

Maternity Policy



The purpose of this policy is to inform female employees wishing to take Maternity Leave of their statutory maternity rights and entitlements and additional enhancements offered by Transport for the North (TfN).

The policy incorporates the procedure to be followed for each occasion of Maternity Leave.

1. Introduction

This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth, and cover arrangements for ante-natal care, neo-natal care, pregnancy-related illness, Maternity Leave and pay.

2. Maternity Rights

Employees have the following 'key' maternity rights:

- Time off for ante-natal care;
- Maternity pay (if qualified);
- Maternity Leave;
- Time off for neo-natal care.

3. Qualifying Conditions

If an employee is pregnant, they qualify irrespective of length of service and irrespective of hours of work. For part time employees the amount of pay is calculated on a pro-rata basis.

All pregnant employees who have followed the correct notification procedure outlined in this document are entitled to the following Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML).

4. Statutory Maternity Leave

Maternity Leave is 52 weeks (26 weeks OML and 26 weeks of AML):

- Employees are entitled to 26 weeks OML regardless of how many hours their work or how long they have worked for TfN;
- During the period of OML, the contract of employment continues in force, and employees are entitled to receive all their contractual benefits (including incremental and cost of living awards), except for salary. In particular, any benefits in kind will continue, annual leave entitlement will continue to accrue and pension contributions will continue to be made. Pension contributions will be based on an actual pay whilst the company's contributions will be based on the salary they would have received had they not gone on Maternity Leave;
- A proportionate amount of salary will be replaced by Maternity Pay if the employee is eligible to receive it. On resuming work after Maternity Leave, an employee will be entitled to benefit from any general pay increases that may have been awarded in their absence;
- All employees are encouraged to take any outstanding annual leave that may be due before the commencement of their ordinary Maternity Leave. Holidays should be taken

in the year that it is earned and therefore if the holiday year is due to end during Maternity Leave, the full year's entitlement should be taken before starting Maternity Leave.

5. Additional Maternity Leave

AML of up to 26 weeks will start immediately after OML has ended. The first 13 weeks of AML will be paid, and the final 13 weeks will be without pay.

During the period of AML, the contract of employment continues in force and, as is the case during the period of OML, the employee is entitled to receive all contractual benefits, except for salary. Any benefits in kind will continue and annual leave entitlement will continue to accrue.

A proportionate amount of salary will be replaced by appropriate maternity pay for the first 13 weeks of AML if they are eligible to receive it.

Pension contributions will continue to be made during the period when an employee is receiving maternity pay, but not during any period of unpaid AML.

6. Start of Maternity Leave

Maternity Leave can begin at any time as long as this is not before the 11th week before the Expected Week of Confinement (EWC) (unless the child is born prematurely before this date). The latest it may begin is the date of the birth itself.

Maternity Leave will start on whichever date is the earlier of:

- Date chosen by the employee; or
- The day after they give birth.

If an employee gives birth before their Maternity Leave is due to start, they must notify us of the date of the birth as soon as is reasonably practicable.

If however they are absent from work for a pregnancy related illness during the four weeks before the start of EWC, OML will start automatically.

If the Maternity Leave start date is changed by the employee, they must give TfN at least 28 days' written notice of the change, where applicable.

The law requires all employees to take a minimum of two weeks of compulsory Maternity Leave immediately after the birth of a child.

7. Maternity Leave Notification

To qualify for Maternity Leave, an employee needs to notify TfN in writing as soon as they feel able to do so.

No later than 15 weeks before EWC, or as soon as reasonably practicable afterwards, they are required to provide the following information in writing:

- That they are pregnant;
- Their EWC; and

- The date on which they intend to start their Maternity Leave.

To make it easier for an employee to provide this information, they will be required to complete a Maternity Leave Form which can be obtained from TfN Intranet or HR & Skills Team. Once completed, this form should be returned to the HR & Skills Team.

In addition, an employee will need to provide the HR & Skills Team with a MAT B1 certificate, which is available from their doctor or midwife after the 20th week of pregnancy, and which states when the baby is due. The certificate must have either their doctor's name and address on it, or if issued by a midwife, her name and registration number. No maternity pay will be payable without this certificate.

Upon receipt of the notification and MAT B1 certificate, HR & Skills Team will forward a response within 28 days, in relation to the particulars provided by the employee, and which will be in the form of a Maternity Leave Plan, which will detail the date when an employee is expected to return to work, and other pertinent details.

8. Contact During Maternity Leave

Shortly before the Maternity Leave starts, the arrangements to keep in touch during Maternity Leave will be discussed, should the employee wishes to do so. TfN reserves the right in any event to maintain reasonable contact with all employees from time-to-time, even during their Maternity Leave. This may be to discuss their plans to return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply update them on developments at work during their absence.

9. Keeping in Touch (KIT) Days

Except during the first two weeks from childbirth, employees may agree to work for up to a maximum of 10 days during either their ordinary or additional Maternity Leave, without that work bringing the period of Maternity Leave to an end and without loss of a week's maternity pay.

These days will be paid at a normal rate of pay (half or full days) and do not affect maternity pay. Employees will not be compelled to undertake any work, and the intention is that these days will provide them with a useful way to keep in touch with the business and to undertake any necessary training or updating during this period of absence, which will benefit both the employee and the company.

10. Returning to Work

An employee will be formally advised in writing of the date on which their Maternity Leave will end, and the date on which they are expected to return to work if they take the full 52-week entitlement to Maternity Leave. They are expected to return on this date, unless TfN is notified otherwise. If an employee is unable to attend work at the end of their Maternity Leave due to sickness or injury, the normal arrangements for sickness absence will apply. In other cases, late return without prior authorisation will be treated as unauthorised absence. Whilst an employee is under no obligation to do so, they are requested to confirm as soon as convenient during their Maternity Leave that they will be returning to work as expected.

If they wish to return to work earlier than the expected return to work date, they must give TfN, preferably in writing, at least eight weeks' notice of the proposed date of early return. If

they fail to do so, TfN may postpone their return to such a date as will give us eight weeks' notice, provided this is not later than the expected return date.

If an employee decides not to return to work at all after Maternity Leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after their maternity period has ended, TfN may require them to return to work for the remainder of their notice period.

If an employee fails to return after her maximum period of Maternity Leave, and fails to notify TfN of their absence, then disciplinary action may be taken.

11. Returning to work after Ordinary Maternity Leave or Additional Maternity Leave

On resuming work after OML, an employee is entitled to return to the same job they occupied before commencing Maternity Leave, on the same terms and conditions of employment as if they had not been absent.

On resuming work after AML, they are entitled to return to the same job as they occupied before commencing Maternity Leave, on the same terms and conditions as if they had not been absent. If, however, there is some reason why it is not reasonably practicable for TfN to take them back in their original job, they will be offered suitable alternative work of equivalent status and responsibility, and on terms and conditions that are no less favourable than would have applied if they had not been absent.

12. Change of contracted hours or job content/title on returning

If an employee is a full-time employee, they have no automatic right to return to work on a part-time basis or to make any other changes to their working patterns at the end of their Maternity Leave. However, TfN will consider any requests for part-time working or other flexible working arrangements thoroughly, balancing the operational requirements of our business with individual requests. Naturally, whilst we will thoroughly investigate the feasibility of such requests, we cannot guarantee to accommodate employee's wishes.

13. Maternity Pay

The Maternity Pay period lasts for up to 39 weeks during Maternity Leave and may start on any day even if the baby is born early or if the mother is off work with a pregnancy-related reason.

14. Maternity Pay Entitlement

To be eligible for maternity pay an employee must:

- Have worked 26 weeks with TfN ending with the qualifying week, which is the 15th week before the EWC and be still employed during that week;
- Have an average weekly earnings in the eight weeks up to and including the qualifying week at least equal to the lower earnings limit for National Insurance contributions. Average weekly earnings are calculated over 26 weeks up to the 15-week before the EWC;
- Still be pregnant eleven weeks before the start of EWC (or have already given birth);
- Provide a MAT B1 certificate stating their EWC;

- Give TfN proper notification of their pregnancy in accordance with the rules set out in this policy.

15. Employees who do not qualify for Statutory Maternity Pay (SMP)

For any employee who does not qualify for SMP, TfN will issue an SMP1 form. This form enables employees to determine if they may be entitled to a Maternity Allowance through The Department for Work and Pensions (DWP).

Maternity Allowance is a weekly benefit paid to pregnant employees who are not entitled to Statutory Maternity Pay.

16. Maternity Pay for employees whose employment ended

An entitlement to maternity pay is safeguarded from the 15th week before the EWC even if the employment ends for whatever reason after this point.

17. Maternity Pay

Each qualifying employee will receive maternity pay for up to 39 weeks;

- The first six weeks will be paid at 90% (before tax) of their average earnings, inclusive of SMP;
- The remaining 33 weeks will be paid at 50% of their average earnings plus SMP.

18. Payment

To enable TfN to pay maternity pay, the employee will need to send HR & Skills Representative their MAT B1 to confirm the expected date of confinement and:

- Maternity pay will be calculated from the date of birth;
- Maternity pay will be paid from the start of the OML, whenever that is;
- Maternity pay will be paid monthly in accordance with the normal pay cycle;
- Maternity pay will start on the first day after leaving work to have a baby, whether this be the predicted date or that the baby is born early;
- Income Tax and National Insurance on maternity pay will be deducted as usual;
- Maternity pay is payable whether or not the employee intends to return to work after their Maternity Leave.

Payments made by TfN during the maternity leave and in relation to maternity will be made on the understanding that the employee will return to work for a period of at least three months, which may be varied by TfN on good cause being shown and, in the event of the employee not doing so, shall refund the monies paid, or such part thereof, if any, as TfN decide. Payments made to the employee by way of SMP are not refundable.

It is important to let us know if, during the maternity pay period, they start work for another employer as the entitlement to SMP will stop from that date.

19. Stopping Maternity Pay

Maternity pay will be stopped if the employee:

- Returns to work in any capacity during their maternity pay period (i.e. 39 weeks), with exception to the “keeping in touch days” or;
- They go outside the EU;
- They are taken into legal custody.

20. Maternity Pay for twins/multiple births

An employee is only entitled to one maternity pay payment regardless of the number of children born. However, Child Allowance can be claimed for each child.

21. Still Birth and Miscarriage

Still Birth - An employee who suffers a still birth after 24 weeks, automatically has the right to the paid Ordinary Maternity Leave period.

Miscarriage - An employee who suffers a miscarriage before 24 weeks, does not have any automatic right to the paid Ordinary Maternity Leave period.

In recognition of the need for time off to recover from such a loss after a miscarriage, employees will be granted a period of paid leave of up to 10 working days, where a miscarriage is recorded.

22. Protection from Redundancy

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 enhances protection for those on maternity, adoption or shared parental leave. Those on maternity, adoption or shared parental leave have the right to be offered a suitable alternative vacancy (where one is available) before they are made redundant, essentially giving them priority over any other employees at risk of redundancy.

Employees who are pregnant and those who have recently returned from maternity, adoption or shared parental leave are protected as follows:

- Pregnant employees from the point that they notify TfN of their pregnancy;
- Employees returning from maternity, adoption or shared parental leave:
 - Returning from maternity leave: for 18 months from the child’s date of birth (or from the expected week of childbirth if TfN is not notified of the date of birth before the end of maternity leave).
 - Returning from adoption leave: for 18 months from date of placement (or date of entry into Great Britain in the case of overseas adoption).
 - Returning from shared parental leave: as above if they have also taken maternity or adoption leave. If not:
 - At the end of the shared parental leave (if less than six weeks is taken); or
 - 18 months from the child’s date of birth (if more than six continuous weeks is taken).

Employees have the right to claim automatic unfair dismissal where TfN fails to comply with its obligations regarding offering suitable alternative vacancies and the employee is dismissed as a result.

Employees who have suffered a miscarriage before 24 weeks will also be protected. Their length of protection will be from when they notify TfN of their pregnancy until two weeks after the end of the pregnancy.

23. Additional Information

Continuity of Employment

During the period of Maternity Leave, an employee will continue to accrue continuous service.

Job Opportunities

TfN does not wish its employees to miss out on opportunities for promotion or progression. All internal job advertisements can be sent to a home email account or posted.

Annual Salary Review

If the annual salary review falls during the period of absence, employees will be notified of their reviewed salary at the same time as all other employees and will receive their reviewed salary as part of the maternity pay. Similarly, any backdated salary increases will be taken into account when re-calculating maternity pay. If the period of salary review falls on the period where the employee is receiving no pay, the salary increase will be implemented upon their return to work.

Staying in Touch

During the period of leave, TfN wishes to respect the special time with employee's newborn child, so we will not contact them if we can avoid it. However, if there are any significant changes in the business area or if training opportunities arise, their Line Manager will contact an employee to make sure that they are kept up to date with our current business position.

Pensions/Health Care Contributions

This absence will be treated as pensionable service and therefore TfN will continue to make contributions, if applicable, on employee's behalf into the Local Government Pension Scheme throughout the paid Maternity Leave period. Their personal contributions (if any) will be deducted from their maternity pay, unless otherwise informed. TfN will continue to make regular contributions to the employee's pension scheme at their current rate of pay. Their own contributions will be based on the amount of maternity pay and any maternity pay they receive. Personal and TfN's contributions will continue until the maternity pay ceases.

Holidays

During the whole 52 weeks Maternity Leave period, the employee will continue to accrue their contractual holiday entitlement (pro-rata for employees that work less than 37 hours per week). This includes bank and public holidays and Christmas close down days.

Employees who expect to be on Maternity Leave at the end of the holiday year are encouraged to take all their contractual holiday entitlement before the commencement of leave. Any statutory holiday that is outstanding at the end of the holiday year can be carried forward into the next holiday year.

If an employee returns to work in a new holiday year, they will be entitled to take any statutory holiday that has accrued during their Maternity Leave in the new holiday year on their return. However, should business needs dictate, they will be informed accordingly.

Sickness/Absence

If an employee is absent from work during their pregnancy due to sickness, they will receive sick pay in the same manner as any other sickness absence provided that they have not begun their Maternity Leave.

If however, they are absent from work due to a pregnancy-related illness after the beginning of the 4th week before EWC, but before the date they have notified, or before they have notified a date on which they intend to commence their Maternity Leave, then the Maternity Leave will usually begin automatically on the first day after the first day of absence. An employee must notify TfN that they are absent from work wholly or partly because of pregnancy as soon as is reasonably practicable and, until their Maternity Leave commences, they are still required to comply with the reporting procedure set out in our Absence and Welfare Policy.

Ante-natal Care

Once the employee has informed us that they are pregnant, they are entitled to take reasonable time off work with pay to attend the ante-natal clinic, and other ante-natal appointments made on the advice of their doctor, registered midwife or registered health visitor. Ante-natal care may include relaxation and parent craft classes that their doctor, midwife, or health visitor have advised them to attend, as well as medical examinations. Where possible, they should try and arrange the appointments to fit in with their job. Employees may also be asked to provide an appointment card confirming the date/time of their appointments.

Still Birth

The definition of childbirth is either the live birth of a child or a still birth after 24 weeks of pregnancy. An employee who suffers a still birth after this time, automatically has the right to the Ordinary Maternity Leave period.

Miscarriage (also called pregnancy loss)

The definition of miscarriage is the natural loss of a baby before 24 weeks of pregnancy. An employee who suffers a miscarriage (up to 24 weeks) will be entitled to up to 10 days paid leave.

Neo-natal care

Parents who have babies in neo-natal care within their first 28 days of their life (for seven continuous days or more) are allowed to take neo-natal leave and pay for up to 12 weeks.



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