



Maternity leave and pay procedure

Procedure Summary

This procedure sets out the rights of all eligible British Red Cross employees to maternity leave and pay.

Policy Overview

Extract from HR Policy framework

5.3.1 Maternity leave

All pregnant employees, including those based internationally, are entitled to 52 weeks maternity leave, made up of 26 weeks ordinary maternity leave, immediately followed by 26 weeks additional maternity leave. This leave may begin from the start of the 11th week before the expected week of childbirth.

The employee is entitled to return to the same job, on the same terms and conditions at the end of this leave. However if, following additional maternity leave, it is not reasonably practical for the employee to return to the same role, the BRC will look for suitable alternative roles, on terms and conditions, which are not less favourable than would have applied had the employee not been absent.

During maternity leave the employee is entitled to all contractual benefits, with the exception that remuneration and pension will be subject to the following:

- a) All pregnant employees who have 26 weeks' continuous service up to the beginning of the 15th week before the expected week of childbirth (known as the qualifying week) and earn average weekly earnings in the eight weeks leading up to the 26th week of pregnancy of at least or equal to the **lower earnings limit** for National Insurance contributions are entitled to be paid for the first 39 weeks. The BRC enhances the statutory entitlement so that employees will receive: 100 percent of average weekly earnings for the first six weeks of maternity leave; 50 percent of average weekly earnings plus lower rate statutory maternity pay for the following 12 weeks (this cannot exceed the average weekly earnings); and then the lower rate of statutory maternity pay for the following 21 weeks.
- b) Employees starting their Maternity leave on or after the 1st April 2018 with at least 52 weeks service at the date on which their maternity leave begins are entitled to a further enhancement and will receive either half regular pay or the lower rate statutory maternity pay (whichever is the greater) for the final 21 weeks of their paid period of maternity leave

- c) Pension contributions will only be paid during the paid period of the maternity leave (first 39 weeks). The employee's pension contributions will be based on actual pay, whilst the employer's contributions will be based on the pay the employee would have received if they had not been on maternity leave.

Maternity pay for eligible staff members based internationally who are not entitled to benefits in the UK will be: 100 percent of average weekly earnings for the first six weeks of maternity leave; 50 percent of average weekly earnings for the following 12 weeks.

Owner	Executive Director of People and Learning
Procedure Lead	Workforce Policy Advisor
Formally endorsed by	Executive Leadership Team
Endorsed	October 2008
Next Review	June 2021
Audience	All staff
Related to policy	HR Policy framework section 5.3.1

1 Introduction

- 1.1 It is the British Red Cross' belief that employees should be assisted in balancing their working and personal lives. To this end, statutory rights to maternity leave and maternity pay have been supplemented to provide the benefits detailed below.
- 1.2 The Red Cross will sympathetically consider requests for temporary or permanent part-time or flexible working on the employee's return from maternity leave.
- 1.3 This policy has been produced in line with, and should be interpreted in the light of our organisational values: compassionate, courageous, inclusive and dynamic.

2 Setting out the process

2.1 Notification

Employee's must advise the Red Cross by the 15th week before her expected week of childbirth of the date she intends to start her maternity leave or as soon as reasonably practicable thereafter.

Medical evidence of the expected week of childbirth must be provided in the form of a completed maternity certificate (MATB1 form). This form is obtained from a doctor or midwife and should be handed to the line manager as soon as it is available.

The Red Cross will respond within 28 days confirming the employee's leave and pay entitlements.

2.2 Antenatal care

All pregnant employees are entitled to paid time off for antenatal classes and appointments.

Time off should be agreed in advance with the line manager and should be supported by an appointment card or some other appropriate document.

It is hoped that wherever possible, antenatal care will be arranged to keep the amount of absence to a minimum.

In addition, with effect from 1 October 2014 fathers and partners of a pregnant woman will have the right to accompany her to antenatal appointments. The time off work is unpaid, limited to two occasions and is capped at 6.5 hours for each appointment. There is no service requirement, the right is available from day one of employment and no evidence of the appointment is required. 'Partners' include the spouse or civil partner of the pregnant woman and a person, of either sex, in a long term relationship with her. The right also applies to those who will become parents through a surrogacy arrangement.

2.3 Health and safety

The Red Cross takes seriously its obligations to protect the health and safety of its employees, particularly its new and expectant mothers. It is therefore important that pregnant employees advise their line managers of their condition as soon as possible, so that the relevant assessment of their working environment job role and working activities, including travel requirements, can be carried out. The line manager should undertake a risk assessment with the individual, using the risk assessment guidance note. The risk assessment form is available on RedRoom.

If an employee considers that a risk is present that has not been identified by the risk assessment it must be brought to the attention of the line manager as soon as it is identified.

The Red Cross is not able to provide insurance cover for overseas travel beyond two months before the baby's due date and is therefore not able to agree any overseas business related travel beyond this date.

2.4 **Maternity leave**

2.5 All pregnant employees, including staff based internationally, are entitled to 52 weeks maternity leave, made up of 26 weeks ordinary maternity leave, immediately followed by 26 weeks additional maternity leave. This leave may begin from the start of the 11th week before the expected week of childbirth.

2.6 If an employee is absent from work wholly or partly due to pregnancy or childbirth in the four weeks before the expected week of childbirth, they will be deemed to have commenced their maternity leave.

2.7 During maternity leave the employee is entitled to all contractual benefits with the exception of remuneration, which is detailed in 'maternity pay' below.

2.8 The employee is entitled to return to the same job, on the same terms and conditions at the end of this leave. However if, following additional maternity leave, it is not reasonably practical to allow the employee to return to the same role, the Red Cross will look for suitable alternative roles, on terms and conditions, which are not less favourable than would have applied had the employee not been absent.

2.9 If the employee is on a fixed term contract, that is not due to be extended, and the employee wishes to not apply for any other suitable alternative employment within the Red Cross, or no suitable alternative employment is available, maternity leave will end on the same date of the termination of the fixed term contract.

NB mothers are required to take a compulsory two-week period of leave after the birth.

2.10 **Maternity pay**

2.11 All pregnant employees who have 26 weeks continuous service up to the beginning of the 15th week before the expected week of childbirth (known as the

qualifying week) and average weekly earnings in the eight weeks leading up to the 26th week of pregnancy of at least or equal to the **lower earnings limit** for National Insurance contributions are entitled to be paid for the first 39 weeks. The Red Cross enhances the statutory entitlement so that employees will receive:

- > 100 per cent of regular pay for the first six weeks of maternity leave
- > this will be followed by 50 per cent of regular pay plus lower rate statutory maternity pay for the next 12 weeks (this cannot exceed normal full pay)
- > then the lower rate of statutory maternity pay for the next 21 weeks

2.12 For employees starting their Maternity leave on or after the 1st April 2018 the Red Cross will further enhance the statutory entitlement where a pregnant employee who is eligible for Statutory Maternity Pay has 52 weeks continuous service at the date on which their maternity leave begins. They will receive:

- > 100 per cent of regular pay for the first six weeks of maternity leave
- > this will be followed by 50 per cent regular pay plus lower rate statutory maternity pay for the next 12 weeks (this cannot exceed normal full pay)
- > then either 50 per cent of regular pay or the lower rate of statutory maternity pay for the next 21 weeks, whichever is the greater.

2.13 Maternity pay is paid in the normal way (into the employee's bank or building society account) at the usual pay intervals and is subject to tax and NI deductions. Maternity pay cannot be paid more than 11 weeks prior to the expected date of childbirth.

2.14 International staff with 26 weeks service at the time of the qualifying week, who are exempt from paying UK taxes will not be entitled to the UK statutory maternity payments. Therefore, the pay entitlement in this instance will be: 100 per cent pay for the first 6 weeks, followed by 50 per cent of pay for the next 12 weeks. The remaining weeks will be unpaid.

2.15 In the case of International staff with 52 weeks service at the qualifying week the entitlement will be: 100 percent of regular pay for the first 6 weeks, 50 per cent of regular pay for the next 33 weeks.

2.16 Maternity pay calculations include per diem payments.

2.17 **Maternity pay for employees on fixed term contracts**

2.18 In cases where an employee qualifies for statutory maternity pay, and is on a fixed term contract which ends before maternity leave would commence; statutory maternity pay will be paid as a lump sum at the end of the fixed term contract; following this the employee will be made a leaver and no further payments can be made via payroll.

2.19 If the employee wishes to commence their maternity leave prior to the end date of the fixed term contract, the enhanced and statutory maternity payment above will be paid monthly until the end date of the fixed term contract. Any remaining statutory maternity pay will be paid in a lump sum at the end of the fixed term contract. No payments, including enhanced maternity pay, will be made for any maternity leave after the end of a fixed term contract, as employment will cease along with the entitlement employee benefits.

2.20 If an employee is on a fixed term contract and qualifies for the statutory and enhanced maternity pay, and their maternity leave occurs mid-way through the contract, i.e. they will be returning to the fixed term contract following maternity pay, they will receive the same enhanced payment as outlined above.

NB if an employee does not qualify for statutory maternity pay, they may be able to claim maternity allowance from the government (<https://www.gov.uk/maternity-allowance>).

2.21 The employee must inform the Red Cross if she starts work for another employer, or is taken into legal custody. In these instances, entitlement to statutory and enhanced maternity pay from the Red Cross is likely to cease.

2.22 **Pension arrangements**

2.23 An employee who is a member of the Red Cross pension scheme will continue to have pension contributions paid for the duration of the paid part of her maternity leave.

2.24 The employee's contributions will be based on actual pay, whilst the employer's contributions will be based on the pay the employee would have received if they had not been on maternity leave.

2.25 **Keeping in touch (KIT) days**

2.26 Employees may participate in up to ten KIT days with the prior agreement of their line manager, see details below:

- > The purpose of a KIT day is to enable the employee and the Red Cross to keep in touch during the period of maternity leave. Examples of when an employee might work a KIT day might include: to participate in a training event, to attend a meeting or to undertake a discrete piece of work.
- > Employees may not take part in a KIT day during the two weeks immediately following childbirth, or after the end of maternity leave.
- > KIT days will only be arranged with the mutual consent of the employer and the employee.
- > KIT days will be paid at the employee's normal salary rate and will not affect their maternity leave and pay (if applicable).
- > Any work done on a day during maternity leave will count as a whole KIT day (even if only part of a day is worked).

- > Line managers should inform P&L Advice and Support / International HR of KIT days when they are taken who will then process these for payment in the next available payroll using the Redroom change to job details form.

NB if an employee is on a fixed term contract, they will not be entitled to KIT days following the end date of their fixed term contract once they have been made a leaver.

2.27 **Annual leave**

- 2.28 Annual leave (including bank holidays) will continue to accrue during the full duration of their maternity leave, see details below:

Employees should normally take the annual leave accrued up to the point they start their maternity leave before they go on leave.

- 2.29 Annual leave accrued during the maternity leave period may be carried over to the next leave year in circumstances where it has not been possible to take the leave in the current leave year e.g. where the maternity leave period straddles two leave years or the individual has returned to work at the end of the leave year. The limit of 5 days carry over does not apply in these situations.

It is not possible to take annual leave during maternity leave.

- 2.30 A period of unpaid ordinary parental leave may be taken at the end of the maternity leave period. Please refer to the ordinary parental leave policy which is available on RedRoom.

- 2.31 NB employees on a fixed term contract should take any accrued leave before either the end of their contract or commencement of maternity leave, whichever is first. Those who commence maternity leave prior to the end date of their contract, will be paid in lieu for any annual leave accrued during the start date of the maternity leave until the end date of the contract when the maternity leave will cease.

2.32 **The end of maternity leave**

- 2.33 If an employee wishes to return to work before the end of her agreed maternity leave period, she should give her line manager at least eight weeks' notice of the date on which she wishes to return.

- 2.34 An employee wishing to work under different conditions to those she was contracted to prior to her maternity leave (e.g. part-time) should discuss this with her line manager as early as possible and confirm her request in writing, so that every effort may be made to accommodate the request.

- 2.35 If an employee does not wish to return to work she should confirm this in writing as soon as her decision is made, giving the required notice under her contract of employment.

- 2.36 If an employee on a fixed term contract, is successful in finding a new suitable alternative role within the organisation to return to following their maternity leave, this will be considered as continuous employment and therefore any maternity leave and full maternity pay will continue until the agreed return date to commence the new post.

3 Key people

- > **Employees:** to ensure they inform the British Red Cross using correct procedure, taking responsibility for their health and wellbeing.
- > **Line Manager:** Maintaining contact with employee during the leave period and facilitating return to work.
- > **SSC:** recording of Maternity leave period on SAVI
- > **Payroll:** processing of Maternity pay and SMP
- > **P&L Advice and Casework team:** advice on support available to employees and managers regarding eligibility and process.
- > **Workforce Policy Adviser:** responsible for maintain and updating this procedure where necessary.

4 Laws and regulations

- > Maternity and Parental Leave etc Regulations 1999 (SI 1999/3312)
- > Shared Parental Leave Regulations 2014 (SI 2014/3050)
- > Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)

5 Review and maintenance

This procedure will be reviewed every three years or as and when required to reflect any legislative change or good practice developments..

6 Appendices

Appendix 1: related documents

Appendix 2: document provenance

Appendix 1: related documents

Document title	Relationship to this policy
Fundamental Principles of the International Red Cross and Red Crescent Movement	Supports implementation of the policy
HR Policy framework	Overarching policy
Equality and diversity policy	Policy
Employee / volunteer pregnancy risk assessment	Mentioned in this procedure
New and expectant mothers risk assessment guidance note	Mentioned in this procedure
Access Control Procedure	Related document

Appendix 2: document provenance

Date endorsed	Category	Summarise changes made	Reason for changes	Consulted	Changes endorsed by
October 2008	Interim update	Change in legislation around contractual rights during maternity leave	Change in legislation	Unknown	Unknown
December 2013	Interim update	-Payment for KIT days should be made when they occur. Line managers should inform HR who will process payment. -Confirmation that any work done on a day during maternity leave will count as a whole keeping-in-touch day.	Change in procedure	Unknown	Unknown
April 2014	Interim update	Employees must earn on average £111 per week to qualify for payment for the	Change in legislation	Unknown	Unknown

		first 39 weeks.			
October 2014	Scheduled review	WEF 1 October 2014, fathers and partners will have the right to attend two antenatal appointments.	Change in legislation	Unknown	Unknown
April 2015	Interim update	-Employees must earn on average £112 per week to qualify for payment for the first 39 weeks. -Format update	Change in procedure	Unknown	Unknown
July 2015	Interim update	Clarification around fixed term contracts. Enhanced maternity pay for the duration of the contract. Outstanding SMP is paid in a lump sum at the end of the contract. If the employee is offered a new post during the notice period of their fixed term contract, this is continuous employment and the full enhanced payment is paid during their maternity leave.	Clarification of procedure.	Unknown	Unknown
October 2016	Scheduled review	Updated with the arrangements for international staff who do not pay UK tax	Update	Unknown	Unknown
November 2016	Interim update	Updated to replace the term 'HR' with 'P&L Advice and Support Team'	Update	Unknown	Unknown
June 2017	Interim update	Review date aligned with related leave procedures.	Update	Unknown	Unknown
December 2017	Interim update	Updated to align with new HR Policy Framework and corporate procedure template	Introduction of new HR Policy framework	Corporate Policy Manager	Head of P&L Expert Services
March 2018	Interim update	Employees must earn on average £113 per week to qualify for payment for the	Change in procedure	N/A	N/A

		first 39 weeks.			
June 2018	Scheduled review	<p>Update to reflect new enhanced maternity pay benefits</p> <p>Staff with at least one year's service at the date on which their maternity leave begins will be entitled to Occupational Maternity Pay, as follows:</p> <ul style="list-style-type: none"> •6 weeks at full pay •12 weeks at half pay plus SMP •21 weeks at half pay or SMP, whichever is the greater. <p>Staff who do not have the qualifying service but are eligible for SMP will be entitled to the current level of Occupational Maternity Pay, as follows:</p> <ul style="list-style-type: none"> •6 weeks at full pay •12 weeks at half pay plus SMP •21 weeks at SMP 	Change in procedure	<p>P&L Directorate</p> <p>Staff Association</p> <p>DMTs</p> <p>ELT</p>	ELT