

Maternity Policy

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ANGELICAN MISSION IN ENGLAND

 **cornerstone**
CHURCH - GRAYS

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Approved by Cornerstone Trustees 13th January 2025

Next review date in 2028

If anything in this policy contradicts an employment contract between Cornerstone Church Grays and an employed individual, the employment contract takes precedence

Policy statement

At Cornerstone Church Grays, we endeavour to ensure all women are given support and encouragement before, during, and on their return to work from maternity leave.

We aim to ensure that the employee's duties are adequately covered during maternity leave and that an effective dialogue is implemented at all stages so that employees feel fully informed about their entitlements and the process to follow.

All employees taking maternity leave are covered by this policy, including those on part-time contracts.

Definitions

The following terms are used within this policy:

EWC: The expected week of childbirth is the week, beginning on the Sunday, during which the baby's birth is expected.

MATB1: The maternity certificate, or form, which is provided to confirm a pregnancy and confirm the expected week of childbirth

Qualifying week: The 15th week before the expected week of childbirth

Notification requirements

Please notify us as soon as possible of your pregnancy to enable us to ensure that, where appropriate, any reasonable steps are taken to safeguard the safety of yourself and your unborn child and that you are not subject to any unnecessary risks at work.

To qualify for maternity leave we require that you provide us with written notification by the qualifying week, or as soon as reasonably practicable after this, of the following information:

- your pregnancy
- your EWC, and

- the date you wish to start your ordinary maternity leave period, which can be any time from the 11th week before the EWC.

You should give your MATB1 to the trustee responsible for HR. You will normally be provided with this at around the 20-week stage.

Once you have notified the trustee responsible for HR of your intended start date of ordinary maternity leave, we will confirm, in writing, the date that we expect you to return to work after additional maternity leave has ended. This confirmation will be sent to you within 28 days of your notification.

An informal meeting will then be arranged with the trustee responsible for HR to discuss your entitlements and the organisational processes involved. The meeting will include discussions on the following points:

- the amount of leave you can take and the payment arrangements
- the information that we will need from you to process your maternity leave
- time off for ante-natal appointments
- risk assessments to ensure your role does not pose a risk to your, or your baby's, health and safety
- your right to return after maternity leave to the same or a similar role
- the opportunity to request flexible working and how a request should be made.

In order to ensure good communication and a smooth transition in the time leading up to maternity leave, and during the leave itself, you will be informed of the arrangements for covering your work and also for remaining in contact whilst you are on leave. We will also consult you on how to cover your workload during your leave and whether any temporary reporting arrangements need putting in place.

We would like to keep you fully informed of any news or developments at work during your leave and we will continue to send you Cornerstone Church Grays newsletters and information on social events etc. We will also keep you informed of any recruitment exercises undertaken during your absence.

Health and safety

So that we may assess any potential risk that your role poses to your health and safety, and the health and safety of your baby, you must notify the trustee responsible for HR

as soon as you are aware that you are pregnant. A Health and Safety Risk Assessment will be undertaken, and action taken to eliminate any risk.

This may include making adjustments to your role or, if no adjustments can be identified that will reduce or remove the risk, you will be offered a suitable alternative role for the duration of your pregnancy. In the event that alternative work cannot be found, we reserve the right to place you on suspension on full pay until you are no longer at risk. If necessary where a risk remains, these arrangements will continue for a period of six months after the birth of your child.

Please speak with the trustee responsible for HR immediately if you are worried about your own health and safety at any time.

Time off for ante-natal care

You are entitled to paid time off during normal working hours to receive ante-natal care. Ante-natal care can include medical examinations, relaxation classes and parent-craft classes as advised by a medical practitioner. Time off will be provided for any time spent travelling to and from these appointments, including any waiting time.

Other than for the first appointment, you may be asked to provide an appointment card to the trustee responsible for HR to confirm the details of the appointment.

You will receive full pay for the time taken to attend these appointments.

Length of maternity leave

Subject to meeting the notification requirements set out above, you are entitled to 52 weeks' maternity leave in total, broken down as follows:

- 26 weeks' ordinary maternity leave (OML), including a 2-week period of compulsory maternity leave (or 4 weeks for factory workers)
- 26 weeks' additional maternity leave (AML) that starts immediately after OML.

Unless you notify us that you wish to take a shorter period, Cornerstone Church Grays will automatically assume you are taking your full entitlement to 52 weeks and will write to you to confirm your expected return date.

During periods of OML and AML, you remain entitled to receive your normal contractual terms and conditions of employment that you would have received had

you not taken this leave, with the exception of remuneration. This will include contractual benefits, subject to the terms of these benefits.

Commencing maternity leave

You can start maternity leave at any time from the beginning of the 11th week before the EWC until the date of birth. You are required to inform of us of the date you intend to start leave however you may change this date so long as you provide at least 28 days' notice of this change. Any application for a date change should be made in writing to the trustee responsible for HR.

Compulsory maternity leave commences on the day after the childbirth occurs. Its purpose is to ensure that you have at least a two-week period of leave (or four weeks for factory workers) after the birth of your baby.

There are two incidences in which the maternity leave period is triggered automatically:

- Where childbirth occurs before the OML would otherwise commence. If this occurs, please notify us, in writing as soon as is reasonably practicable after the birth, of the date on which you gave birth. Your maternity leave period will begin automatically on the day following the date of the birth.
- Where you are absent from work, wholly or partly due to your pregnancy, after the beginning of the fourth week before the EWC. If this occurs, please notify us, in writing as soon as is reasonably practicable, that your absence from work is wholly or partly due to your pregnancy and the start date of this absence. In these circumstances, Cornerstone Church Grays may require that your maternity leave period begins on the day following the first day of such absence.

Once you have notified the trustee responsible for HR that your OML period has been triggered due to premature absence or premature childbirth, we will confirm, in writing, the date that we expect you to return to work after the AML period has ended. This confirmation will be sent to you within 28 days of your notification.

Shared parental leave

You may be entitled to take shared parental leave and you should refer to our shared parental leave policy for further information on entitlements, eligibility and notice requirements.

Maternity pay

Dependent upon your length of service, you may be entitled to receive statutory maternity pay (SMP). If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive state maternity allowance. In these circumstances, we will provide you with the form SMP1 within seven days of determining that you do not qualify.

You will qualify for SMP if you meet the following criteria:

- you have been continuously employed with us for at least 26 weeks' by the qualifying week
- your average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes
- you are still pregnant at the 11th week before the EWC or have given birth by that time and
- you have complied with the relevant notification requirements.

The period for which SMP may be paid is called the maternity pay period. The maternity pay period may start at any time from the start of the 11th week before the EWC and can continue for up to 39 weeks, even if you do not intend to return to work.

Payment will be made at the rate of 90 per cent of your average earnings for the first six weeks of leave and then up to 33 weeks' at the Standard Rate of SMP or 90 per cent of your average weekly earnings (whichever is lower).

Your normal weekly earnings are calculated based on an average of your gross earnings for national insurance during the 'relevant period'. This will include, for example, any payments relating to overtime, commission, and bonuses. The 'relevant period' is the period ending on the last normal pay day before the qualifying week and starting with the normal pay day which is at least eight weeks earlier. The exact calculation of weekly earnings will depend on whether you are paid monthly, weekly or at other intervals. Further advice on how your normal weekly earnings will be calculated can be obtained from the Cornerstone Church Grays accountant/treasurer.

Where your gross earnings are increased by a pay rise, and this increase takes effect from the start of the relevant period and before the end of the AML period, this increase will result in a recalculation of your SMP. As a result of this recalculation, you may be entitled to a retrospective increase or may subsequently qualify to receive SMP.

Keeping in touch (KIT) days

You may, by mutual agreement, work for up to 10 days during your maternity leave period (but not during the compulsory maternity leave period) without losing statutory payments for that week, or ending your entitlement to leave. Payment for KIT days will be discussed and agreed in advance of these being worked.

For this purpose, any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the maternity leave period.

Stillbirth and miscarriage

If you experience a miscarriage before 24 weeks of pregnancy, you will no longer be entitled to take maternity leave. It is anticipated that an employee may need some time off work in these circumstances, and this will usually be taken as sick leave, during which Cornerstone Church Grays' sickness absence policy will apply.

If you suffer a stillbirth after 24 weeks of pregnancy, your entitlement to maternity leave and pay will not be affected and you will still be able to take the time off, and receive pay, as planned.

Holidays

You will continue to accrue holidays whilst you are on maternity leave. As these holidays cannot be taken whilst you are on maternity leave, it is important for us to discuss and agree the arrangements for the taking of these holidays.

Returning to work

If you return to work at the end of your OML period, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence.

If you return to work after a period of AML, you are entitled to return to the same job in which you were employed before your absence. Where this is not reasonably practicable, you will be entitled to return to a suitable and appropriate job on terms that are no less favourable.

If you are made redundant during maternity leave, you will be offered a suitable alternative role.

Unless you state otherwise, it will be automatically assumed that you will return to work at the end of your full 52 week leave period. So that we may make effective plans for your return, we would be grateful if you would contact us shortly before your return. However, there is no obligation on you to do so unless you wish to change the date of your return, in which case you must give us eight weeks' notice.

If you qualify for shared parental leave and wish to return early from maternity leave for this purpose, you must also give us eight weeks' notice. You can find more information on this in our shared parental leave policy.

You may be invited to attend an informal meeting with the trustee responsible for HR in order to discuss any arrangements regarding your return to work. This is likely to take place approximately two weeks before your return. The following points will be discussed at this meeting:

- any developments that have taken place at work
- any appropriate training to take place
- any flexible working arrangements which have been agreed.

If you decide that you do not wish to return to work after your maternity leave, you are required to give us notice of your resignation. Your notice period to resign is set out in your contract of employment. Where you choose to resign without returning to work, Cornerstone Church Grays will require repayment of any contractual maternity pay in excess of your statutory entitlement that you have received during maternity leave.

If you are unable to return on the agreed date due to sickness, please inform the trustee responsible for HR immediately.

Flexible working

We recognise that women returning from maternity leave may wish to reduce their working hours or undertake homeworking.

We will make every effort to accommodate requests for part-time working, provided that your duties can still be effectively carried out on such a basis. However, we must also take into account the needs of the business when assessing and granting any requests.

Any flexible working request should be made in line with the process set out in the flexible working policy.

Grievances related to maternity rights.

Cornerstone Church Grays' grievance procedure may be used in the event that you are dissatisfied with any decision made in respect of your maternity rights.

Guide

Maternity leave

Once an employee has reached 26 weeks service by the 15th week before the Expected Week of Childbirth (EWC) then they become eligible for Statutory Maternity Pay and 12 months Maternity Leave. What does this mean in practice? If the employee is not pregnant when they start working for you, then they are eligible.

Employees who haven't reached this threshold still have the right to take maternity leave but they do not get paid Statutory Maternity Pay (SMP) from you. Instead they need to apply for [Statutory Maternity Allowance \(SMA\)](#) which is paid direct from the Government.

Employees are entitled to 52 weeks Statutory Maternity Leave (SML) which is divided into 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). 39 weeks is paid and 13 weeks is unpaid.

What's the difference between OML and AML?

The main difference is related to the role that the employee will return to. Employees returning by the end of OML are guaranteed their role on the return to work but employees returning during AML are guaranteed work of an equivalent level or type.

When does an employee need to notify you that they are pregnant?

The employee doesn't have to notify you until they receive their MATB1 form (around 20 weeks) but the earlier the employee notifies you, the earlier you can complete a risk assessment so it is in their interests to inform you as soon as they possibly can.

Ante-natal classes

Employees are allowed to attend ante-natal classes in work time. Ante-natal care can include medical examinations, relaxation classes and parent-craft classes as advised by a medical practitioner.

Commencing maternity leave

Employees can start maternity leave 11 weeks before their EWC or can delay it right up to the birth of the child.

If they are sick with a pregnancy related illness within 4 weeks of their EWC, then the maternity leave can be triggered.

Minimum amount of maternity leave

The earliest an employee can return to work after giving birth is after 2 weeks.

Paid maternity leave

Employees can take up to 39 weeks maternity leave. This is 6 weeks at 90% of average earnings and then 33 weeks at SMP or 90% of average earnings (whichever is lower). SMP is currently [£172.48 per week](#) and will next be reviewed on 6th April 2024.

If the employee has a pay rise whilst on SMP which increases the amount they are due, they should receive the higher amount where it is due. For instance, if it is during the first 6 weeks of SMP where the employee is due 90% of their average salary, they would be due 90% of the new salary. If it is during the next 33 weeks, then they would only receive additional money if 90% of their average wage is less than £172.48 per week.

What happens with pension when an employee is on maternity leave?

This depends on how your pension scheme is set up. Most churches will have a form of Group Personal Pension which is also called a 'Defined Contribution' scheme. The below table summarises the guidance from the [Pensions Advisory Service](#):

Period of SML	Employer contributions	Employee contributions
39 weeks paid leave	Based on pre-leave pensionable salary	Based on current take home pay
13 weeks unpaid leave	Depends on contract – nil contribution unless contract states otherwise	Based on current take home pay

If you have a Defined Benefit scheme, different rules apply. Please seek specialist advice if unsure.

What happens with other benefits during maternity leave?

All contractual benefits should be maintained during maternity leave.

What happens with holidays during maternity leave?

Statutory holidays continue to accrue during maternity leave and even if your contract states that holidays cannot be carried over, they should be honoured in this case. This may result in a large number of holidays owing at the time the employee is due to return to work. It may be a good idea for the employee to either tag paid annual leave onto the end of their maternity leave or to use it as a phased return to work (eg work 3 days and take 2 days holiday each week until the annual leave is used up).

How do Keeping in Touch days work?

If both parties agree to do so, employees can attend work for up to 10 days during their maternity leave without triggering the end of their Maternity Leave. These are called KIT days and should be paid at the employees' normal daily rate (less any SMP due).

If the employee only works for 3 hours, this constitutes a full KIT day (e.g. they can't be split into half days). There's no specific guidance on whether you pay a full days rate in this case or the hours worked but if you want the employee to come in, it makes sense to make it economically worthwhile for them.

How does Maternity leave link with Shared Parental Leave?

If the mother wishes to return to work and transfer their leave to their partner, they can do so under the Shared Parental Leave provisions. In this case, the Maternity Leave would cease from the date the Shared Parental Leave commences.

Paying enhanced maternity pay

Some churches choose to offer enhanced maternity pay over and above the statutory minimum. This is fine from a legal perspective and can really help families during an expensive period of time. Just make sure your contracts and policies clearly reflect what is offered and under what terms. If you are paying full pay for a period of time, ensure that it is clear that the payment includes SMP.

Returning to work

Unless they tell you otherwise, you should assume that employees will return after the full 52 weeks leave. Some employees will wish to return earlier but they should give you a minimum of 8 weeks notice so that you can adequately prepare.

If they wish to submit a flexible working request, they should also give you adequate notice. See the Flexible Working guidance for more information.