

## Live Active Leisure

### GUIDE TO MATERNITY PROVISIONS

#### INTRODUCTION

Live Active Leisure is fully committed to helping working parents balance work and family life, whilst this is compatible with the interests of the Company.

Live Active Leisure's policy on maternity leave covers entitlement to maternity leave, payment during leave, notification procedures, effects on terms and conditions and contact during maternity leave.

Live Active Leisure offers enhanced maternity pay in the form of a scheme of Occupational Maternity Pay (OMP) for those employees that meet the scheme criteria.

Live Active Leisure also provide a range of support for women returning to work following maternity leave, including the childcare voucher scheme and policies on flexible working arrangements.

This policy reflects the Company's commitment to promote equality in all its activities in line with the Company's Equality & Diversity policy.

Please note that this policy relates to pregnant staff members and new mothers.

Sections included in this guide are:

1. Entitlement to Maternity Leave
2. Entitlement to Paid Leave
3. Notification Procedures
4. Effect on Terms and Conditions of Service
5. Contact During Maternity Leave
6. Glossary of Terms
7. Flowchart Guidance

#### SECTION 1 – ENTITLEMENT TO MATERNITY LEAVE

You will be entitled to maternity leave provided that you:

- Continue to be employed at the last working day before the 11<sup>th</sup> week before the Expected Week of Childbirth
- Continue to be pregnant at the 24<sup>th</sup> week of pregnancy
- Cease to work for the Company because of pregnancy or childbirth
- Satisfy the notification procedure criteria outlined in Section 3

All pregnant employees are entitled to take up to 52 weeks maternity leave, regardless of length of service. Although it is up to employees to decide how much of the 52 weeks' maternity leave they wish to take, the law requires that a minimum of two weeks' leave from date of childbirth must be taken (Compulsory Maternity Leave).

Maternity leave is a single continuous period and consists of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).

## SECTION 2 – ENTITLEMENT TO PAID LEAVE

- Employees must have 26 weeks' qualifying service in order to be eligible for statutory maternity pay (SMP) during maternity leave
- Employees who do not meet the above criteria may be entitled to other statute benefits. An SMP1 form will be completed by the Company's payroll section informing you of reasons why the Company cannot pay you SMP. You may be able to claim Statutory Maternity Pay (SMP) or Maternity Allowance (MA) from Job Centre Plus, Department for Work and Pensions.
- Maternity pay is payable for a maximum of 39 weeks. The maternity pay period can begin any time after the start of the 11<sup>th</sup> week before the Expected Week of Childbirth

| <b>Service</b>  | <b>Intention to Return to Work for at least Three Months</b> | <b>Payments</b>   |
|---|--|---|
| Less than 26 weeks' continuous service by the 15 <sup>th</sup> week before the Expected Week of Childbirth (OML)      | N/A  | Nil from Company. You may be able to claim SMP or MA from DWP.  |
| At least 26 weeks' continuous service by the 15 <sup>th</sup> week before the Expected Week of Childbirth (OML & AML) | No and/or resigned   | <ul style="list-style-type: none"> <li>• 6 weeks @ 100% salary – made up of Occupational Maternity Pay (OMP) – 10% and Statutory Maternity Pay (SMP) – 90%. OMP is an enhanced level of maternity pay provided to eligible employees</li> <li>• 33 weeks @ SMP</li> <li>• Remaining period of leave is unpaid</li> </ul>  |
| At least 26 weeks' continuous service by the 15 <sup>th</sup> week before the Expected Week of Childbirth (OML & AML) | Yes  | <ul style="list-style-type: none"> <li>• 6 weeks @ 100% salary – made up of Occupational Maternity Pay (OMP) – 10% and Statutory Maternity Pay (SMP) – 90%. OMP is an enhanced level of maternity pay provided to eligible employees</li> <li>• 20 weeks @ 50% salary (OMP) * plus SMP</li> <li>• 13 weeks @ SMP               <ul style="list-style-type: none"> <li>• Remaining period of leave is unpaid</li> </ul> </li> </ul> <p>* reduced where half pay plus benefits payable exceeds full pay</p> |

Entitlement to Statutory Maternity Pay is dependent on the following;

- You must have 26 weeks' continuous service by the 15<sup>th</sup> week before the Expected Week of Childbirth
- Your average weekly earnings must be at least equal to the Lower Earnings Limit for National Insurance Contributions
- You should give your employer at least 28 days notice of your intention to take maternity leave or have good reason for providing less notice
- You must submit your Maternity Certificate (MatB1) normally within 14 days before the start of your maternity leave and not later than within 3 weeks of the start of your Maternity Pay Period other than in exceptional circumstances.
- You should notify your employer of the birth of your baby within 4 weeks of the date of birth
- You are not in legal custody at the beginning of your Maternity Pay Period

## Definition of Service

- **Continuous Service** is continuous service with the Company

## Additional Maternity Leave – Salary Payments

Employees entitled to Additional Maternity Leave who intend to return to work may elect to receive payment of 50% salary (OMP) during maternity leave for up to 20 weeks or suspend payment until their return.

Should you elect to receive payment of 50% salary (OMP) during your maternity leave and subsequently decide not to return or you return for less than 3 months, you will be required to refund to the Company a proportion of the amount of half pay paid to you for the 20 week period. The proportion will be determined with reference to the percentage of the period worked in the three month period.

## General points:

- No combination of payments shall exceed full pay
- All maternity pay is subject to tax and national insurance, and where appropriate, superannuation
- Statutory Maternity Pay is only payable if you reach Lower Earnings Limit for National Insurance Contributions. (This will not affect Occupational Maternity Pay)

## SECTION 3 – NOTIFICATION PROCEDURES

The following sets out the obligations on both the employee and the employer

| <b>Timescales</b>   | <b>Employee Obligations</b>  | <b>Employer Obligations</b>  |
|---|--|--|
| Not later than 15 <sup>th</sup> week before Expected Week of Childbirth | Provide at least 28 days' written notification of your intention to commence maternity leave.  | Respond to the employee in writing, confirming her leave and pay entitlements within 28 days.  |
| Not later than 14 days before the start of your maternity leave         | Submit MatB1 to your Line Manager / HR & Admin Section at Company Head Office as soon as possible.   | Line Manager forward to HR & Admin Section who will update payroll to ensure SMP is paid, where applicable.  |
| During maternity leave  | Advise your Line Manager/ HR & Admin Section of the date of birth of your child for information purposes.  | Details to be held on personnel file.  |
| During maternity leave<br><br>Two months written notice required        | Should you wish to return before the end of the maternity leave to which you are entitled (date confirmed in letter from employer) you are required to give at least 2 months written notice to the HR & Administration Manager. | Line Manager/HR & Administration Manager will consider your request and confirm whether your proposed return date is acceptable.<br><br>If insufficient notice is given, your return may be deferred by up to two months |
| At least 28 days before your intended return date                       | Should you wish to request to change your working pattern at least 28 days notice should be given to your Line Manager in writing  | Your Line Manager / HR & Admin Manager will consider your request and respond to you accordingly.  |

## SECTION 4 – EFFECT ON TERMS AND CONDITIONS OF SERVICE

### What Happens If I Am Unwell Prior to Starting My Maternity Leave?

- Maternity leave will start automatically if you are absent from work for a pregnancy related illness during the four week period before the start of your Expected Week of Childbirth
- If the reason for your absence is unconnected with your pregnancy, e.g. broken leg, you may be certified by your GP as medically unfit up to the start of your Expected Week of Childbirth

However, if you have already given written notice of the date you intend to start your maternity leave, your leave will automatically start from not later than your chosen date, regardless of the reason for your illness or injury.

### What Happens if My Baby is Born Early?

Your maternity leave will automatically start the day after your baby is born.

### Health and Safety Implications

Both you and the Company have a responsibility to ensure no risks are taken during pregnancy and on your return to work if you are breastfeeding. This is one of the main reasons you should inform your Line Manager/HR & Administration Manager early into your pregnancy.

### Risk Assessment

Guidelines have been issued on the type of risk assessment to be carried out which include assessing working arrangements, equipment used, chemicals used, working conditions, etc. Your line manager will discuss this with you.

### Ante-Natal Care

All female employees are eligible for reasonable time off work with pay to receive ante-natal care. However, you may be required to produce a certificate from your GP, registered midwife or registered health visitor stating that you are pregnant. You must also produce evidence of all appointments for antenatal care.

### Annual Leave

All employees will accrue annual leave during maternity leave. Prior to going on maternity leave, your proportionate annual leave entitlement will be calculated up to the end of the 26-week Ordinary Maternity Leave period. This may be taken before your maternity leave starts.

Annual leave accrued during the unpaid 26-week Additional Maternity Leave period may only be taken upon your return to work.

All annual leave should be taken following discussion with your line manager, generally within the current leave year (where time allows) or at the earliest opportunity within the following leave year.

### Fixed Holidays

All employees will be entitled to a day off in lieu for each fixed holiday that falls within your entire maternity leave period.

Days off in lieu of fixed holidays should only be taken upon your return to work following discussion with your line manager. Generally any days off in lieu of fixed holidays should be taken within the current leave year (where time allows) or at the earliest opportunity within the following leave year.

The Company recognises 4 fixed holidays which are 1, 2 January and 25, 26 December each year.

### Pension Contributions

You will continue to pay pension contributions during your paid period of maternity leave. No payments are made thereafter until you return to work. If you wish to repay any missed contributions when you return, you must advise Payroll Team, Company Head Office within 30 days of your return. The necessary arrangements will then be made.

### Right to Request to Work Flexibly

On returning to work from maternity leave, you may wish to consider changing the hours and times when you work.

Requests to work flexibly should be made to your Line Manager in writing. This should be done at least 2 months prior to your intended return date or sooner to allow any necessary arrangements to be put in place prior to your return, if your request is approved.

### Maternity Benefit on Resignation

If you qualify for Additional Maternity Leave but do not intend to return to work and you submit your resignation, the Company will pay maternity pay for 6 weeks @ 100% salary and 33 weeks @ SMP. This is provided your resignation takes effect no earlier than the 11<sup>th</sup> week before your Expected Week of Childbirth.

### Other Benefits

During the 26-week Ordinary Maternity Leave period, you are entitled to continue to receive all the benefits set out in your Statement of Employment Particulars, with the exception of "remuneration". For further details of this provision, you should consult the HR & Administration Manager.

### Special Provisions

Where an employee is eligible for Maternity Leave but has chosen instead to terminate her employment, and the child has unfortunately not survived, the employee shall be entitled to return to employment with the Company, although not necessarily to the same post, grade or salary, provided that:

- A suitable vacancy exists, and
- She gives her Line Manager/HR & Administration Manager at least 28 days notice in writing of the proposed date of her return to work which must be within the relevant maternity leave period, and
- She submits a written statement from her GP that indicates that she is medically fit to resume work

## SECTION 5 - CONTACT DURING MATERNITY LEAVE

### Keeping in Touch (KIT) Days

An employee on maternity leave can carry out up to 10 days' paid work during the leave period without bringing their leave period to an end, and without affecting their Statutory Maternity Pay. This could be useful where managers wish to hold briefings on changes or training sessions that may be relevant to an employee who is currently on maternity leave.

These cannot take place however during the compulsory 2-week leave immediately following childbirth. Employees will receive normal pay for KIT days.

### Reasonable Contact

In addition to KIT days the Company has the right to make reasonable contact with the employee during maternity leave. Employees are therefore encouraged to maintain reasonable contact with their Line Manager. Such contact could involve updating staff about what has been happening in the workplace or talking about return to work plans.

In addition you can expect your Line Manager to forward you copies of any vacancies, newsletters and to notify you of any significant changes that may impact on you on your return.

## SECTION 6 – GLOSSARY OF TERMS

|                                    |   |
|------------------------------------|---|
| Expected Week of Childbirth (EWC)  | The week, beginning with midnight Saturday and Sunday, in which it is expected that childbirth will occur   |
| The Maternity Certificate (MAT B1) | A certificate issued by a GP or midwife, verifying the fact of pregnancy and confirming (EWC) or actual date of birth in cases where the child is born early. |
| Antenatal Care                     | Medical care of women and their children during pregnancy   |
| Compulsory Maternity Leave (CML)   | A minimum two week leave period which all pregnant staff must take immediately after the date of child birth  |
| Statutory Maternity Leave          | A 52 week leave period including (CML) which all pregnant staff are entitled to take regardless of length of service  |
| Maternity Allowance                | A benefit paid to working pregnant women who are unable to get Statutory Maternity Pay  |
| Statutory Maternity Pay (SMP)      | Payments made by an employer to an eligible employee who is absent from work due to her pregnancy   |
| Occupational Maternity Pay (OMP)   | Payment granted by Live Active to eligible pregnant staff , which is normally greater than the statutory amounts  |
| Keeping in Touch Days              | Days agreed between a member of staff and their manager when they will carry out work or attend training.   |

## SECTION 7 – FLOWCHART GUIDANCE

Live Active Leisure values its employees and their wellbeing. Where possible and in conjunction with operational demands the Company aims to be flexible in its approach to assisting an employee's work / life balance. The following flowchart aims to assist employees to ensure that they and therefore the Company can meet legislative requirements and to allow prompt and efficient payment and processing of maternity leave. It also aims to ensure that all parties are aware of their individual responsibilities.

The flowchart details the line of responsibility for each party and trusts that each step is followed through.

