

Introduction

Creative Lives endeavors to operate as a flexible employer based on mutual trust between Board, Senior Managers, and staff. This suite of policies deals with specific Family Friendly aspects covered by law and the organisation. These policies aim to meet all current statutory requirements and will be updated in accordance with statutory changes outside of any formal review.

Maternity Policy

This policy covers all staff employed by Creative Lives (full and part time) on either full term or fixed term contracts (assuming all statutory requirements are met) If a fixed term contract ends during pregnancy or maternity leave, entitlement under this policy will end, and statutory entitlements will apply from the date the employee leaves Creative Lives.

Time Off for Ante-natal Appointments

It is a statutory requirement to allow pregnant employees paid time off to receive antenatal care, employees should advise their manager of any absence as far in advance of the appointment as possible and may be asked to produce an appointment card.

Pregnancy Risk Assessment

An individual risk assessment will be carried out to identify adjustments that can be put in place to protect the health or safety of the pregnant employee and their unborn child. If you have concerns about health and safety during pregnancy you should raise these with your line manager.

Maternity Leave

All employees are entitled to 52 weeks' maternity leave, irrespective of their length of service or the number of hours worked each week.

The first 26 weeks is known as "ordinary maternity leave" (OML); the second 26 weeks is known as "additional maternity leave" (AML).

If an employee becomes pregnant again during maternity leave, they have the right to further ordinary and additional maternity leave.

Employees must take at least 2 weeks leave after the birth. This is known as the compulsory leave period.

Maternity Pay

Employees with less than 26 weeks' service do not qualify for maternity pay but are entitled to unpaid maternity leave.

Employees with 26 weeks' continuous service assessed at the 15th week before the expected week of childbirth (EWC) and whose average weekly earnings are at or above the lower earnings limit for National Insurance contributions qualify for statutory maternity pay (SMP) and enhanced maternity pay (EMP)

SMP and EHP is payable whether the employee intends to return to work or not.

Statutory Maternity Pay (SMP)

- SMP is payable for a **maximum** of 39 weeks.
- SMP is paid at 90% of average pay for weeks 1-6 of maternity leave
- and statutory maternity pay rate for weeks 7-39 of maternity leave or 90% of your average pay if that is less.
- SMP rates are set by government in April each year and Creative Lives will keep up to date with statutory obligations.

Enhanced Maternity Pay (EMP)

- Creative Lives will top up SMP so that staff receive 100% of their salary for the first 12 weeks of maternity leave (EMP)

Summary of Maternity leave and pay entitlements Length of Service at 15 weeks before the EWC

Maternity Leave and Pay Entitlement

(for employees earning at or above lower earnings limit for NI contributions).
Under 26 weeks' service 52 weeks maternity leave (26 weeks OML, 26 weeks AML).

This leave is unpaid. Some employees will be entitled to receive Maternity Allowance via the Job Centre.

26 weeks' service or more 52 weeks maternity leave (26 weeks OML, 26 weeks AML)

Paid for 39 weeks as follows:

- weeks 1-6: 90% average weekly pay
- weeks 7-39: current statutory guidelines or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks.

Commencing Maternity Leave

Maternity leave may begin at any time after the start of the 11th week before the expected week of childbirth. The only exception to this is if the employee falls ill because of pregnancy-related illness at any time after the start of the 4th week before the child is due or gives birth early. In such cases, maternity leave will start on the first day of sickness absence or on the date of birth of the child.

The minimum maternity leave which must be taken is 2 weeks immediately following the birth, which is known as the compulsory maternity leave period.

Applying for Maternity Leave

An employee should advise their line manager in confidence of their pregnancy as early as possible. This is advisable for the purposes of carrying out a risk assessment and making any necessary adjustments.

An employee should complete the Maternity Leave application form no later than 15 weeks before their expected week of childbirth.

The employee should also provide the HR Director with a copy of their MATB1 certificate. This is issued by a doctor or midwife around the 20th week before

the EWC and confirms the pregnancy and EWC.

Creative Lives will write to confirm maternity leave and pay entitlements within 28 days and will confirm in writing the expected maternity leave start date and date on which maternity leave will end.

An employee can change their mind about their start or return date and must give 8 weeks' notice of the new date.

Keeping in Touch During Maternity Leave

During the maternity leave period managers can make reasonable contact with an employee. Employees may be contacted for purposes of consultation whilst on maternity leave. Employees must inform Creative Lives of any change in contact details whilst on maternity leave.

Employees can work up to 10 days during their maternity, adoption or additional paternity leave. These days are called 'keeping in touch days' (or KIT). Keeping in touch days are optional - both the employee and employer need to agree to them.

The type of work and pay employees get should be agreed before they come into work. The employee's right to maternity, adoption or additional paternity leave and pay is not affected by taking keeping in touch days.

Contractual Benefits and Entitlements during Maternity Leave

Salary Increases/Cost of Living

Maternity pay will be adjusted to take into account any pay increases which are implemented whilst you are on maternity leave.

Annual Leave and Bank Holidays

Full holiday entitlement will continue to accrue throughout the full period of maternity leave. It is advisable to take annual leave, and bank holidays accrued whilst on maternity leave, at the beginning and end of maternity leave prior to returning to work. It may also be used for a phased return to work after maternity leave, subject to agreement with your line manager. It is not possible to take annual leave during maternity leave.

Length of Service

The entire period of maternity leave will be included when calculating the employee's length of service for the purposes of any contractual benefits.

Pension Contributions

Pension contributions will be paid during the period of paid maternity leave only (up to 39 weeks) and will be based on the pensionable pay the employee would receive if working.

Returning to Work

Employees must notify their line manager of a provisional return to work date prior to starting maternity leave, and this will be confirmed in writing by Creative Lives.

- If an employee plans to return to work earlier than planned, they must give 8 weeks' notice of their earlier return date.
- If an employee plans to return to work later than originally planned, they must give notice of the new date, at least 8 weeks prior to their original return date.
- If an employee does not wish to return to work, they must give their contractual notice. The employee will not be required to repay any maternity pay should they decide not to return to work.
- An employee returning to work after ordinary maternity leave has the right to return to the same job. The right to return following additional maternity leave is to the same job unless this is not reasonably practicable, but any alternative job must be both suitable and appropriate. The terms must be no less favorable than those which would have applied had the employee not been absent on maternity leave.

Transfer of Additional Maternity Leave to your partner

After the baby is 20 weeks old, parents may choose to transfer the remaining maternity leave to the father or partner, once the mother has returned to work.

Please note that a mother who returns from maternity leave early, in order to enable their partner to take the remainder of the maternity leave, must give their written permission for Creative Lives to release any information confirming their return to work, the period of their maternity leave and pay, to their partner's employer.

Such information will not be disclosed otherwise, which may result in delay in the partner receiving any remaining maternity pay or his/their additional statutory paternity pay being authorised by his/their employer.

Miscarriage, Stillbirth and Termination

In the event of stillbirth (or late abortion) after 24 weeks' gestation 12 weeks special leave on full pay will be given. If the woman suffers a miscarriage or abortion at 24 weeks or less, they shall be entitled to a minimum of 4 weeks special paid leave. This shall not be counted as sick leave.

Sickness during pregnancy and maternity leave

Sickness during pregnancy should be recorded in the normal way. Managers should be sympathetic to physical effects of pregnancy and may need to make reasonable adjustments to accommodate the needs of pregnant employees.

Sickness which occurs during maternity leave is not recorded or paid.

If an employee is sick when they are due to return to work at the end of their maternity leave, they should be treated in exactly the same way as any other employee who is absent.

Paternity Pay/Leave

Employees are entitled to Paternity Leave of four weeks with full salary being paid commencing from the date of the birth of the child.

Additional leave will be considered for pay for maternity support, in any unforeseen circumstances, provided that supporting evidence is produced.

Adoption Pay/Leave

Adoption leave will be granted on comparable terms to maternity leave with comparable rights to 'paternity' leave for secondary carers.

Adoptive parents are entitled to flexibility in using their pay and leave entitlement.

Entitlement to pay and leave for adoptive parents shall extend to pre-adoption appointments as well as to the adoptive process.

Adoption leave will be granted to all adoptive parents, regardless of gender and whether or not they are same sex partners.

Parental Leave

Unpaid parental leave is a legal entitlement.

Overview

Eligible employees can take unpaid parental leave to look after their child's welfare, e.g. to:

- spend more time with their children.
- look at new schools.
- settle children into new childcare arrangements.
- spend more time with family, such as visiting grandparents.

Their employment rights (like the right to pay, holidays and returning to a job) are protected during parental leave.

Entitlement

Parental leave is unpaid. You're entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise).

You must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless your line manager agrees a different arrangement based on the specific requirements of your child. You don't have to take all the leave at once.

A 'week' equals the length of time an employee normally works over 7 days.

Example

If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks, the number of days in a 'week' is the total number of days they work a year divided by 52.

Carrying leave over from a previous job

Parental leave applies to each child not to an individual's job.

Example

An employee is entitled to 18 weeks. They've used 10 with a previous employer. They can use up to 8 weeks with their new employer if they're eligible.

Eligibility

Employees qualify if all of these apply:

- they've been in the company for more than a year.
- they're named on the child's birth or adoption certificate, or they have or expect to
- have parental responsibility.
- they're not self-employed or a 'worker', eg an agency worker or contractor
- they're not a foster parent (unless they've secured parental responsibility through the courts)
- the child is under 18.

Employers can ask for proof (like a birth certificate) as long as it's reasonable to do so, e.g. they can't ask for proof each time an employee requests leave.

Family Leave

Time off for urgent domestic reasons for employees with caring responsibilities will be provided (up to 10 days leave on full pay per year) This entitlement includes a child sickness and other childcare problems, caring for sick dependents who are in the employee's care.

Further unpaid leave will be available for extended periods if necessary to allow employees to fulfil various responsibilities as a carer or on compassionate grounds.

As with all policies Creative Lives shall monitor any abuses of such schemes and if it is felt that any employee is abusing family leave the privilege will be suspended or withdrawn from the individual concerned.

Fertility Treatment

Requests for time off for fertility treatment shall be considered in the same way as employee requests for time off for other medical appointments. Requests must be discussed in advance with the line manager and all reasonable requests for time off will be agreed to. In accordance with time off for all medical appointments, time off for fertility treatment shall not be counted as sick leave.

Menopause

We recognise that every woman is different, and it is, therefore, not feasible to set out a structured set of specific guidelines.

In the first instance we would encourage all staff affected by menopause to speak with their line manager or the HR Director if they feel more comfortable, about how we provide support in a confidential manner. This meeting will be an opportunity to agree actions and how they can be implemented.

Possible support available could include the following:

- Discuss flexible working.
 - If there are times of the day when concentration is better or worse and adjust working pattern/practice accordingly.
- Ensuring regular protected time with manager to discuss any issues.

This is not an exhaustive list, and each case will be reviewed and supported on an individual basis.

Employee Assistance Scheme

All Creative Lives staff and their immediate family members have access to our employer support schemes.

1. Lifeworks

Lifeworks is a confidential Employee Assistance Programme (EAP) This programme is available to help support you with personal issues, whether from inside or outside work, that could adversely impact your health, well-being or work performance with counseling support.

2. Smart Health

Smart Health offers you unlimited access to the following 6 services.

- 24/7 UK-based GP
- Health Check
- Expert Case Management
- Nutrition Consultation
- Fitness Programme
- Mental Health Support

Details on how to access these services are available in the Employee Support Slack channel: <https://app.slack.com/client/T06JC6E2V/C01GKFECGHE> as a pinned message. This service is free of charge and is completely confidential, we as the employer are not informed if you or your family use this service.

*Approved by the Creative Lives Board of Directors
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