

Maternity Leave Policy

This procedure covers the statutory rights of parents to Maternity Leave for children born on or after 01 January 2020.

Introduction

Landsec is committed to equality and diversity across the organisation and the purpose of this Maternity Policy is to provide employees with the opportunity to integrate their career with their family responsibilities.

This policy outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth and sets out the arrangement for pregnancy-related sickness, health and safety, and maternity leave. It does not apply to agency workers or the self-employed.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

There is no distinction between live and still births in the granting of maternity leave, providing the pregnancy lasts a minimum of 24 weeks.

Entitlement to Maternity Leave

All employees are entitled to up to 52 weeks' maternity leave, regardless of their length of service, which is divided into:

- Ordinary maternity leave of 26 weeks ("**OML**"); and
- Additional maternity leave of a further 26 weeks immediately following OML ("**AML**")

provided they comply with the notification requirements set out below (see **Notification**).

Notification

You should inform your line manager and HR as soon as possible that you are pregnant. This is important as there may be health and safety considerations (see **Health and Safety**).

Before the end of the 15th week before the week that you expect to give birth ("**Qualifying Week**"), or as soon as reasonably practical afterwards, you must tell us:

- that you are pregnant;
- the week, starting on a Sunday, in which your doctor or midwife expects you to give birth ("**Expected Week of Childbirth**"); and
- the date on which you would like to start your maternity leave ("**Intended Start Date**")

You must provide a certificate ("**MATB1 Form**") from a doctor or midwife confirming your Expected Week of Childbirth.

You should also complete the New and Expectant mothers' [Risk Assessment](#).

Antenatal Care

If you are pregnant you may take reasonable paid time off during working hours for antenatal appointments. This may include any relaxation or parenting classes that your doctor, midwife or health visitor has advised you to attend.

Please try to give your line manager as much notice as possible of the appointment. We may ask you to provide appropriate evidence of the appointment in the form of an appointment card. We may sometimes ask you to try and rearrange an appointment where it is reasonable to do so.

The expectant father of the baby or partner (spouse, civil partner or cohabiting partner) of the pregnant employee has the right to take time off work to go to 2 antenatal appointments. Time off to attend these appointments is unpaid.

Sickness

Periods of pregnancy-related sickness absence shall be paid in accordance with our Sickness Absence Policy in the same manner as any other sickness absence.

If you are absent for a pregnancy-related reason during the 4 weeks before your Expected Week of Childbirth, your maternity leave will usually start automatically (see **Starting Maternity Leave**).

Health and Safety

Once you have notified us of your pregnancy, we will carry out a 'New and Expectant Mothers' risk assessment, and identify any preventive and protective measures that we consider we need to take. We will take such steps as necessary to avoid any risks identified affecting your health and safety as a new or expectant mother or that of your baby.

The risk of you being exposed to harmful working conditions at Landsec should generally be negligible. However, if your work involves heavy lifting, working long hours or if you have a medical condition which makes it difficult for you to do your normal job, you should discuss this with your line manager, the health and safety manager and HR.

[Risk Assessment - Landsec New or Expectant Mother working in the office \(or home\) environment](#)
[Health and Safety Legal Requirements - New and Expectant Mothers](#)

Starting Maternity Leave

The earliest you can start your maternity leave is 11 weeks before the Expected Week of Childbirth (unless your child is born prematurely before that date). You can postpone your Intended Start Date by informing us at least 28 days before the new start date, or if that's not possible, as soon as reasonable practicable.

Your maternity leave will start on the earliest of:

- your Intended Start Date (if notified to us in accordance with this policy);
- the day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth. If this happens you must let us know as soon as possible in writing;
- the day after you give birth. If you give birth before your maternity leave was due to start, you must let us know the date of the birth in writing as soon as possible.

Shortly before your maternity leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.

The law prohibits you from working during the 2 weeks following childbirth.

Maternity Pay

Statutory maternity pay (“**SMP**”) is payable for up to 39 weeks provided you have at least 26 weeks’ continuous employment with us at the end of the Qualifying Week, you reach the Lower Earnings Limit for National Insurance Contributions and you comply with the notification requirements set out above. The first 6 weeks SMP are paid at 90% of your average earnings and the remaining 33 weeks are at a rate set by the government each year and published via gov.uk. SMP will stop being payable if you return to work (except where you are simply keeping in touch in accordance with a Keeping in Touch Day (see **Keeping in Touch**)).

If at the end of the Qualifying Week you have been continuously employed for at least 26 weeks, , you reach the Lower Earnings Limit for National Insurance Contributions and provided you comply with the notification requirements set out above you will qualify for Landsec’s enhanced occupational maternity pay.

Employees who qualify are entitled to the following:

26 weeks x full pay (the enhanced element)
(this includes the first 26 weeks of Statutory Maternity Pay - 6 weeks at the higher rate and 20 weeks at the lower rate - which are enhanced by the Landsec to equal full pay); followed by
13 weeks x SMP at the lower rate; followed by
13 weeks unpaid leave.

General points to consider

“Full pay” means your normal basic salary at the start of your maternity leave (subject to the section below on pay reviews). It does not include any additional allowances or benefits.

Deductions will be made for income tax and national insurance as appropriate.

Enhanced occupational maternity pay shall only be paid whilst you remain employed and includes any SMP that may be due for that period.

No payment of enhanced pay shall at any time exceed the employee’s normal basic salary. You are entitled to a maximum of 26 weeks’ enhanced full basic pay through any combination of leave (maternity, paternity or shared parental leave) in respect of any one birth (regardless of whether this is the birth of more than one child).

Employees Who Do Not Qualify for Maternity Pay

Employees who have not been continuously employed for at least 26 weeks at the end of the Qualifying Week or whose earnings do not reach Lower Earnings Limit for National Insurance Contributions, do not qualify for SMP or for Landsec's enhanced occupational maternity pay. However, you may be entitled to a maximum 39 weeks of Maternity Allowance. Your local Jobcentre Plus will have more information on this. Such employees are entitled to up to 52 weeks' unpaid Maternity Leave as outlined in the Maternity Leave Entitlements section above.

Terms and Conditions During OML and AML

All the terms and conditions of your employment remain in force during OML and AML except for the terms relating to pay and as such all benefits (including benefits in kind), except basic salary and meal allowance (where applicable), will be maintained during this period. You remain bound by the obligations contained in your contract of employment.

You will be required to provide the HR team with your instructions in relation to some of your benefits and a form to enable you to do this will be sent to you before the commencement of your maternity leave.

Holiday Entitlement

During your maternity leave, you will continue to accrue your contractual holiday entitlement.

The aim is that where possible any outstanding leave entitlement should be taken in the leave year to which it applies; either before you start maternity leave or if this is not possible, immediately after maternity leave and before you return to work.

Any accrued but untaken holiday entitlement (including bank holidays) which is outstanding at the end of maternity leave should be taken immediately after the maternity leave ends.

Any holiday entitlement for the year that cannot reasonably be taken before starting your maternity leave can be carried over to the next holiday year, however where possible you should try to limit carry over to one week's holiday or less and take your carried over holiday immediately after your maternity leave ends. No payment in lieu will be made for any untaken annual leave.

However, if you decide not to return to work after maternity leave, you will be paid for all holiday entitlement accrued during your maternity leave period. All holiday dates are subject to approval by your line manager.

Pension

Your membership of the company's pension scheme will continue during your maternity leave.

Employee contributions – your employee contributions will continue during the period you are in receipt of enhanced maternity pay at the same percentage based on your actual earnings. As the scheme is a salary sacrifice scheme, for the period of your maternity leave when you are paid SMP only (i.e. no enhanced pay or car allowance, if applicable) or no pay, Landsec will pay your employee contributions, based on your notional pay (i.e. the pensionable salary you would be earning before any reductions if you were not on maternity leave on reduced pay).

Company contributions - will continue to be based on your “notional” salary (i.e. the pensionable salary you would be earning before any reductions if you were not on maternity leave on reduced pay) for the duration of your maternity leave, for a period of up to 52 weeks.

When you return from maternity leave, we will automatically revert both contributions back to what they were pre-maternity leave. If you do not return to work, you will be advised of your pension benefits options by HR.

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Company Car and Car Allowance

Subject to the terms and conditions of the Company Car Scheme, you may retain your company car throughout the maternity leave. Cash allowance in lieu of company car continues on the same basis.

Life Assurance

Your life cover will continue throughout the whole of your maternity leave.

Permanent Health Insurance

Your eligibility to apply for Permanent Health Insurance under any scheme operated by Landsec shall continue during your maternity leave, in accordance with the relevant requirements and rules in place from time to time.

Private Medical Insurance

You may continue your membership of the company’s private medical insurance scheme during your maternity leave. Under this arrangement, while you are on maternity leave, we will continue to pay premiums for you, and, if applicable, your spouse/dependent children under 21 under the terms of your previous cover. This will continue to be a taxable benefit and the tax will be deducted from your salary while you are on paid maternity leave.

If you are paying for additional cover for a spouse and/or dependants under the company’s private medical insurance scheme or they have cover under the company’s voluntary schemes, you must arrange to pay the premiums due for the period of your maternity leave. You may do this by asking the HR Department to arrange for the whole of the premiums due to be deducted from your statutory or enhanced maternity pay. Alternatively, you may pay by cheque for the whole of the premium due or monthly in advance.

The Company’s private medical insurance scheme does not cover ante or postnatal care. However, if you become ill as a result of your pregnancy or for any other reason during this period, or there are complications requiring special medical treatment, you may be entitled to benefit under the scheme. The facts of each individual case will need to be reviewed to assess eligibility under the rules of the relevant scheme and any requirements of the relevant insurer/benefit provider.

Childcare Vouchers

As both the childcare voucher and cycle to work schemes are paid via a salary sacrifice arrangement, for the period you are paid SMP only (i.e. no enhanced pay or car allowance, if applicable), or are on nil pay,

salary sacrifice under these schemes will be suspended during this period. Instead, Landsec will cover the cost of the childcare vouchers to the provider on your behalf. Deductions to cover the cost of the vouchers, will continue to be paid by you whilst you are paid sufficient enhanced maternity pay. We will only be liable up to the amount of vouchers that you were taking before going on maternity leave or the maximum tax-free amount, whichever is lower. You may not increase the amount of childcare vouchers whilst on maternity leave.

When you return to work deductions from your salary will be re-instated automatically. In relation to the cycle to work scheme, you can choose either to extend the term by the number of months suspended or to 'catch up' by greater deductions from your pay on your return.

Should you not return to work from maternity leave, the childcare vouchers will cease. In the case of the cycle to work scheme, any remaining balance for the bike loan will be taken from your final pay from Landsec.

Give As You Earn (GAYE)

Deductions from salary will continue while you are on paid maternity leave, provided there are sufficient funds to do so. For the period of unpaid leave, deductions for GAYE will be suspended, and they will automatically be reinstated upon return from maternity leave. You can continue to manage your deductions for GAYE via workday or email hr@landsec.freshservice.com

Gym Membership and Season Ticket Loans

If you participate in either the gym membership scheme or in receipt of a season ticket loan, deductions from salary will continue while you are on paid maternity leave, provided there are sufficient funds to do so. While you are on unpaid maternity leave, or there are insufficient funds, deductions will be suspended for the duration of unpaid leave. Upon returning from maternity leave, deductions will recommence and continue until the loan is re-paid.

Should you not return to work from maternity leave, any remaining balance will be taken from your final pay from Landsec.

Health Assessments

You will continue to be eligible for health assessments while on maternity leave.

Annual Bonus & Pay Review

Base salaries are reviewed annually in June and while on maternity leave your base salary will be reviewed in line with all other employees. Any salary increase will take effect with immediate effect and will be taken into account in the calculation of any SMP entitlement for the duration of the leave or any enhanced maternity pay payable from the date the salary increase takes effect. Any salary increase will also apply upon your return from maternity leave.

You will remain eligible to participate in any applicable annual discretionary bonus plan, with any bonus which the Company may determine in its absolute discretion to pay being based on the period you worked during the bonus year (1 April to 31 March), plus the first two weeks' of maternity leave (the compulsory two week period).

Sharesave

While you are on paid maternity leave, and there are available funds, your savings into the Sharesave plan will continue. While you are on unpaid maternity (or reduced pay where there are insufficient funds) you can elect to take a “payment holiday” from the plan for a period of up to 12 months. Please contact the Payroll team if you wish to initiate a payment holiday, providing sufficient notice before you go on to reduced pay.

If you take a payment holiday, the maturity date for your plan will be extended, however you will still have to make the full quota of 36 or 60 payments before the plan can mature for you to exercise your options. Once you return from maternity leave, savings will re-start and be extended for the period of missed payments. Should you not return from maternity leave your option to exercise will lapse.

Alternatively, you can arrange to pay Equiniti directly by standing order, so that your savings are up to date, and your plan can mature on the normal date. To do this please contact Equiniti on 0371 384 2040.

Or, if you wish you can cease savings into the plan by contacting Equiniti on the above number or via your portal access and your savings to date will be returned to you. Please ensure that you also inform Payroll that you wish to cease your savings. Once you cease savings into the plan your option to exercise will lapse.

Continuity of Service

If you return after maternity leave (either to your old job or a suitable alternative) there shall be no break in your continuity of service for the purpose of statutory and contractual rights (such as notice entitlement and for service related benefits). If you reach a service related benefit during your period of maternity leave, your entitlement to that benefit will commence at that time and continue on your return from maternity leave.

Keeping in Touch

Your line manager and HR may make reasonable contact with you from time to time during your maternity leave. This may include contacting you to discuss arrangements for your return to work.

You may work or be asked to work (including attending training) for up to 10 days during your maternity leave without bringing your maternity leave or SMP to an end (Keeping in Touch Day or “KIT day”). This is not compulsory and must be discussed and agreed with your line manager. In any case, you must not work in the 2 weeks following birth.

You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any maternity pay entitlement.

Returning to Work

Once you have notified us in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date (which will be the end of the 52 week period of statutory maternity leave). If your start date has been changed (either because you gave us notice to change it, or because your maternity leave started early due to illness or premature childbirth) we shall write to you within 28 days of the start of maternity leave with a revised Expected Return Date.

If you wish to return to work earlier than the Expected Return Date, you must give us 8 weeks' notice. It is helpful if you give this notice in writing. If you do not give enough notice, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

If you wish to return later than the Expected Return Date i.e. after the end of your 52 week statutory maternity entitlement, you should either request unpaid parental leave in accordance with our Parental Leave Policy or request paid annual leave in accordance with your contract, which will be at our discretion and subject to business needs.

In some cases you and your spouse or partner may be eligible to opt into the Shared Parental Leave ("SPL") scheme which gives you more flexibility to share the leave and pay available in the first year after birth. Please see the SPL Policy for further information.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with your line manager as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract of employment. This does not affect your right to receive SMP.

You are normally entitled to return to work in the same position as you held before commencing leave, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, if such a role is available.

If you would like to change your hours or other working arrangements on return from maternity leave you should discuss this with your line manager and make a request under our Flexible Working Policy.

Premature Birth

If your baby is born prematurely and you have not started your maternity leave by this time, your maternity leave will start automatically the day after you give birth. However, Landsec acknowledges that there may be occasions on which a mother who has given birth to a very premature baby (in particular, but not exclusively, to a baby born before week 37 of the pregnancy) may wish to take additional time off to be with, and care for, the baby. In certain circumstances, Landsec may be able to assist with this by granting an additional period of unpaid leave at the end of the employee's maternity leave. If you are in this situation, please contact the HR team for further information and to discuss your options.