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“A warm welcome with pub grub - at our tables or delivered to yours”

Maternity Policy and Procedures

Introduction

There are many family-friendly policies to enable employees to balance their working time with their family commitments. These are:-

- Maternity Policy
- Adoption Policy
- Parental Leave Policy
- Paternity Leave Policy
- Shared Parental Leave Policy
- Time off for domestic emergencies
- Flexible Working Policy

Maternity policy

An employee who is pregnant is entitled to maternity pay, maternity leave and to return to work before or at the end of statutory maternity leave. This policy has been produced to help employees understand their rights and to identify the various steps employees must take to qualify for these rights.

Inn Cornwall Limited treats personal data collected while managing your maternity leave and pay in accordance with our data protection policy. Information about how your data is used and the basis for processing your data is provided in the employee privacy notice.

Scope

The policy does not form part of your contract of employment and we may amend it at any time. It does not apply to agency workers and the self-employed.

Informing the Inn Cornwall Limited that an employee is pregnant

Employees should notify their manager as soon as is reasonably practical that they are pregnant. This is important as there may be health and safety considerations (see paragraph below ‘Health and safety’).

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Antenatal care

Employees who are pregnant are entitled to paid time off work for ante-natal care. This will not be classed as sick leave/casual absence. Employees may be asked to produce evidence of their appointment, for example, a certificate of pregnancy or an appointment card.

The employee should endeavour to give her manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Certain employees are eligible for the right to take up to 2 unpaid antenatal appointments to accompany an expectant mother to an ante-natal appointment. To qualify the partner must have a 'qualifying relationship' with the mother which takes the form of:-

Being the woman's civil partner

- Cohabiting with the woman in an enduring family relationship (whether such relationship is heterosexual or same-sex), but cannot be a parent, grandparent, sister, brother, aunt or uncle
- Being the expected child's father
- Being a person who expects to be entitled to, and intends to apply for, a parental order in respect of the expected child as a result of a surrogacy arrangement.

The right is available to pregnant employees and their qualifying partners, from their first day of service - no prior length of service is required.

Sickness

Periods of pregnancy-related sickness absence shall be paid by the Inn Cornwall Limited's normal sickness and absence policy in the same manner as any other sickness absence.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

If you are absent for a pregnancy-related reason during the four weeks before your expected week of childbirth (EWC), your maternity leave will usually start automatically (see paragraph 'Commencing maternity leave').



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Health and Safety

The Inn Cornwall Limited is under a duty to protect the health and safety of new and expectant mothers, which includes during pregnancy, up to 6 months after giving birth and while breastfeeding.

After investigating the circumstances of your case and if there is a significant risk to your health and safety, the Inn Cornwall Limited may make temporary changes to your working conditions if it is reasonable to do so or the Inn Cornwall Limited may provide you with any suitable alternative work available for a fixed period of time. If neither of these options is feasible, it may be necessary to suspend you from work for as long as necessary to protect the health and safety of you and your baby. If you are suspended from work you will continue to receive your normal remuneration unless you have unreasonably refused an offer of alternative work.

Maternity leave

All pregnant employees are entitled to 52 weeks of maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) and 26 weeks of additional maternity leave (AML).

This is regardless of the number of hours the individual works or their length of service. AML begins on the day after OML ends. Employees are given a fair amount of flexibility as to when maternity leave can commence as long as employees follow the notification procedures outlined in the section 'Commencing maternity leave'.

There is an element of compulsory maternity leave which means that a woman cannot return to work in the 2 weeks following the birth of her child.

Please also read next section, transfer of maternity leave.

Transfer of maternity leave – Shared Parental Leave

Manager's note: there is detailed guidance on Shared Parental Leave within the section titled Shared Parental Leave.

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave



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and pay with their partner, or to return to work early from maternity leave and opt-in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Company is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the Company's agreement).

To be able to take shared parental leave, an employee and his/her partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave.

Employees can refer to the Company's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed and the notice periods required.

The mother and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

Maternity payments

Any woman who has been continuously employed by the Inn Cornwall Limited for 26 weeks up to and including the 15th week before the EWC, ie; the end of your 25th week of pregnancy, is entitled to Statutory Maternity Pay (SMP). Women who are not entitled to SMP, but meet a qualifying condition based upon their National Insurance record, may be entitled to claim Maternity Allowance (MA) paid by the Department of Work & Pensions (DWP) through social security or Jobcentre Plus offices. To claim MA employees need to complete an SMP1 Form available from Payroll Section.

Statutory Maternity Pay is made up as follows

- The first 6 weeks are paid at 90% of the employee's average weekly earnings. This is the higher rate of SMP
- The next 33 weeks are paid at the lower rate of SMP, set annually by the Government
- the final 13 weeks are unpaid

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- Individuals with less than 26 weeks service at the Qualifying Week will not be entitled to SMP, however, they may be entitled to Maternity Allowance (MA) depending on their recent employment history and earnings record. Individuals should apply for an MA directly through Job Centre Plus.
- During maternity leave your rights, such as annual leave, are preserved and continue to accrue as normal.

Employees eligible for a salary review during their reference periods used to calculate maternity payments and during maternity leave will receive a salary review which will be notified to them by their Manager. In some instances, the average weekly earnings may increase and SMP will be recalculated.

SMP cannot be paid earlier than 11 weeks before the EWC. Otherwise, it commences when an employee commences maternity leave.

SMP will be paid to an employee through the normal payroll. Employees will receive their pay slips through the post. Women who are not entitled to SMP, but are entitled to MA will be paid by the Job Centre Plus.

SMP is not payable for any week that an employee works for an employer.

SMP payments may be affected if a woman works for another employer during the qualifying week (15 weeks before EWC). The rules regarding working for another employer are complicated, of which a summary is provided below:-

Working for another employer before the child is born does not affect entitlement to SMP. A woman can theoretically draw SMP from one employer while working right up to the date of childbirth for another employer

If a woman starts working for another employer after the child is born, the original employer's liability for SMP ceases for the rest of the maternity pay period including the week in which she starts such work

There is an exception where a woman has two or more employers during the qualifying week for SMP, but at least one of them is a 'non-liable employer', ie; they are not liable to pay her SMP, for example because her earnings were below the lower earnings limit. If she



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worked for a non-liaible employer during the qualifying week, she can work for that employer throughout the maternity pay period, both before and after the child is born, while continuing to draw SMP from the employer who is liable for SMP.

If an employee is in doubt about their SMP payments, they should speak to their manager.

Commencing maternity leave

15 weeks before EWC or as soon as reasonably practicable, employees must provide written notice that they wish to start their maternity leave. If employees do not provide this notice, leave may be delayed until 28 days after the notification has been given.

When an employee begins maternity leave they do not have to decide whether they want to take AML. Should the baby arrive prior to the notified leaving date, ordinary maternity leave will start on the day of the birth.

The information the Inn Cornwall Limited will require is:-

- The official expected date of childbirth (EWC)
- Medical evidence – normally a MAT B(1) issued by a GP or midwife at around 26 weeks into the pregnancy
- Date of intended maternity leave. OML can start at any time after the beginning of the 11th week before the EWC, ie; when you are 29 weeks' pregnant (unless the child is born prematurely before this date, in which case OML will start earlier.)
- The date of leave can be changed by the employee by providing the Inn Cornwall Limited with 28 days notice unless this is not reasonably practicable. If you fail to comply with this notification requirement you may lose the right to start maternity leave on your intended date.

The Inn Cornwall Limited will respond, in writing, within 28 days setting out

- Employee's rights before, during and after maternity leave
- Expected date of return to work
- Confirm that it is the employee's responsibility to notify the Inn Cornwall Limited of any changes.

Please note that if an employee is still working and they become ill with a pregnancy-related illness during the 4 weeks leading up to their EWC, maternity leave will automatically commence.



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Benefits and terms whilst on maternity leave

During both OML and AML, the employee's contract of employment remains in force and all contractual benefits, except normal wages or salary, continue. This means that ordinary basic salary and other monetary payments such as a shift allowance may be stopped, but all other contractual benefits remain in place. For example, holiday entitlement (see also notes below) will continue to accrue, pension contributions will continue (see also notes below) to be made and the employee will remain entitled to cover under any medical insurance or other similar policies that are in place. Benefits will only continue provided the employee was entitled to the benefit before commencing maternity leave.

There are also duties on the employee during OML and AML. The employee will continue to be bound by:-

- The duty to give notice according to the terms of her contract if she wishes to resign
- The duty of good faith;
- Terms relating to the disclosure of confidential information, the acceptance of gifts or other benefits and participation in any other business.

Additional notes - holiday

Annual leave cannot usually be carried over from one holiday year to the next. If the holiday the 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.

The Inn Cornwall Limited company's holiday year runs from 30th March to 1st April.

Additional notes - pensions

During OML and any further period of paid maternity leave the **Inn Cornwall Limited** shall continue to make any employer contributions that is usually made into a pension scheme, based on the level of earnings that would have been if you had not been on maternity leave and provided that you continue to make contributions based on the maternity pay you are receiving.

The period of OML and any further period of paid maternity leave counts towards our final salary pension scheme as pensionable service (for those that are on that scheme), provided you make the necessary minimum contributions based on the maternity pay you are receiving.



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During unpaid AML we shall not make any payments into a money purchase scheme. You do not have to make any contributions but you may do so if you wish, or you may make up for missed contributions at a later date.

Redundancies during maternity leave

If your post is affected by a redundancy situation occurring during your maternity leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment.

After the baby is born

Within 21 days of the birth of the baby, employees should advise their manager in writing of the birth date and baby's name.

Contact during maternity leave

Shortly before an employee's maternity leave starts, the individual's line manager will discuss the arrangements for her to keep in touch (see also next section) during her leave, should she wish to do so. The Inn Cornwall Limited reserves the right in any event to maintain reasonable contact with the employee from time to time during her maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease the return to work or simply to give an update on developments at work during the individual's absence.

Keep in touch days

Except during the first two weeks after childbirth, an employee can agree to work for the Inn Cornwall Limited, or attend training for up to 10 days during either OML or AML without bringing the period of maternity leave to an end and without loss of SMP. These are known as 'keeping in touch' days. Working for part of a day will count as one day's work for these purposes. These keeping-in-touch days will not extend the maternity leave period.

Any work done during maternity leave must be by agreement and neither the employee nor employer can insist on it. The Inn Cornwall Limited has no right to require the employee to carry out any work and the employee has no right to undertake any work during maternity leave.

Where the employee attends the Inn Cornwall Limited to undertake work, attend training or meetings, they will be paid their normal salary for the time they worked, irrespective of



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whether the employee is still in receipt of SMP. To claim for keeping in touch time, the employee should complete a claim form and give it to their Supervisor or Manager for approval.

Return to work

All employees irrespective of service are entitled to return to work after maternity leave. The job to which an employee returns will normally be the same job they left. However, where an employee has taken AML and it is not reasonably practical for her to return to her old job, an alternative job will be offered which will be of a kind both suitable to the employee and appropriate in the circumstances. The job offered will not be less favourable than the employee's original job as far as terms and conditions, capacity and location are concerned.

There is no automatic right to return to work on a different contractual basis, for example, part-time, job share, etc. If however, an employee is interested in returning to work on a different basis, they should discuss it with their Manager, who will take all reasonable steps to accommodate the request.

While the employee is under no obligation to do so, it will assist the Inn Cornwall Limited if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

Should employees wish to return early from maternity leave, they must legally give 8 weeks' notice of their intention to return to work early. If the amount of notice is not provided, the return date may be delayed until 8 weeks after the notification is received, provided that this is not later than the expected return date.

If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the notice periods outlined in the Inn Cornwall Limited's Terms and Conditions of Employment.

Postponing the return date

If an employee is ill at the time that they are due to return from maternity leave and unable to return to work, the normal sickness and absence policy will apply.



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Returning late

If you wish to return later than the expected return date, you should either

- Request parental leave by our Parental Leave Policy, giving us as much notice as possible but not less than 21 days; or
- Request paid annual leave by your contract, which will be at the Inn Cornwall Limited's discretion.

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

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