

**MATERNITY GUIDELINES**

**1. Scope and Purpose**

This policy outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth. No employee will be subjected to a detriment for taking or seeking to take maternity leave in accordance with this policy.

This policy applies to all employees.

This policy does not form part of the employees' terms and conditions of employment. Chambers reserves the right to amend this policy from time to time.

**2. Time off for Antenatal Care**

- (a) You are entitled to take reasonable time off during your normal working hours to receive antenatal care, although whenever it is possible to do so, you should arrange your appointments at the start or end of your working day. Antenatal care includes appointments with your GP and hospital clinics, as well as, for example, parentcraft or relaxation classes provided that these are advised by a registered medical practitioner, registered midwife or registered health visitor.
- (b) You should advise the Chambers Administrator that you will be absent as far in advance of your appointment as possible. You may be asked to produce your appointment card, or some other confirmation of your appointment. In the absence of the Chambers Administrator you should advise one of the Senior Clerks.
- (c) There will be no deduction from your salary for attendance at authorised antenatal appointments, including any time spent travelling to and waiting for the appointment.

**3. Maternity leave**

(a) **Ordinary Maternity Leave**

You are entitled to 26 weeks' maternity leave regardless of your length of service.

(b) **Additional Maternity Leave**

In addition to ordinary maternity leave (outlined above, i.e. 26 weeks) you will be entitled to a period of additional maternity leave. This additional period of leave runs for a period of 26 weeks beginning with the first day following the end of ordinary maternity leave.

(c) **Compulsory Maternity Leave**

You may not work for Chambers immediately after childbirth. This period of compulsory maternity leave lasts for 2 weeks from the date of childbirth.

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You may also be entitled to unpaid parental leave. For further details please see the separate Chambers guidelines on parental leave.

## 4. Commencing maternity leave

- (a) You can commence your maternity leave at any time after the 11<sup>th</sup> week before your baby is due (unless your baby is born prematurely before that date).
- (b) If you are ill for a reason related to your pregnancy at any time after the start of the 4th week before your baby is due Chambers reserves the right to require you to start your maternity leave on the first day of your absence.
- (c) If you wish to work beyond the 4th week before the week before your baby is due we may require confirmation from your GP or midwife that you are fit to work.
- (d) Subject to the above, if you give birth before your maternity leave was due to start, your maternity leave will be deemed to have started the day after you gave birth.

## 5. Notice Requirements

- (a) You will be provided with Form MAT B1 to be signed by your GP or Midwife confirming your pregnancy. You should give this to the Chambers' Administrator (or one of the Senior Clerks) as soon as possible, but at least 21 days before you start your maternity leave.
- (b) You must notify Chambers as early as possible of your pregnancy so that details of the maternity policy and employee rights can be discussed. In any event you must notify Chambers of your intention to take maternity leave by the 15<sup>th</sup> week before your expected week of childbirth unless this is not reasonably practicable.

You will need to confirm:

- (i) That you are pregnant;
- (ii) The week in which your baby is due;
- (iii) When you want your maternity leave to start.

On receipt of this Chambers will write to you confirming the date you are expected to return should you take your full entitlement.

- (c) You are requested to notify Chambers (or one of the Senior Clerks) of the date of your baby's birth as soon as reasonably practical.
- (d) Chambers will write to you within 28 days of receiving notification of your maternity start date to let you know your expected return date.

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## 6. Change of Leave Dates

Once you have notified Chambers of the date you wish to start ordinary maternity leave you can change this date as long as you notify Chambers of the new start date by whichever is the earlier of:

- 28 days before you originally intended to start your leave; or
- 28 days before the new date you want to start your leave

unless it is not reasonably possible to do so, in which case you must notify Chambers as soon as is reasonably practicable.

## 7. Right to Return to Work

- (a) If you take only ordinary maternity leave of 26 weeks or less, plus up to 4 weeks of any parental leave entitlement, you are entitled to return to the same job in which you were employed before your absence, unless a redundancy situation has arisen, in which case you are entitled to be offered a suitable alternative vacancy if one is available.
- (b) If you take (i) up to 26 weeks ordinary maternity leave plus more than 4 weeks parental leave; or (ii) additional maternity leave beyond the period of 26 weeks ordinary maternity leave (with or without any parental leave) then you are entitled to return to either the same job in which you were employed before your absence or, if that is not reasonably practical, a similar job. This may not necessarily be the same job that you were doing before you started maternity leave. The terms and conditions of any such similar job will not, however, be any less favourable than those of your original job.

## 8. Return to Work - notification

If you intend to return before the end of your leave you must provide 8 weeks' written notice. Chambers may postpone your return should we not receive sufficient notice from you.

You do not need to give Chambers advance notice if you intend to return to work immediately after the end of your additional maternity leave period or after the end of your ordinary maternity leave period if you do not take additional maternity leave.

You must give contractual notice if you do not intend to return to work. Your contractual notice period is set out in your contract of employment.

## 9. During Maternity Leave

Chambers may make contact with you (and vice-versa) while you are on maternity leave, as long as the amount and type of contact is not unreasonable, to discuss a range of issues e.g. to discuss plans for returning to work, or to keep you informed of important developments at the workplace or relevant promotion opportunities or job vacancies that arise during maternity leave.

With prior agreement you can do up to 10 days' work under your contract of employment. Before any work is done the nature of it and the rate to be paid must be agreed by both you and Chambers.

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## 10. Maternity pay

- (a) If you:-
- (i) have at least 26 weeks' service ending with the qualifying week which is 15 weeks before the expected week of childbirth; and
  - (ii) have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions; and
  - (iii) are pregnant at the eleventh week before the expected week of childbirth;
  - (iv) have provided Chambers with a doctor's or midwife's certificate (from MAT B1) stating your expected week of childbirth; and
  - (v) have given at least 28 days' notice (or, if that is not possible, as much notice as you can) of your intention to take maternity leave.

you will be entitled to receive statutory maternity pay (SMP) whether or not you intend to return to work.

- (b) SMP is payable for a maximum of 39 weeks. Week 1 of your maternity pay period is the week after you leave work or start your maternity leave. For the first 6 weeks of your leave, you are entitled to receive 90% of your average weekly earnings which is calculated over the eight weeks preceding the fourteenth week before the expected week of childbirth. You will then receive the statutory rate for the remaining 33 weeks. Chambers will pay you 50% of your weekly salary for these 33 weeks if this is higher than the statutory rate.
- (c) To claim SMP you must give 28 days' notice of the date you wish to start receiving SMP if you have not already done so.
- (d) You will receive SMP on normal pay days for the appropriate period. This will mean that in some months you will receive 4 weeks' pay, in others 5 weeks' pay. These payments are subject to tax and National Insurance.
- (e) If you do not qualify for SMP you may be able to claim state maternity allowance (MA). You will need to claim MA from your local office of the Department of Social Security using form MA1. MA is paid to you direct from the DSS.

## 11. Chambers benefits

- (a) Your contract of employment will continue during ordinary maternity leave and additional maternity leave you will continue to be bound by your normal contractual terms and to receive all your contractual benefits (such as holiday entitlement) with the exception of salary.
- (b) You will still qualify for the Chambers Staff Bonus Scheme but on a pro rata basis for time spent at the workplace in each 6 month period between 1<sup>st</sup> October – 31<sup>st</sup> March

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and 1<sup>st</sup> April – 30<sup>th</sup> September. Your qualification is therefore suspended in your absence.

- (c) Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during your maternity leave, you should ensure that you have taken the full year's entitlement before starting your maternity leave.
- (d) If you decide not to return to work, all benefits will cease from the date your resignation takes effect.

## 12. Loans

If you have any outstanding loans (e.g. Season ticket loan), deductions from your salary and maternity pay will continue wherever possible. You will be expected to repay any outstanding balances before going on maternity leave if payments cannot be deducted from you during your leave.

## 13. Health & Safety

Chambers has a general duty to take care of your health and safety and are required to carry out a risk assessment to assess the workplace risks to pregnant women. In order to help Chambers do this:

- (a) You should arrange an assessment of your workstation with the Chambers' Administrator (or one of the Senior Clerks).
- (b) If you are employed in a position which has been identified as posing a risk to your health or that of your unborn child you will be notified immediately and arrangements will be made to eliminate that risk.

## 14. Incentive Bonus

Chambers operates a bonus scheme for women returning to work from maternity leave. If you take less than 26 weeks' maternity leave, you will be eligible for a lump sum bonus on condition that, from the date of your return, you complete 6 continuous months' employment in Chambers in the same capacity as prior to your maternity leave or (at the request of Chambers or with Chambers' consent) in another capacity. The bonus is payable at the end of that 6 month period and is calculated at 1/312 of your full annual salary on the date of the birth, multiplied by the number of full weeks fewer than 26 that you have taken as maternity leave.

## 15. Adoption leave

The rules on adoption leave broadly mirror maternity leave provisions. The employee cannot take adoption leave if their spouse or partner is taking adoption leave, although they may be entitled to take paternity leave. If you would like further details of adoption leave or adoption pay you should speak to the Chambers Administrator (or one of the Senior Clerks).