



WILLIAMSBURGH
HOUSING ASSOCIATION LTD

Maternity/Pregnant Person Policy

Revision History

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Introduction

At WHA we know that having a new child is an important and exciting time and we want to support you during this time. This policy sets out the entitlements to leave and pay for pregnant parents at WHA. Please note that if you are having a new child by adoption your entitlements are set out in the Adoption Policy or Paternity, Non-Pregnant partner and Co-Adopter policy.

We recognise that some of our colleagues may not identify with the term 'maternity', so we have added the term 'pregnant parent' into this policy to ensure inclusivity for our LGBTQ+ parents. However, for simplicity, and in line with legislation, the term 'maternity' will still be used in our forms and systems, including payroll, so please note that where used, this term includes all pregnant parents.

General

If you are pregnant, you are entitled to take up to 52 weeks of leave. You must take at least two weeks leave after your baby is born, but after that it's up to you how much Maternity/Pregnant Parent Leave you take.

If you have completed one-year service by the beginning of the 28th week of pregnancy you will be given the additional benefits associated with the occupational maternity/pregnant parent pay (subject to certain conditions explained below).

You are entitled to paid time off during working hours to receive ante-natal care as long as you can produce an appointment card for all ante-natal visits (following the first one).

The benefits of leave and pay as outlined in this section will not apply if a pregnancy ends before the 24th week of pregnancy unless you give birth, and the baby survives. However, if there is a stillbirth after the 24th week of pregnancy, we will provide the benefits of pay and leave as noted in the terms and conditions below.

If you are sharing responsibility for the upbringing of your new baby, you may be able to end your Maternity/Pregnant Parent Leave early and you can take Shared Parental Leave instead. This allows you to share your remaining leave with your baby's other parent during the first year following birth/adoption. Both you and your partner need to be eligible. Please see the Shared Parental Leave Policy for more detail.

Notice

Your Notice

You should tell your line manager as soon as possible if you plan to take maternity/pregnant parent leave. You must do so in writing no later than the end of the 15th week before the expected week of confinement (EWC) – i.e. 24th week of pregnancy. You should state:

- (a) the fact you are pregnant;
- (b) your EWC (or actual date of birth if already occurred)
- (c) the date you want your leave to begin.

You should also provide a copy of the Maternity Certificate (MAT B1) as soon as your midwife/doctor gives you it.

You can change your mind about the start date of your maternity/pregnant parent leave (as long as this is no sooner than 28th week of pregnancy. If you do, let your line manager know in writing, at least 28 days before the new date.

Our Notice

WHA will give you notice in writing about the date your maternity/pregnant parent leave will end. This will be the first day after the 52 weeks from the start date of your maternity/pregnant parent leave. We will do this within 28 days from receiving your notice about the date you plan to start your leave (or, if you change that date, 28 days before the new date or as soon as reasonably possible).

Maternity/Pregnant Parent Leave:

Leave can commence at any time you want from the 28th week of pregnancy. It will automatically begin when you give birth, and you need to let us know as soon as you can about this. If you are absent from work for a reason linked to your pregnancy or childbirth within four weeks of the EWC, this will automatically trigger the start of Ordinary Maternity/pregnant parent Leave.

The Ordinary Maternity/ pregnant parent Leave continues for 26 weeks. You are not allowed to work during the first two weeks from the date you give birth.

Your statutory right to Additional Maternity/ pregnant parent Leave will begin immediately after the Ordinary Maternity/ pregnant parent Leave and can continue for a further 26 weeks.

Returning to Work

Unless there's a business reorganisation – in which case we would consult with you about what this means for you – you'll usually be able to return to the same role and with the same terms and conditions of employment that you had before your Maternity/Pregnant parent leave.

Your manager will be in touch with you before you're due to come back to work to talk about the arrangements for your return.

If you wish to return sooner than anticipated, you must give at least 8 weeks' written notice. If you don't, it may delay your return date.

If you are on Additional Maternity/ pregnant parent Leave, you can apply to make a phased return to work on reduced hours and pro-rata pay. You should apply to your line manager at least 8 weeks before the proposed date of return. If you request a phased return to work this will be discussed and agreed with your line manager.

During your phased return you can make a request to use annual leave to cover your non-working days during this period.

Contact During Maternity/ Pregnant Parent Leave

During your leave period we may make reasonable contact with you, and you can contact us. Before your leave commences, we will agree the frequency and form of contact and what subjects should be discussed. In all cases, we will keep in touch with you about any promotion opportunities, vacancies and important changes to the workplace that may affect you when you return.

Keeping in Touch Days (KIT)

If we agree, you may work up to 10 days under your contract of employment during your maternity/pregnant parent leave without losing your right to the leave or pay. The 10-day limit stands no matter how long your leave period. The 10 days can be worked at any time during the leave period apart from the two weeks after you give birth.

You do not have to work these days and we do not have to agree to you working them. There will be no detriment to either if they exercise that right.

We will pay you your normal daily rate for working a KIT day. The day will be added to your wages and made up to a full day's work (taking into consideration the statutory and association maternity pay if any). If you work a KIT day whilst on full contractual pay then you will accrue an additional day's leave to be used at the end of your leave period.

Maternity/Pregnant Parent Pay

Statutory Maternity Pay (SMP)

Statutory Maternity Pay (SMP) is paid for a maximum of 39 weeks. The first six weeks equals 90% of your average earnings over a set period, and the rest is paid at the lower rate, or 90% of your average earnings, whichever is lower. The Government sets this lower rate each year.

SMP is paid via payroll in the normal way (tax and NI deductible) – even if you have resigned and will not be returning after the baby's birth. However, you will not be entitled to SMP if you resign before the 24th week of pregnancy.

The Maternity/Pregnant Parent pay period cannot start earlier than the 28th week of pregnancy. It can only start when you are on maternity/Pregnant parent leave. Your entitlement will end when you return to work even if this is before the end of the 39-week period.

We will start to pay you the SMP on the first day of your maternity/pregnant parent leave. You cannot use annual leave on the same day in which you are receiving any form of maternity pay, however you can run these one after the other.

Eligibility

To qualify for SMP you must:

- a) have been continuously employed for at least 26 weeks continuing into the qualifying week (QW) (the 24th week of pregnancy);
- b) have average weekly earnings which are above the minimum for paying National Insurance contributions;
- c) still be pregnant at the 24th week of pregnancy or have given birth by then; and
- d) have given us notice as explained in section 2 above.

If you do not meet the eligibility criteria, we will tell you in writing (form SMP1) and our internal Benefits adviser may be able to assist you in claiming any State Maternity Allowance you may be entitled to.

Occupational Maternity/Pregnant Parent Pay

If you have worked for us for one year at the 28th week of your pregnancy, you will also be eligible to receive our occupational maternity pay. This is equal to:

- a) seven weeks at full pay (including any SMP paid at the higher rate for six weeks and lower rate for one week);
- b) 16 weeks at half pay (plus SMP at the lower rate, or 90% of your normal pay - whichever is lower); and
- c) 16 weeks at SMP lower rate (or 90% of your normal pay, whichever is lower).

A week's pay refers to the basic pay given in your current contract of employment. In relation to the above, SMP is calculated based on the number of Sunday's within the calendar month from when your maternity/pregnant parent leave starts.

You can choose to receive Occupational Maternity/Pregnant Parent Pay, either with your SMP on normal pay dates, or as a lump sum on return to work. We will claim this back from you if:

- You fail to return to work; or
- You return but leave within three months.

If you fail to return, you will also have to repay us for any annual leave we prepaid at the start of your maternity/pregnant parent leave.

If you resign, are dismissed or your fixed term contract comes to an end before or during your maternity/pregnant parent leave occupational maternity pay will cease on the date of termination. However, you may still be entitled to Statutory Maternity Pay if you are eligible.

General Provisions

Contractual Benefits:

All terms and conditions shown in your contract (apart from pay) continue to apply during your maternity/ pregnant parent leave, whether ordinary or additional. We will continue to pay all contractual allowances as long as you receive any maternity pay. We may withdraw non-contractual benefits but only in line with the procedures which apply to all periods of prolonged absence. The Association will maintain all employees' contractual benefits (except for basic remuneration) throughout their entire Ordinary and Additional Maternity/Pregnant Parent Leave period.

Holidays

You are entitled to 37 days (pro-rata) of combined annual and public holidays (if you have longer than 5 years' service you have additional leave per the conditions of service). Before you start maternity/pregnant parent leave you should agree with us the dates of your annual leave. If it is not possible to take the leave within the annual leave year, we will transfer the rest of the next year's entitlement. You cannot be paid instead of taking the leave accrued during maternity/pregnant parent leave.

If you plan to take annual leave before you return from leave, you must notify us in writing:

- the date you wish your Maternity/Pregnant Parent Leave to end
- the period you then want to take as annual leave; and
- the date you will come back to work.

You do this a minimum of eight weeks before the end of your Maternity/Pregnant Parent Leave period.

Pension Membership and Contributions

The following rights apply to an employee on Maternity/Pregnant Parent leave:

- The period of Ordinary Maternity/Pregnant Parent Leave and paid Maternity/Pregnant Parent leave (when you are receiving either occupational maternity pay or SMP), will count towards pensionable service. The benefits you build up during this time are based on your pay when you were working normally, before taking Maternity/Pregnant Parent leave.
- Contributions during this time are based on the amount of maternity pay you actually receive.
- We will tell you in writing (after consulting the administrators of the relevant pension scheme) of the options available to you during any unpaid period of Maternity/Pregnant Parent leave.

Note: These rights apply whether or not you plan to return to work.

Information & Training

If you are on Maternity/Pregnant Parent Leave you will still, where relevant, receive items of information circulated to the general staff. We will also invite you to attend staff training days, as part of the keeping in touch (KIT) days.

Union Dues

If you are a Unite Union member with your dues being deducted from salary, these will still be deducted, as appropriate, throughout the period of Maternity/Pregnant Parent leave at the reduced rate. WHA will send written confirmation Officer of your EWC and the date leave actually begins to the Union Finance.

Dismissal and Resignation During the Maternity/Pregnant Parent Leave:

If we end your contract during the Maternity/Pregnant Parent period, you will be entitled to the period of notice as shown in your contract.

If you resign, you must also give us notice as shown in your contract. The termination date may be the end of your 52-week Maternity/Pregnant Parent leave or any date before then.

If you resign or are dismissed before the date you have given us about the intended start date of her Maternity/Pregnant Parent leave, you lose the right to Maternity/Pregnant Parent pay but may still be eligible for SMP, as long as you are employed after the 15th week before the expected week of childbirth.

Health and Safety

We must protect the health and safety at work of all employees, including new and expectant parents and parents who are breastfeeding/chestfeeding.

Once you tell us about your pregnancy, recent childbirth or breastfeeding / chestfeeding, we will carry out a specific risk assessment to identify any risks to your health and safety. If we identify any risks, we will do our best to avoid them. If this is not possible, we will take a series of steps to make sure you are not exposed to those risks.

Breast/chestfeeding

If you want to breast/chest feed upon your return to work or during any KIT days we will do what we can to support you. Please talk to your manager, or HR, about what you need.

Additional Information

We know that it can be challenging to balance having a new baby with your work. Flexible working might help – If you wish to do so, you can make a flexible working request in line with our flexible working policy.