or hours worked, contractual benefits automatically remain except for remuneration (basic salary or wages, SSP) and occupational pension benefits.

3.14 Therefore, benefits which would qualify and which must continue are:

- Accrual of holiday entitlement.
- Use of mobile phone

Occupational Pension benefits during additional unpaid maternity leave (weeks 40 –52)

3.15 If you elect to make contributions towards your pension for the period of additional unpaid maternity leave then Strata Service Solutions will also pay contributions for this period of time based on your full pay.

Pension payments

3.16 Whilst receiving maternity pay, you will continue to make pension contributions on the revised pay. This reduced payment will not affect your pension benefits as these will

be based on the normal pay you would have received. This is known as 'assumed pensionable pay'.

3.17 When you commence the additional unpaid maternity leave period, your pension benefits will be reduced unless you opt to make up the lost pension. Payroll Services will advise the cost of this and agree a repayment period. You will have 1 month from the date of return to work to make a decision.

Pay awards whilst on maternity leave

3.18 As soon as you return to work from maternity leave, you will be assimilated to the spinal column point you would have been on had you not been on maternity leave.

3.19 You will benefit from a pay rise that takes effect any time from the start of the reference period for calculation of eligibility to maternity pay and the end of the Statutory Maternity Period.

Statutory maternity pay entitlement (SMP)

3.20 In order to qualify for 39 weeks SMP you must:

- have at least 26 weeks' continuous service by the end of the 15th week that your baby is due
- have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance Contributions (NIC)
- still be pregnant at the 11th week before your baby is due
- have notified Strata Service Solutions in writing of your maternity absence detailing commencement dates (Human Resources can provide advice if required)
- have provided medical evidence in the form of a MATB1 usually issued by a Midwife at around 20 weeks
- take maternity leave.

3.21 SMP is payable whether or not you intend to return to work.

3.22 SMP is payable for a maximum of 39 weeks and is only payable if you are absent from work on maternity leave. The SMP pay period can start any day that has been specified following the day on which you last worked before starting your maternity leave.

3.23 The exact amount of the SMP that you are entitled to receive will vary depending on your earnings and the amount of maternity leave you take. As a general rule you can expect to receive the following:

- higher rate SMP for the first 6 weeks (equal to 90 per cent of your average earnings in the qualifying period. The qualifying period is the 8 week period immediately preceding the 14th week before the EWC)
- lower rate SMP for up to 33 weeks thereafter.

3.24 Payment is based upon the number of whole weeks within the pay period.

For example:

If maternity leave commenced on a Tuesday, maternity pay would be paid Tuesday through to Monday.

3.25 SMP will be paid into your bank account on the same date that your adjusted salary would have been payable and will be subject to deductions for tax and national insurance in the usual way.

Payment of SMP upon termination of employment

3.26 If your employment with Strata Service Solutions were to come to an end after the start of the 15th week before your EWC, due to either voluntary resignation or dismissal, Strata Service Solutions has an obligation to continue to pay you your SMP providing you qualify for payment of SMP. This applies to both permanent and fixed term employees.

3.27 SMP payments are made for a maximum of 39 weeks and will be paid to you in your final salary. If you take up any form of employment in the intervening 39 week period that SMP payment applies you will have received monies that are not due and there will be a requirement to repay the Company. You will be advised of this in writing if a final SMP payment is made to you.

Maternity allowance

3.28 If you do not qualify for SMP because you do not meet the lower earnings limit or because you do not have sufficient service to qualify you may be entitled to claim state Maternity Allowance, this is also payable for a period of 39 weeks. Payroll Services will be able to advise you of how to claim and issue you with a SMP1 which you will need to take to your local social security office.

4 Keeping in touch and working during maternity leave

4.1 Keeping in touch days (KIT) have been introduced in order to assist you in returning to work. If you are on maternity leave you are entitled to work, including participating in training or any activity which is undertaken for the purposes of keeping in touch, for up to a maximum of 10 days without affecting entitlement to Maternity Pay.

4.2 These days may also be used towards the end of the maternity period in order to phase your return to work. KIT days can only apply to work which falls under your contract of employment. If you work for another employer in this time your Maternity Leave will come to an end. If you work for more than 10 days in the Maternity Pay period you will lose SMP for the week in which you carry out any further work, even if this is for one day.

4.3 You will not be permitted to attend work for a KIT day in the two weeks immediately after the birth of the baby for health & safety reasons. There is no

requirement to use the entitlement to KIT days in the maternity period; it is entirely voluntary, and you will be protected from detriment if you choose not to work whilst on leave. You should not exercise your right to use a KIT day without prior agreement of your Line Manager; this is so that you can both agree on what you will be doing in that time.

Pay when using a keeping in touch day

4.4 You will be paid normal pay which will be offset against any Maternity Pay that you are in receipt of at the time of working a KIT day. If you have exhausted all Maternity Pay you will still receive a normal day's pay.

Reasonable contact during maternity leave

4.5 Reasonable contact may be maintained by yourself and your Line Manager during Maternity Leave for discussions such as returning to work, this would not be considered as work and would therefore not count towards any of the 10 days.

Returning from maternity leave

4.6 If you return to work at the end of your full maternity leave period, you do not need to notify us in advance of the date of your return.

4.7 If you wish to return to work **before** the end of your maternity leave period you must give your Line Manager at least 8 weeks advance notice. If you fail to do so, your return to work may be postponed to a date that will ensure that the notice period is served.

4.8 The job that you will be entitled to return to will be as follows:

- returning after ordinary maternity leave – you will be entitled to return to the same job on same terms and conditions as if you had not been absent.
- returning after additional maternity leave – you will be entitled to return to the same job on same terms and conditions unless this is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work.

5 Altering an early return date

5.1 If you change your mind about the date you intend to return to work and want to return earlier than specified you will still need to provide at least 8 weeks notice before the new date.

5.2 If you wish to postpone your early return you will need to give at least 8 weeks notice of this before the original early return date.

6 Sickness before statutory maternity leave

6.1 If you fall sick during your pregnancy, any Occupational Sick Pay (OSP) due will be paid up until the fourth week of EWC unless you have already commenced maternity leave.

6.2 If you are still working within 4 weeks of the EWC and you are off sick for a reason which is not related to your pregnancy, you will still be paid occupational sick pay. An example of this would be sickness due to flu.

6.3 If the sickness is pregnancy related, the Company has discretion to trigger the commencement of your maternity pay period automatically. Human Resources will write to notify you if this is the case.

Sickness during maternity leave

6.4 Maternity leave is distinct from sick leave and will not be treated as such for the purposes of calculating entitlement to sickness leave. If you are sick whilst on Maternity leave you will not need to comply with the Absence Policy and the reporting procedure.

Sickness after maternity leave

6.5 Normal sick arrangements will apply if an employee is sick at the end of the maternity leave period.

7 Flexible working

7.1 If you wish to vary your working pattern on return from maternity leave, you have the statutory right to request a flexible working pattern, as explained in the Flexible Working Policy (available on the Intranet).

7.2 You may wish to mention to your Line Manager before you go on maternity leave that you are interested in applying to work flexibly on your return. Bear in mind that you may need to attend meetings at the office so that your request can be properly considered. Attending such discussion meetings will not be considered as a KIT day. If you want the changes to take effect on your return from maternity leave, you should make your application in good time.

8 Annual leave

8.1 Full annual leave entitlement is accrued throughout ordinary and additional maternity leave.

8.2 Annual leave cannot be paid at the same time as SMP and cannot be taken during the additional unpaid maternity period otherwise this will interrupt the maternity period and it will end. Annual leave may be tagged to the start or end of maternity leave.

8.3 If maternity leave straddles two holiday years you may take all leave that will accrue during your maternity leave that you would otherwise lose. In exceptional circumstances, the Chief Operating Officer, may grant payment in lieu for a proportion of your annual leave where your agreement is gained.

Public holidays & Extra Statutory Days

8.4 Any Statutory Bank Holiday days and Extra Statutory Days which occurred in the period you were on ordinary maternity leave and additional maternity leave will be provided to you as a substitute paid days leave at a later date in accordance with the Company's leave policy. Leave will be calculated pro rata for part timers.

9 Allowances

9.1 The following allowances will continue to be paid throughout ordinary and additional maternity leave;

- Essential user allowance
- Telephone user allowance
- First aid allowance
- Homeworking allowance

10 Still birth

10.1 Maternity leave may still be taken by an employee who has a still birth after a pregnancy that has lasted 25 weeks or more.

10.2 Counselling is also available and information is available from Human Resources or your Line Manager.

11 A week's pay

11.1 A week's pay where hours do not vary will be the amount normally paid to you for working your contractual hours.

11.2 Where the hours of work vary, a week's pay will be the average remuneration in 8 week period preceding the 15th week before the baby is due.

12 Maternity obligations at a glance

From Week 20 (Prior to expected week of confinement)	<ul style="list-style-type: none"> This is the earliest date that your midwife will issue you with a MatB1 (20 weeks) This is the latest date that you can inform your Line Manager and HR if you wish to commence your maternity leave 11 weeks before the EWC.
Week 15 (Prior to Expected week of Confinement)	<ul style="list-style-type: none"> To receive SMP you should have completed 26 weeks service with the Company.
Week 11 (Before EWC)	<ul style="list-style-type: none"> This is the earliest date that you can start maternity leave. NB Please remember you need to give at least 28 days notice of the date that you wish to commence maternity leave
Expected Actual Week of Confinement	
Weeks 1& 2	Compulsory Maternity Leave (No KIT DAYS Permitted)
Week 3	Earliest you can return to work
Week 26	<ul style="list-style-type: none"> Last week of Ordinary Maternity Leave
Week 39	<ul style="list-style-type: none"> Last week of receiving paid Statutory Maternity Leave
Week 52	<ul style="list-style-type: none"> You must return to work on the first working day after additional maternity leave is exhausted, you will be notified of this date in writing.
0 - 30 working days after your date of return to work	<ul style="list-style-type: none"> Ensure you have advised Payroll if you wish to make contributions to your pension for the duration of additional unpaid maternity leave.

13 Paternity Leave

13.1 You are eligible for paternity leave if you are:

- the biological father of the child or the mother's husband or partner/ civil partner; and
- you have or expect to have responsibility for the upbringing of the child; and
- you are taking time off to support the mother or care for the child.

Amount of leave, payment and timing of leave

14.1 You are entitled to take two weeks' ordinary paternity leave provided that you have at least 26 weeks' continuous service by the end of the 15th week before the week

in which the child is expected to be born.

14.2 The two weeks' ordinary paternity leave must be taken in a single block after the birth of the baby and within 56 days (8 weeks) of the birth.

14.3 Pay during ordinary paternity leave will be at a Statutory Paternity Pay (SPP) rate set by the Government for the relevant tax year, or at 90% of your average weekly earnings, if this figure is lower than the Government's set weekly rate.

14.4 If you work part time, paternity entitlements will be pro-rated.

14.5 You will only be able to take a maximum of two weeks leave irrespective of the number of children born as a result of the same pregnancy.

14.6 Should you wish to attend ante natal appointments this time should be taken as flexi, TOIL, annual leave or unpaid and must be agreed in advance with your line manager.

Procedure

14.7 You should notify your Line Manager and Human Resources of your intention to take paternity leave at least 28 days before you wish the leave to begin. This notification should also indicate how much Paternity leave you intend to take. You should provide a copy of the Mothers MATB1 which is usually issued from around 20 weeks into the pregnancy to Human Resources. To receive SPP please also complete and send to Payroll services the Inland Revenue form SC3 available from Payroll Services or from the HMRC website www.hmcr.gov.uk You can change the dates of your Paternity Leave but you should ensure that at least 28 days' notice of the expected date is provided.

15 Pension Contributions

16.1 Pension contributions will continue to be deducted from any Statutory Paternity Pay.

16 Annual leave

17.1 Full annual leave entitlement is accrued throughout paternity leave.

17.2 Annual leave cannot be paid at the same time as SPP and cannot be taken during the paternity leave period otherwise this will interrupt the paternity period and it will end. Annual leave may be tagged to the start or end of paternity leave.

17 Policy Status

18.1 Strata reserves the right to amend and update this policy as required. For the avoidance of doubt, this policy does not form part of employees' contracts of employment.

APPENDIX