



# CCCG Maternity Policy

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<b>Approved by:</b>	GLT
<b>Date of Approval:</b>	July 2021
<b>Updated/amended and reason: (Legislative/cosmetic)</b>	New Group Policy
<b>Review Date:</b>	June 2024
<b>EIA Date:</b>	June 2021

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## 1 Purpose

We want our people to love working for Capital City College Group and to achieve this we are committed to working practices and policies that reward loyalty, increase employee engagement and satisfaction and support our mission to inspire London's students and businesses with outstanding further and higher education and training which ensures their social and economic success.

Our aim is to support you during and after your pregnancy, to provide you with information you need to ensure that you are fully aware of your responsibilities during your pregnancy, your entitlements to leave and pay during your maternity leave and what actions you need to take when you return to work.

## 2. Scope

This policy applies to all pregnant employees, employed by Capital City College Group. It does not cover all non-employees e.g. subcontractors, consultants, self-employed and agency workers.

This policy sets out the maternity rights for eligible employees during pregnancy, whilst on maternity leave and on return to work.

This policy does not form part of your contract of employment and may be amended at any time. This policy will be reviewed from time to time to ensure that it reflects our legal obligations and Capital City College Group's organisational and business needs.

## 3 Responsibilities

You are responsible for:

- Notifying your manager before the end of the qualifying week, or as soon as reasonably practical afterwards that you are pregnant.
- Informing us of when you would like to commence maternity leave.
- Providing a certificate from a doctor or midwife (usually a MATB1 form) confirming your Expected Week of Childbirth (EWC).
- Complying with pregnancy-related risk assessments.
- Maintaining reasonable contact with your manager, as agreed, during your period of maternity leave.

Your manager is responsible for:

- Confirming your maternity leave dates and expected return date.
- Carrying out a pregnancy risk assessment with you to identify and make any necessary changes to your working environment; once they have

received notification from you that you are pregnant and as your pregnancy develops.

- Holding regular meetings with you to review your progress and any further adjustments that you may require.
- Allowing you reasonable paid time off to attend ante-natal appointments.
- Maintaining reasonable contact with you whilst you are on maternity leave.
- Completing a keep in touch (KIT) notification form once a KIT agreement has been made with you
- Holding a meeting with you on your return to work to review whether any adjustments are necessary.

## 4 Key Points

### 4.1 Risk Assessment for pregnant employees

We have a duty to take care of the health and safety of all of our people and acknowledge the importance of protecting you from avoidable risk when you are pregnant and when you have returned to work. Therefore, we will carry out a risk assessment to assess the workplace risks to you during your pregnancy and/or whilst you continue to breast feed.

We will provide you with information as to any risks identified in the risk assessment and any preventive and protective measures that have been or will be taken. If we consider that, as a new or expectant parent, you will be exposed to health hazards in carrying out your normal work we will take such steps as are necessary to avoid those risks. This may involve:

- Changing your working conditions or hours of work; or
- Offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable

### 4.2 Antenatal Care

You will be entitled to take reasonable paid time off for antenatal care appointments. Your manager may ask you to provide a certificate from your doctor, midwife or health visitor stating that you are pregnant or an appointment card, unless it is your first appointment.

Antenatal care may include any relaxation or parentcraft classes that your doctor, midwife or health visitor has advised you to attend.

You should try to give as much notice as possible of the appointment and your manager within reason may ask you to arrange these appointments at the beginning or end of the day.



If your partner works in the organisation, they may also request unpaid time off to attend up to two antenatal appointments with you.

### **4.3 Entitlement to maternity leave**

You are entitled to up to 52 weeks' maternity leave (irrespective of your length of service), which is divided into:

- Ordinary Maternity Leave (OML) for 26 weeks
- Additional Maternity Leave (AML) of a further 26 weeks immediately following OML

This applies to stillbirths at or after the 24<sup>th</sup> week of pregnancy and also live births at any stage of the pregnancy, where the baby lives for a short period of time only. If you are affected by such circumstances, you will still qualify for leave and/or pay. If you lose a child at or after 24 weeks into your pregnancy you will also be entitled to parental bereavement leave, details of which can be found in our Special Leave policy.

Capital City College Group offers a free, confidential telephone counselling service and are contactable on 0800 1691920 (Freephone).

### **4.4 Sickness prior to the start of maternity leave**

Periods of pregnancy-related sickness absence will be paid in accordance with our normal sickness absence statutory and contractual sick pay entitlement as appropriate.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will not be considered when your manager is reviewing your absence levels.

If you fall sick with a pregnancy-related illness after the beginning of the 4th week before the expected birth date, maternity leave will automatically start on the day after the first day of absence.

You do not qualify for sick pay whilst on maternity leave.

### **4.5 Starting maternity leave**

You may start your maternity leave at any time from the 11th week before the



expected date of birth (unless your child is born prematurely).

You must notify us of your intended start date as soon as possible. We will then write to you within 28 days confirming the date on which your maternity leave will end and the actual date you will be expected to return to work. Please note that if you fail to inform us otherwise, we will assume that you intend to take the full maternity leave.

You can notify your manager of the above details by creating an absence request on iTrent and attaching your MATB1 certificate to your request and submitting it along with your MATB1.

You can postpone or bring forward your intended start date by advising your manager in writing as least 28 days before the original intended start date, or if that is not possible, as soon as reasonably practicable.

If you give birth before your maternity leave was due to start, your maternity leave will automatically begin. You should provide the appropriate evidence to your line manager to support the birth.

The law requires that you take a minimum of two weeks maternity leave from the date of the birth.

Shortly before your maternity leave starts, your manager will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, during your leave.

## 4.6 Pay during maternity leave

If your maternity leave commences on or after 1<sup>st</sup> August 2021, we will pay the following:

### 4.6.1 Group Enhanced Maternity Pay

Subject to meeting the following eligibility criteria, we will pay enhanced maternity pay:

Completed 26 weeks service with us by the 15<sup>th</sup> week before your baby is due and you have passed your probationary period satisfactorily; you may also be entitled to the Group's enhanced maternity pay.

You have two options how to take this:

Option A	Option B
<ul style="list-style-type: none"> <li><b>Weeks 1-16:</b> Full pay, including SMP</li> <li><b>Weeks 17-28:</b> Full pay, including SMP</li> <li><b>Weeks 29-39:</b> SMP only</li> <li><b>Weeks 40-52:</b> Unpaid</li> </ul>	<ul style="list-style-type: none"> <li><b>Weeks 1-16:</b> Full pay, including SMP</li> <li><b>Weeks 17-40:</b> Half pay, including SMP (SMP only applicable until 39<sup>th</sup> week)</li> <li><b>Weeks 41-52:</b> Unpaid</li> </ul>

#### 4.6.2 Statutory Maternity Pay (SMP)

Subject to meeting the following eligibility criteria, you will be entitled to statutory maternity pay (SMP):

- Have worked for the group for at least 26 weeks up to the 15<sup>th</sup> week before the expected week of childbirth – known as the ‘qualifying week’
- Earn the average weekly salary set by the Government each year
- Give the correct notice (28 days’ notice in writing)
- Give proof that you are pregnant (a letter from your doctor/midwife or your MATB1 certificate)

If you do not qualify for the group enhanced maternity pay, you may qualify for statutory maternity pay.

SMP is paid for up to 39 weeks at the rate of:

- 90% of your average weekly earnings (before tax) for the first 6 weeks
- The rate set by the government for the relevant tax year or 90% of your average weekly earnings before tax (whichever is lower) for the next 33 weeks

SMP is paid in the same way as your wages with tax and national insurance deducted and is paid whether or not you decide to return to work after your maternity leave.

#### 4.6.3. Maternity Allowance

If you have less than 26 weeks service at the ‘qualifying week’ or earn less than the



lower earnings limit for the payment of national insurance contributions set by the Government, you may be eligible to claim Maternity Allowance from the Department of Work and Pensions (DWP).

## 4.7 Contact during maternity leave

We will make reasonable contact with you during your maternity leave as it is important that you are kept informed of any developments at work. We expect you to maintain reasonable contact with your manager during your maternity leave to advise of matters such as a change of address or bank details.

For avoidance of doubt all organisational communication will be sent to your company email address which will remain available during your maternity leave unless you make alternative arrangements with your line manager.

## 4.8 Keeping in touch days (KIT)

In agreement with your line manager, you may undertake up to ten days paid work during your maternity leave without bringing your maternity leave to an end. These are known as 'Keeping in Touch Days' (KITS).

KITs may be used for any activity which would ordinarily be classed as work under your contract of employment, including training, attending a team meeting or any activity undertaken for the purposes of keeping in touch with the workplace. They can be taken at any stage during maternity leave apart from the first two weeks after the birth.

If you work a KIT day during a period of full pay, no additional payment will be made but if you work during a period of half pay or SMP only, your pay will be 'topped up' so that you receive full pay for the hours worked. If you work for less than a full day, this will count as one KIT day for the purposes of the ten maximum, although payment will only be made for actual hours worked.

KIT days are optional and can only take place by agreement between both you and your manager.

For the avoidance of doubt, you will not receive SMP on top of pay for the hours you work on a KIT day.

## 4.9 Returning to work

If you intend to return to work at the end of your full 52 weeks' maternity leave entitlement you are not required to give notice of your return, although it is helpful if you confirm to your manager during your maternity leave that you will be returning to work as expected.

Shortly before you are due to return to work, your manager may invite you to have a discussion about the arrangements for your return to work.

If you choose to return to work at the end of ordinary maternity leave, you have the right to return to the same post. If you take additional maternity leave, you will normally return to the same post. However, if this is not reasonably practicable, you are entitled to return after AML to a similar post on terms and conditions or no less favourable than those which applied before maternity leave.

If you worked full-time prior to your maternity leave you have no automatic right to return to work on a part-time basis or to make other changes to your working pattern but you can make a request for flexible working under the Flexible Working policy.

## 4.10 Returning to work earlier than your maternity leave end date

If you decide to return prior to the end of your full maternity period you should give your manager at least eight weeks' notice, in writing, of your intended date of return. If you fail to give the required notice, we may postpone your return for up to eight weeks or until your maternity leave entitlement has been exhausted.

If you return to work by giving proper notification of an early return, you may be eligible to transfer up to 26 weeks of your outstanding maternity leave (and outstanding SMP) to your spouse, civil partner, partner, or the father of the child, to be taken as shared parental leave on your return to work. (See shared parental leave policy for further information in relation to criteria for eligibility).

## 4.11 Returning to work later than your maternity leave end date

If you wish to return later than your expected return to work date you should speak directly with your line manager to request unpaid parental leave, in accordance with our special leave policy. Alternatively, you may request paid annual leave in accordance with your contract, which will be at our discretion.



If at the end of your maternity leave you are unable to return to work due to illness you should follow the usual sickness absence reporting process.

## **4.12 Requesting to work part-time or varying your present work pattern**

If you are thinking of varying your present pattern or hours of work on return from maternity leave, you should discuss it with your line manager at the earliest opportunity or at least eight weeks before your return date.

If you have 26 weeks' service at the date of application, you are entitled to apply to work flexibly. Whilst there is no automatic right to return to work on flexible hours, we will give fair and thorough consideration to all requests to accommodate individuals wishing to vary their work pattern. Please refer to the Flexible Working policy.

## **4.13 Breast feeding**

Where requested we will seek to provide private space for a breastfeeding employee which is private, hygienic, safe and secure area where she can express milk, this could be an unoccupied office or an area used for meetings that can be discreetly screened. We will enable expressed milk to be stored in local staff fridges where secured in a re-sealable container for hygiene purposes.

## **4.14 Deciding not to return to work**

If you do not intend to return, or you are unsure, it is helpful to discuss this with your manager as early as possible. If you decide you do not wish to return at the end of your maternity leave, you should give your written notice as per your contract and before the end of your maternity period.

If you decide not to return to work after your maternity leave or resign before you you will not be required to repay any Enhanced Maternity you have received.

## **5 Annual leave**

You will continue to accrue annual leave, (including any public/ bank holidays), for the entire period of maternity leave in accordance with your leave entitlement as set out in your contract of employment. We therefore recommend that all or as much of this annual leave entitlement as possible is taken before starting your maternity leave. If this is not possible, by prior agreement, annual leave may be carried forward into the next holiday year.

You may choose to take annual leave accrued during your maternity leave at the end of your maternity leave period. You should discuss this with your manager and book leave in the usual way. You cannot automatically use accrued leave to extend your maternity leave without approval from your manager.

Payment for unused annual leave will only be paid to you in exceptional circumstances and must be authorised by the Head of HR.

## 6 Pension

During OML (and any further period of paid maternity leave), we shall continue to make any employer contributions that we usually make into your pension scheme, based on what your earnings would have been if you had not been on maternity leave (provided that you continue to make contributions based on the maternity pay that you are receiving).

We will not pay employer contributions for any period of unpaid maternity leave. Employees enrolled in the LGPS pension scheme may elect within 30 days of returning to work to pay additional pension contributions for the period lost during unpaid maternity leave. If you are interested in this option, please contact the Pension Team.

## 7 Continuous service

Where you exercise your right to return to work, all time that you take off work as maternity leave is subsequently counted as continuous service for the purposes of calculating any service-related statutory rights. On return to work, your length of service is calculated as if you had never been absent.

## 8 Redundancy during maternity leave

In the event that your position is affected by a redundancy situation occurring during your maternity leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment.

You will be offered a suitable alternative vacancy where one exists. You will not normally be required to compete for such a role, although there may be an exploratory interview to determine whether your skills and experience match the essential requirement of the job.



## **9 IVF treatment**

If you are undergoing IVF treatment, you do not have to tell your line manager. However, we encourage you to discuss it with them to see whether any temporary changes, such as a shift swap or unpaid leave, can be made to your working pattern to support you with the treatment. Please refer to our Special Leave policy for more detail.

## **10 Miscarriage or still birth**

In the event of a miscarriage during or before the 24<sup>th</sup> week of pregnancy, provisions and regulations of the sick pay scheme will apply.

In the unfortunate event of a stillbirth, you will continue to be entitled to SMP, if the child is born after the 24<sup>th</sup> week of pregnancy. You will also be entitled to the maternity leave period.

We offer a free, confidential telephone counselling service for additional support during this time. The service can be accessed 24 hours a day, seven days a week by calling 0800 1691920. More information can be found at this link [LifeWorks \(sharepoint.com\)](https://sharepoint.com).

## **11 Surrogacy**

Every CCCG employee is entitled to a period of maternity leave and the right to return. Subject to the eligibility employees will be entitled to Enhanced, MP or Maternity allowance.

## **12 Breach of policy**

Breaches in this policy will be addressed through the disciplinary policy and could negatively impact on payments.